


**EAST SIDE UNION HIGH SCHOOL DISTRICT**  
Minutes of the Special Meeting of the Board of Trustees  
Meeting Held at Education Center  
March 27, 2007

**APPROVED**  
Board of Trustees  
4.26.07 

1) The Special Meeting of the Board of Trustees was called to order at 4:06 p.m. by President Shirakawa. Vice President Nguyen, Member Biehl and Member Garcia were present. Clerk Herrera arrived at 5:16 p.m.

2) **PLEDGE OF ALLEGIANCE**

3) **WELCOME AND EXPLANATION TO AUDIENCE**

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

President Shirakawa expressed a special welcome to Charlotte Powers, 16<sup>th</sup> Congressional District Coordinator, and Lorraine Guerin, Representative from Joe Coto's Office, 23<sup>rd</sup> Assembly District. President Shirakawa acknowledged the Boy's Scott Troop 264, from Evergreen District.

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

4.1 National Merit Scholarship Finalists - Students qualify through the Preliminary Scholarship Aptitude Test (PSAT). Some students take this test in their sophomore year. The qualifying year is their junior year. Only students with the highest scores qualify at the semi-finalist level. Each of these students will be receiving scholarship offers through this program. These students are performing academically excellent at the top 1 percent of the entire country. Certificates and Academic Medals were given to the following students:

- Roman Chang, Santa Teresa High School
- Siran Deng, Evergreen Valley High School
- Catherine Hsu, Evergreen Valley High School
- Jeff Hwang, Piedmont Hills High School
- Lucinda Lai, Piedmont Hills High School
- Shirley Luo, Evergreen Valley High School
- Katherina Nguyen, Piedmont Hills High School
- Michelle Nguyen, Evergreen Valley High School
- Quimeng Jimmy Shen, Santa Teresa High School
- Divya Sundar, Evergreen Valley High School
- Kelvin Trieu, Silver Creek High School
- Pamela Wong, Evergreen Valley High School

***CALL TO ORDER***

***PLEDGE OF ALLEGIANCE***

***WELCOME AND EXPLANATION***

***BOARD SPECIAL RECOGNITIONS***

4.2 Maryann Haggerty and Students of Yerba Buena High School  
*We the People: The Citizen and the Constitution California State  
Finals in Sacramento*

Maryann Haggerty and her students were recognized for their outstanding participating in the "We the People": Citizen's and the Constitution California State Finals in Sacramento, CA. Awards were presented to students from the office of Zoe Lofgren, 16<sup>th</sup> Congressional District. Yerba Buena students placed 2<sup>nd</sup> in the County. Students also received an award for scoring the top score in Unit 4.

Awards were awarded to The League of Women Votes, San Jose Moose Lodge No. 401, Charlotte Powers, 16<sup>th</sup> Congressional District Coordinator, Lorraine Guerin, Representative from Joe Coto's Office, 23<sup>rd</sup> Assembly District and Superintendent Nuñez for their support.

Yesenia Alvara	Jessy Calixto	Derek Cam
Monica Chan	Felix Chung	John DeVera
Trieu Dinh	Jose Fontanillo	Gianne Garcia
Carlos Garibay	Jorge Garibay	Christina Hoang
Bale Huynh	Tony Huynh	Rafael Infante
Jimmy Lam	David Ngo	Nghia Ngo
Hanh Nguyen	Mai Tram Nguyen	Thi Nguyen
Vu Nguyen	Christabel Ornelas	Leonel Perez
Gina Pham	Edmundo Ramirez	Irvin Romero
Suzana Riojas	Diane Tran	Nicki Tran
Suny Um	Alyna Uth	Andrew Vance
Michelle Vo		

4.3 East Side Sciencepalooza Winners  
Heidi Black, Science Faire Coordinator

James Lick High School	Green Project Award
Oak Grove High School	Engineering Award
Andrew Hill High School	Rough Science Award
Independence High School	Innovation Award
Brian Leslie, James Lick High School	Rookie Teacher Award

A Certificate of Recognition was presented to Heidi Black for her outstanding contribution to the students of East Side Union High School District.

