

EAST SIDE UNION HIGH SCHOOL DISTRICT
Minutes of the Regular Meeting of the Board of Trustees
Meeting Held at Education Center
October 26, 2006

APPROVED
Board of Trustees
11.16.06
aw

1) The Regular Meeting of the Board of Trustees was called to order at 4:10 p.m. by Vice President Nguyen. Clerk Mann, Member Shirakawa and Member Martinez-Roach were present. President Herrera arrived at 4:45 p.m.

CALL TO ORDER

2) **PLEDGE OF ALLEGIANCE**

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3) **WELCOME AND EXPLANATION TO AUDIENCE**

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

WELCOME AND EXPLANATION

4) **BOARD SPECIAL RECOGNITION (S)**

BOARD SPECIAL RECOGNITIONS

4.1 Eddie Garcia, Comcast, Vice President of Public Affairs – Mr. Garcia was not able to attend this meeting. He will be recognized at the Board Meeting of November 16, 2006.

4.2 Special Recognition of 100 Black Men of Silicon Valley East Side Union High School District Scholarship Recipients, Class of 2006. Awards were presented to:

•Jammaar Hall	Oak Grove High School
•JaNayla Osby	Mt. Pleasant High School
•Chalesea Schuler	Mt. Pleasant High School
•Amie Sulaiman	Oak Grove High School
•Michael Taylor	Mt. Pleasant High School
•Chelsea Walden	Santa Teresa High School
•Ayiesha Williams	Oak Grove High School

5) **CONSIDERATION OF PROPOSED AMENDMENTS TO THE AGENDA**

CONSIDERATION OF AMENDMENTS

No amendments to the agenda.

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

ORAL COMMUNICATIONS

- Esau Herrera, Community Leader, Latino Role Model Conference
- Maria Zarata, Parent, LCPA Charter School Concerns
- Dinora Zarata, Parent, LCPA Charter School Concerns/Mt. Pleasant School
- M. Habtegabriel, Parent, Academic Complaint at Andrew Hill High School/School Loop
- Don McKell, ESTA President, Classroom Supplies
- Hoang Le, Invitation to Homecoming at Independence High School
- Frank Biehl, Community Member, Selection of Board Appointment

- Ruben Dominguez, Community Member, Liaison for Adult Education Center
- Brooks Allen, AACP, Insufficiency of Textbooks and Instructional Materials
- Sally Tran, Student, Insufficiency of Textbooks and Instructional Materials
- Linda Dang, Student, Insufficiency of Textbooks and Instructional Materials

7) **STUDENT BOARD LIAISONS**

1. A presentation was made by Susan Taing Piedmont High School's ASB President

8) **OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION**

- 8.1 Classroom Supplies - Teacher Classroom Supply Relief Fund – Jerry Kurr, Interim Assistant Superintendent of Business Services

Superintendent Nuñez

\$200. 00 is what we believe the district can support.

Member Shirakawa

What do we do with the teachers who already spent money? We need to talk about this in a larger content. We need a strategy of looking at this. We need to look for additional funding from different resources. I would like for the administration to come back with an analysis of this item and discussion how this will be funded.

The Board approved a \$200 annual (pro-rated based on FTE), per teacher, Classroom Supply Relief Fund. This is for reimbursement of personally expended funds for the purchase of classroom materials/supplies that have been paid for out of personal funds.

✓ *Motion to approve as amended Classroom Supplies Funds in the amount of \$200 annual (pro-rated based on FTE), per teacher, was made by Clerk Mann, seconded by Member Martinez-Roach.*

Vote: 5/0

- 8.2 Request for Waiver of Board Policy 5142.1, pertaining to Fire Prevention and Safety Compliance at Independence High School for Fireworks Show on November 9, 2006, at Homecoming – Bob Nuñez, Superintendent

Member Martinez-Roach

We need to revisit this policy. The concern I have is fire damage.

Member Shirakawa

Let's go back and look at this policy. Each school should be able to have the ability to do this once a year.