5) CONSIDERATION OF PROPOSED AMENDMENTS TO THE AGENDA

No amendments to the agenda.

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

- Kent Luu, Introducing the Issues of College Access
- David Cohen, Berryessa Board Member, Item: 8.13

7) STUDENT BOARD LIAISONS

- 7.1 Presentation by Kanika Laroia, Evergreen Valley High School ASB President

Student was not present.

- 7.2 Presentation by Susan Taing, Piedmont Hills High School ASB President. Susan Taing reported Fantastics was successful. Saturday, March 31, 2007, at 8:00 a.m. is "Beautification Day," at Mt. Pleasant High School. Students, parents, and teachers will plant trees and plants, and do other things to help beautify the campus. Invitation was presented to the community.

8) OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

- 8.1 Hold Public Hearing 6:20 p.m. Receive Proposal for Successor Contract: From the San Jose Federation of Teachers, Local 957, AFT, AFL-CIO – Linda Gubman, Assistant Superintendent of Human Resources

√ *Motion to receive Proposal for Successor Contract: From the San Jose Federation of Teachers, Local 957, AFT, AFL-CIO was made by Clerk Herrera, seconded by Vice President Nguyen.*  
*Vote: 5/0*

- 8.2 Approve 2<sup>nd</sup> Interim Report for 2006/2007 – Jerry Kurr, Interim Assistant Superintendent of Business Services

√ *Motion to approve 2<sup>nd</sup> Interim Report for 2006/2007 was made by Clerk Herrera, seconded by Member Biehl.*  
*Vote: 5/0*

Superintendent Nuñez  
*It is a positive 2<sup>nd</sup> Interim Report.*

Jerry Kurr, Interim Assistant Superintendent of Business Services  
*This report is as of January 31, 2007. The 2<sup>nd</sup> Interim Report has been reviewed and analyzed by the State Adopted Criteria Standards*

*CONSIDERATION OF AMENDMENTS*

*ORAL COMMUNICATIONS*

*STUDENT BOARD LIAISONS*

*OPERATIONAL ITEMS/ BOARD DISCUSSION AND/OR ACTION*

*for School District's Financial Stability. Based on the projections contained in the report, the school district will be able to meet its financial obligations for the current year and the subsequent 2 years.*

Member Biehl

*Did you see anything in there that would bring about any concerns in general in the positive report? Is there any surprises. Is there any assumption or anything you may be concerned about in the future?*

Jerry Kurr, Interim Assistant Superintendent of Business Services

*What is in this year's budget we are still utilizing one time dollars for an ongoing application. That's for the restricted maintenance requirements that this States has for school districts to set aside in their budget and spend maintenance on. That was used in the last sale of the Quimby property three or four years ago. We would have used all this money up this year. Next year and the subsequent year we haven't addressed how to meet all the obligations of that general fund.*

*We need to find a way to prioritize our expenses so we can meet our obligation of the restricted maintenance funds. This is something we will have to do in the next couple of years. This is a major concern that we have.*

*We are still not living within our revenue on ongoing bases. We are still overspending by about two million dollars a year. Which is about a quarter percent of our budget.*

*In May the Governor comes out with the "May Revised Budget." We are projecting a 4.04 percent increase revenues in our based revenues for next year.*

- 8.3 Application for Quality Education Investment Act (QEIA), SB 1133 – Dan Moser, Assistant Superintendent of Instructional Services

*✓ Motion to approve Application for Quality Education Investment Act (QEIA), SB 1133 was made by Vice President Nguyen, seconded by Clerk Herrera.*

*Vote: 5/0*

Mr. Dan Moser, Assistant Superintendent of Instructional Services made a presentation regarding the ranking of eligible schools.

Schools including charter schools in decline ranks 1 or 2 per the 2005 Academic Performance Index (API) are eligible. In California 1,455 schools are eligible, but funds will serve only about one-third of those schools.