STUDENT BOARD LIAISON:

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

- √ *Motion to approve request for waiver of Board Policy 5142.1, pertaining to Fire Prevention and Safety Compliance at Independence High School for Fireworks Show on November 9, 2006, at Homecoming was made by Clerk Mann, seconded by Member Martinez-Roach.*
Vote: 5/0

The Associated Student Body of Independence High School, invited the Board to their Homecoming on November 9, 2006.

8.3 New Employment Contract for Superintendent

President Herrera

There were certain goals the Board wanted to see. The Board believes Superintendent Bob Nuñez has focused on:

- *Contract negotiation, be brought to a conclusion agreement*
- *Fiscal stewardship*
- *A focus on academic achievement*
- *A new climate of the organization*

Copies of the Superintendent's contract was available to the public.

- √ *Motion to approve new employment contract agreement with Superintendent Bob Nuñez for a term to end on June 30, 2009, earning \$225,000 per year, was made by Clerk Mann, seconded by Vice President Nguyen.*
Vote: 4/0 Martinez Roach out of the room

Vice President Nguyen has been excused, wife is expecting her baby at any moment.

8.4 Pending Board Vacancy - Continued Appointment Process Rollout & Refinement – Bob Nuñez, Superintendent

Clerk Mann

The application questionnaire used in 1998 seems to be appropriate. A cover letter will be required from all applicants expressing their interest. Applicants should detail their experience and education and what makes them the right person for this opportunity. I would like to propose that the application process open on November 6, 2006 and close on the November 17, 2006.

President Herrera

My view is we would have an Advisory Committee. We would have a public forum where the Board and the Advisory Committee would have questions to ask the applicants. I would like to see an open forum to interact with these applicants.

Member Martinez-Roach

Why would we change the Superintendent's recommendation? Did you look at the timeline we had before or did you create a new one? We need to make sure we have a recommendation from our limited English community. We have translators. Even though last time it worked well, I felt there were certain voids in our community. I don't feel comfortable changing the timeline.

Member Shirakawa

I am concerned about how we will be selecting the individual slots. How will we be selecting from all these individual groups. I want everyone to have the opportunity to apply for the Board position.

President Herrera

My suggestion is that we have 5 community "at large" positions.

The Community Advisory Committee will be comprised of representatives from the following:

- East Side Teachers Association (ESTA)
- California School Employees Association (CSEA)
- American Federation of Teachers (AFT)
- Association of California School Administrators (ACSA)
- Confidentials
- School Site Council Presidents (6)
- ASB Presidents (6)
- Representatives from our social justice groups, NAACP, La Raza, Asian Law Alliance and someone from Californians for Justice
- Staff

The Board created a timeline for the appointment of the Board vacancy by Clerk Mann (2-year term). The Board will announce at a Special Board Meeting of December 14, 2006, the new Board appointment.

The *timeline process* is as follows:

- November 6 – 17, 2006: *Application window period*
- November 27, 2006 – December 1, 2006, but no later than December 4, 2006 – December 8, 2006: *Interviews*
- December 14, 2006: *Special Board Meeting – Appointment of Board Member*