Individual schools were selected based on QEIA Investment Act of 2006:

Overfelt High School, ranked number one  
Yerba Buena High School, ranked number two  
James Lick High School, ranked number three  
Latino College Preparatory Academy, ranked number four  
MACSA Academia Calmecac, ranked fifth  
*(See Attachment 1)*

President Shirakawa

*We need to understand that we are not picking one school over the other. We will never stop working for more resources for our schools. We want to put ourselves in the best position to get the funding. We need to go with the recommendation given to us by the administration tonight.*

Vice President Nguyen

*It is definitely an opportunity for us to get funding for the three schools that need it. Any additional funding will be helpful. Most of the Board Members received a packet at home from the State. We have had a chance to review the information. There are requirements that are required. I am wondering if we will be able to analyze the impact.*

Superintendent Nuñez

*Our belief is there will be one high school in the county selected one from East Side. We believe we have the only schools that will qualify. We believe the school that will qualify will be Overfelt. We did look at the criteria.*

Member Garcia

*I had a opportunity to meet with a group of parents on this issue. We would like to give a chance to all these schools. One of the questions I had in my mind, "how are we going to base the criteria?" My comment is I think the method you used was excellent. I think the method you used was very objective. I want to commend you for putting this team together. I will be supporting the motion.*

Member Biehl

*The program is funded with only 1/3 of the schools that are eligible that are actually going get the money. We have a good chance of getting one of our high schools funded.*

Superintendent Nuñez

*As we looked at the list the only high schools that qualify were from East Side.*

Member Biehl

*So we have a very good chance of getting one high school funded. In this lottery process, is there a possibility of getting two funded?*

Superintendent Nuñez

*Unlikely.*

Member Biehl

*I want to make sure the folks in the audience understand 2/3 of the schools that need this money are not going to get it. I will support the administration's recommendation.*

- 8.4 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 Biehl, seconded by Clerk Herrera.*

*Vote: 5/0*

- 8.5 Contracts for Professional Services – Jerry Kurr, Interim Assistant Superintendent of Business Services – **Attachment B**

Superintendent Nuñez

*I would like to take A-6, on page 204, and pull it and consider the rest of the contracts.*

√ *Motion to approve as amended, Contract for Professional Services, Attachment B, was made by Clerk Herrera, seconded by Member Biehl. Section A-6 removed*

*Vote: 5/0*

- 8.6 Memoranda of Understandings – Jerry Kurr, Interim Assistant Superintendent of Business Services – **Attachment C**

√ *Motion to approve Memoranda of Understandings, Attachment C was made by Member Garcia, seconded by Clerk Herrera.*

*Vote: 4/0 Member Biehl abstained*

- 8.7 Establishing Banking Accounts with Wells Fargo – Adopt Resolution #2006-2007-31 Revolving Cash Accounts and Clearing Accounts, Adopt Resolution #2006-2007-34 Bank Accounts for Associated Student Body Organizations – Bob Nuñez, Superintendent, and Bill Jakel, Internal Auditor