- √ *Motion to approve the amended application process for the pending Board vacancy - Continued Appointment Process Rollout & Refinement was made by Member Martinez-Roach, seconded by Clerk Mann.
Vote: 4/0 Vice President Nguyen absent.*
- 8.5 Board Member Liaisons to Instructional Programs – J. Manuel Herrera, Board President and Superintendent Bob Nuñez
- No action is required at this time.*
- 8.6 Hold Public Hearing at – 6:30 p.m. – On Resolution #2006/2007-10 – Regarding the Insufficiency of Textbooks and Instructional Materials – Linda Gubman, Interim Assistant Superintendent of Instructional Services
- √ *Motion to Adopt Resolution #2006/2007-10 – Regarding the Insufficiency of Textbooks and Instructional Materials was made by Clerk Mann, seconded by Member Shirakawa.
Vote: 3/1 Vice President Nguyen absent.
Member Martinez voting No*
- 8.7 Gann Appropriation Limit – Adopt Resolution #2006/2007-07 – Jerry Kurr, Interim Assistant Superintendent of Business Services
- √ *Motion to Adopt Resolution #2006/2007-07 for Gann Appropriation Limit was made by Member Martinez-Roach, seconded by Clerk Mann
Vote: 4/0 Vice President Nguyen absent.*
- 8.8 Approve Resolution #2006/2007-08 – Cooperative Program Agreement with the State of California, Department of Rehabilitation – Linda Gubman, Interim Assistant Superintendent of Instructional Services
- √ *Motion to Adopt Resolution #2006/2007-08 for Cooperative Program Agreement with the State of California, Department of Rehabilitation was made by Member Martinez-Roach, seconded by Member Shirakawa.
Vote: 4/0 Vice President Nguyen absent.*
- 8.9 Approve Resolution #2006/2007-09 – on “Stale” Adult Education Audits/Recalculations – Linda Gubman, Interim Assistant Superintendent of Instructional Services
- √ *Item was “tabled”.*

- 8.10 Unaudited Actuals 2005-2006 – Patricia Martinez-Roach, Board Member
- √ *Motion to approve Unaudited Actuals 2005-2006 was made by Clerk Mann, seconded by Member Shirakawa.
Vote: 4/0 Vice President Nguyen absent.*
- 8.11 Approve Variable Term Waiver Requests for Certificated Employees – Jerry Kurr, Interim Assistant Superintendent of Business Services – Attachment D
- √ *Motion to approve Variable Term Waiver Requests for Certificated Employees, Attachment D was made by Member Martinez-Roach, seconded by Clerk Mann.
Vote: 4/0 Vice President Nguyen absent.*
- 8.12 Approve Provisional Internship Permit Requests for Certificated Employees – Jerry Kurr, Interim Assistant Superintendent of Business Services – Attachment E
- √ *Motion to approve Provisional Internship Permit Requests for Certificated Employees, Attachment E was made by Member Martinez-Roach, seconded by Clerk Mann.
Vote: 4/0 Vice President Nguyen absent.*
- 8.13 Contracts for Professional Services – Jerry Kurr, Interim Assistant Superintendent of Business Services – Attachment B
- √ *Motion to approve as amended, Contract for Professional Services, Attachment B, pulling Item A. School Sites/Education Center, No. 3, Contractor William Lazo, was made by Clerk Mann, seconded by Member Shirakawa.
Vote: 4/0 Vice President Nguyen absent.*
- 8.14 Memoranda of Understandings – Jerry Kurr, Interim Assistant Superintendent of Business Services – Attachment C
- √ *Motion to approve Memoranda of Understandings, Attachment C was made by Clerk Mann, seconded by Member Shirakawa.
Vote: 4/0 Vice President Nguyen absent.*
- 9) ATTACHMENT A/CONSENT CALENDAR APPROVAL OF AGENDA
- √ *There was a request to pull items 9.8, 9.17, 9.20, 9.22, 9.23, 9.24 were pulled. Motion to approve the remainder of the Consent Calendar was made by Clerk Mann, seconded by Member Shirakawa.
Vote: 4/0 Vice President Lan Nguyen absent.*

ATTACHMENT A

(Agenda items in parentheses)

- Ratify/Approve Classified Personnel Actions Presented October 26, 2006 (9.1)
- Ratify/Approve Certificated Personnel Actions Presented October 26, 2006 (9.2)
- Ratify/Approve Student Aide Personnel Action Presented October 26, 2006 (9.3)
- Purchase Orders Presented October 26, 2006 (9.4)
- Budget Transfers Presented October 26, 2006 (9.5)
- Award of Bids (9.6)
- Acceptance of Donations (9.7)
- Inter-District Attendance Agreement for 2006-2007 School Year (9.9)
- Approve School Field Trips (9.10)
- Approve Job Description and Salary Range for Transportation Supervisor (9.11)
- Facilities Renovation and Repair CRPM – 5083 (9.12)
- General Child Care and Development Program CCTR – 6414 (9.13)
- Approve Change Order #1 for Roof Replacement at Various Sites (Andy's Roofing Co. Inc.) (9.14)
- Approve Change Order #1 for Andrew Hill Baseball Irrigation Improvements Project (Egglı Landscape Contractors, Inc.) (9.15)
- Approve Change Order #1 for James Lick High School Student Services/Streetscape Project (O.C. Jones & Sons) (9.16)
- Approve Change Order #1 for James Lick High School Student Services/Streetscape Project (B & B Landscaping Contractors, Inc.) (9.18)
- Approve Change Order #1 for James Lick High School Student Services/Streetscape Project (Mastria Inc.) (9.19)
- Approve Notice of Completion for the James Lick High School Student Services/Streetscape Project (Allied Environmental) (9.21)

•**Expulsion Hearing Committee Panel Personnel for 2006-2007 School Year (9.8)**

√ *Motion to approve Expulsion Hearing Committee Panel Personnel for 2006-2007 was made by Member Shirakawa, seconded by Member Martinez-Roach.*

Vote: 3/0 Clerk Mann abstaining.

Vice President Nguyen absent.

•**Approve Change Order #1 for James Lick High School Student Services/Streetscape Project (Redwood City Electric Inc.) (9.17)**

√ *Motion to approve change order #1 for James Lick High School Student Services/Streetscape Project (Redwood City Electric Inc.), was made by Member Shirakawa, seconded by Clerk Mann.*

*Vote: 3/1 Member Martinez-Roach voting no.
Vice President Nguyen absent.*

● **Approve Change Order #1 for James Lick High School Student Services/Streetscape Project (Foothill AC & Heating.) (9.20)**

√ *Motion to approve change order #1 for James Lick High School Student Services/Streetscape Project (Redwood City Electric Inc.), was made by Clerk Mann, seconded by Member Shirakawa.*

*Vote: 3/1 Member Martinez-Roach voting no.
Vice President Nguyen absent.*

● **Approve Minutes of Board Meeting Dated September 28, 2006 (9.22)**

√ *Motion to approve Minutes of Board Meeting Dated September 28, 2006, was made by Clerk Mann, seconded by Member Shirakawa.*

*Vote: 3/0 Member Martinez-Roach abstaining.
Vice President Nguyen absent.*

● **Approve Minutes of Special Board Meeting Dated October 3, 2006 (9.23)**

√ *Motion to approve Minutes of Special Board Meeting Dated October 3, 2006, was made by Clerk Mann, seconded by Member Shirakawa.*

*Vote: 3/0 Member Martinez-Roach abstaining.
Vice President Nguyen absent.*

● **Approve Minutes of Special Board Meeting Dated October 19, 2006 (9.24)**

√ *Motion to approve Minutes of Special Board Meeting Dated October 19, 2006 was made by Clerk Mann, seconded by Member Shirakawa.*

*Vote: 3/0 Member Martinez-Roach abstaining.
Vice President Nguyen absent.*

10) **WRITTEN REPORTS**

10.1 Quarterly Safety Report, First Quarter 2006 – Bob Nuñez,
Superintendent

Report was received.

WRITTEN REPORTS

- 10.2 Receive Developer Fee Report– Alan Garofalo, Assistant Superintendent of Operations
Report was received.
- 10.3 Summary Report of Student Achievement 2005-2006 – Linda Gubman, Interim Assistant Superintendent of Instructional Services
✓ *Request by Member Martinez-Roach to bring this item back to review and discuss at the Board Meeting of November 16, 2006.*
- 10.4 Receive Williams Settlement Uniform Complaint Report for Period Covering July 1, 2006 through September 30, 2006, as required by EC 35186 (Williams Settlement Legislation SB550 and AB2727) – Linda Gubman, Interim Assistant Superintendent of Instructional Services
✓ *Request by Member Martinez-Roach to bring this item back to review and discuss at the Board Meeting of November 16, 2006.*

11) **BOARD OF TRUSTEES/SUPERINTENDENT'S COMMUNICATIONS/COMMENTS**

11.1 Board of Trustees

Member Martinez-Roach

Student Board Relations meeting was at Mt. Pleasant. We had good student participation. Students complained about restrooms and food.