- √ *Motion to Establishing Banking Accounts with Wells Fargo – Adopt Resolution #2006-2007-31 Revolving Cash Accounts and Clearing Accounts, Adopt Resolution #2006-2007-34 Bank Accounts for Associated Student Body Organizations was made by Member Biehl, seconded by Member Garcia\_.*  
*Vote: 5/0*
- 8.8 Adopt Resolution #2006-2007-32 – Authorizing the Amendment of Indenture of Trust and Investment Policy Relating to the East Side Union High School District Taxable 2006 Limited Obligation OPEB (Other Post-Employment Benefit) Bonds – Jerry Kurr, Interim Assistant Superintendent of Business Services
- √ *Motion to adopt Resolution #2006-2007-32 – Authorizing the Amendment of Indenture of Trust and Investment Policy Relating to the East Side Union High School District Taxable 2006 Limited Obligation OPEB (Other Post-Employment Benefit) Bonds was made by Clerk Herrera, seconded by Member Garcia.*  
*Vote: 5/0*
- 8.9 Adopt Resolution #2006/2007-26 Declaring May 7-13, 2007, as Teacher Appreciation Week and May 9, 2007, as California Day of the Teacher – Bob Nuñez, Superintendent
- √ *Motion to adopt Resolution #2006/2007-26 Declaring May 7-13, 2007, as Teacher Appreciation Week and May 9, 2007, as California Day of the Teacher was made by Member Garcia, seconded by Vice President Nguyen.*  
*Vote: 5/0*
- 8.10 Adopt Resolution #2006/2007-27 – Declaring May 21-27, 2007, as Classified School Employees Week – Bob Nuñez, Superintendent
- √ *Motion to adopt Resolution #2006/2007-27 – Declaring May 21 - 27, 2007, as Classified School Employees Week was made by Member Biehl, seconded by Member Garcia.*  
*Vote: 5/0*
- 8.11 Adopt Resolution #2006-2007-28 – Declaring the Observance of Lincoln’s Birthday on Thursday, February 21, 2008 – Linda Gubman, Assistant Superintendent of Human Resources
- √ *Motion to adopt Resolution #2006-2007-28 – Declaring the Observance of Lincoln’s Birthday on Thursday, February 21, 2008, was made by Clerk Herrera, seconded by Member Biehl.*  
*Vote: 5/0*

- 8.12 Adopt Resolution #2006-2007-33 – Support for Assembly Bill 144 (Coto) – Bob Nuñez, Superintendent

√ *Motion to adopt Resolution #2006/2007-33 – Support for Assembly Bill 144 (Coto) was made by Vice President Nguyen, seconded by Clerk Herrera.*  
*Vote: 5/0*

- 8.13 Adopt Resolution #2006/2007-35 – In Support of Cooperation and Coordination Between the East Side Union High School District and Feeder School Districts – Bob Nuñez, Superintendent

√ *Motion to adopt Resolution #2006/2007-35 – In Support of Cooperation and Coordination Between the East Side Union High School District and Feeder School Districts, was made by Vice President Nguyen, seconded by Member Biehl.*  
*Vote: 5/0*

Superintendent Nuñez

*This resolution speaks with the desire of having a joint Board Meeting with feeder school districts. All feeder districts are supportive of the meeting of the Board in some fashion.*

Vice President Lan Nguyen

*I want to say good job Mr. Superintendent. I know this has taken some time.*

Member Biehl

*I notice we have a school Board member from Berryessa School District who brought this issue to me early on in the year, Mr. David Cohen. (Mr. Biehl asked Mr. Cohen to speak.)*

9) ATTACHMENT A/CONSENT CALENDAR APPROVAL OF AGENDA

√ *Motion to approve the entire Consent Calendar was made by Clerk Herrera, seconded by Vice President Nguyen.*  
*Vote: 5/0*

(Agenda items in parentheses)

- Ratify/Approve Classified Personnel Actions Presented March 27, 2007 (9.1)
- Ratify/Approve Certificated Personnel Actions Presented March 27, 2007 (9.2)
- Ratify/Approve Student Aide Personnel Actions Presented March 27, 2007 (9.3)
- Purchase Orders Presented March 27, 2007 (9.4)
- Budget Transfers Presented March 27, 2007 (9.5)
- Award of Bids (9.6)
- Donations/Grants/Awards (9.7)

ATTACHMENT A



- Approve Distribution of Scholarship Funds (9.8)
- Approve School Field Trips (9.9)
- Adopt/Approve Adult Education Calendar for the 2007-2008 School Year (9.10)
- Approve 2007 Summer School Program (9.11)
- Approve 21<sup>st</sup> Century High School After School Safety and Enrichment for Teens (ASSET) Program (9.12)
- Approve Site Proposals for Expenditures of the 2006 Discretionary Block Grant (9.13)
- Approve Change Order #1 for Andrew Hill High School Additions and Modernizations Project (9.14)
- Approve Procedures Manual for Section 504 of the Rehabilitation Act of 1973 (9.15)
- Approve Minutes of Regular Board Meeting Dated February 15, 2007 (9.16)

10) **WRITTEN REPORTS**

*No reports received.*

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

11.1 Board of Trustees

Clerk Herrera

*No comments*

Vice President Nguyen

*Regarding the Board retreat at Hayes Mansion. I thought it was a very positive experience. It was the first time we had a retreat with the Board. I look forward to having another one soon. The next one I believe will be a joint retreat with Cabinet and staff. I felt we got a lot more out of the retreat than anticipated. I am very excited about the things we will accomplish in the future.*

President Shirakawa

*I felt the same way. There is a lot of steps taken when building a Board of governance. We laid the foundation and the building blocks. We will continue to build. We all have the same vision. It's just a matter of how to get there. It was a good place to start. Member Nguyen and I had an opportunity to speak to the Chief of Police and Councilmember Madison Nguyen. We talked about some issues surrounding the Andrew Hill community and area. ESUHSD, Councilmember Nguyen and the City of San Jose will be hosting a forum on April 22, 2007, at Andrew High School, regarding safety and gangs. Please place this on your calendars.*

***WRITTEN REPORTS***

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

Member Biehl

*I had the opportunity to attend the district's annual band festival. I was very impressed with the quality of the music program in the district. Congratulation to Mr. Steven Barnhill for all the work that he and all the music directors have done. We have about 20 bands in the district. I understand there is a choir festival on April 4 & 5<sup>th</sup>.*

*I saw an article in the paper that Mr. Garcia was elected President of the Latino Alliance last week. Congratulations are in order for the position.*

Member Garcia

*I had an opportunity to visit the theatre group over at Evergreen Valley High School. The students wrote, produced and directed the entire theatrical experience. It was absolutely outstanding. I look forward especially after our retreat, doing everything I can to help every student be successful. Kudos to Cari Vaeth and her team.*

Clerk Herrera

*I did remember there was one item I wanted to address. This had to do with Subject Area Coordinators. I was concerned to learn that we're still combining the Physical Ed. Subject Area Coordinator with the Health Subject Area Coordinator, which I know we did at a time when we were looking for every cost cutting strategy we could utilize. I would like to see us revisit this issue.*

11.2 Superintendent Nuñez

*We will be having a Special Board Meeting on April 5, 2007. One reason is to meet the time line with regards to Bay Tech Charter School application.*

*An update of the Academic Master Plan – Last week we had our meeting. Linda Gubman, Carol Blackerby, and Jamie Ortiz, from the Seville Group put on an exceptional presentation with regards to what is going on at each school. The information regarding this meeting is currently available on the East Side Union High School District website. I believe we are moving in a very appropriate manner and speed to identify what types of program are needed at our schools.*

12) CLOSED SESSION

12.1 Expulsions – A-N

*Student A: Approved the expulsion for one academic year.  
Vote: 5/0*

*Student B: Approved the expulsion for one academic year.  
Vote: 5/0*

**CLOSED SESSION**

*Student C: Approved the expulsion for one academic year.  
Vote: 5/0*

*Student D: Approved the expulsion for one academic year.  
Vote: 5/0*

*Student E: Approved the expulsion for one academic year.  
Vote: 5/0*

*Student F: Approved the expulsion for one academic year.  
Vote: 5/0*

*Student G: Approved the expulsion for one academic year.  
Vote: 5/0*

*Student H: Approved the expulsion for one academic year.  
Vote: 5/0*

*Student I: Approved the expulsion for one academic year.  
Vote: 5/0*

*Student J: Approved the suspended expulsion.  
Vote: 5/0*

*Student K: Approved the expulsion for one academic year.  
Vote: 5/0*

*Student L: Approved the expulsion for one academic year.  
Vote: 5/0*

*Student M: Approved the expulsion for one academic year.  
Vote: 5/0*

*Student N: Approved the expulsion for one academic year.  
Vote: 5/0*

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 –

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ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of section 54956.9 of the Government Code: claim for damages of Meuy Saefong, claim for damages of Grant Wollen, and 2 *additional potential cases*

√ *Approve the court claim of Meuy Saefong in the amount of \$2,380.*

*