I loved my visit at Overfelt High School. Climate is good. I am quite concerned about the appearance of Andrew Hill's campus. I am concerned about the Measure G flyer that was mailed out. I don't think all schools were represented. I want to know who paid for it.

Alan Garofalo, Assistant Superintendent of Operations

Cost is covered by Measure G. We have to have a report out to the community. The purchase to approve this item was approved by the Board.

Member Shirakawa

Andrew Hill is used 24-7. This campus is used a lot. I was at Yerba Buena High School's Homecoming. Mr. Cruz and Mr. Rocha did a good job. Numerous parent and student were excited about the new field.

***BOARD/
SUPERINTENDENT'S
COMMUNICATIONS/
COMMENTS***

I want to acknowledge what Comcast and City Year did at James Lick High School on "Clean Up Day." There was lots of staff participation. They all deserve good credit for a successful day.

11.2 Superintendent Nuñez

I want to thank the Board. We together do make a good team. I want to thanked Dan Moser for his patience and Wendy Stegeman. I look forward to working with every teacher, classified employee, every member of the Board.

12) CLOSED SESSION

CLOSED SESSION

12.1 Expulsions – A-K

*Student A: Expulsion approved for one academic year.
Vote: 4/0 President Herrera was absent.*

*Student B: Expulsion approved for one academic year.
Vote: 4/0 President Herrera was absent.*

*Student C: Expulsion approved for one academic year.
Vote: 4/0 President Herrera was absent.*

*Student D: Expulsion approved for one academic year.
Vote: 4/0 President Herrera was absent.*

*Student E: Expulsion approved for one academic year.
Vote: 4/0 President Herrera was absent.*

*Student F: Expulsion approved for one academic year.
Vote: 4/0 President Herrera was absent.*

*Student G: Expulsion approved for one academic year.
Vote: 4/0 President Herrera was absent.*

*Student H: Expulsion approved for one academic year.
Vote: 4/0 President Herrera was absent.*

*Student I: Expulsion approved for one academic year.
Vote: 4/0 President Herrera was absent.*

*Student J: Motion to approve the suspension of expulsion
of student J
Vote: 4/0*

Student K: Not addressed.

12.2 Public Employee Discipline/Dismissal/Release
(Government Code §Section 54957)

- 12.3 Conference with Labor Negotiators (*Government Code §Section 54957.6*)
Agency Designated Representative: Bob Nuñez, Superintendent and Linda Gubman, Interim Superintendent of Instructional Services
American Federation of Teachers (AFT)
California School Employees Association (CSEA)
Employee Organizations: East Side Teachers Association (ESTA)

12.4 CONFERENCE WITH LEGAL COUNSEL –
ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of section 54956.9 of the Government Code: 4 potential cases

- 12.5 Public Employment Performance Evaluation (*Government Code §Section 54957*)

√ *The Board accepted the resignation of the Assistant Superintendent of Student Services and approved the employment contract settlement agreement and mutual release of claims between the District and Assistant Superintendent of Student Services.*
Vote: 5/0 (note: Board President Herrera was present.)

- 12.6 Public Employment/Public Employee Appointment (*Government Code §Section 54957*)

13) Report Closed Session Actions (s)

REPORT CLOSED SESSION

14) Adjournment

ADJOURNMENT

Meeting was adjourned by Board President Herrera at 8:35 p.m.

Respectfully submitted,


Clerk of the Board of Trustees

APPROVED
Board of Trustees

11.16.06

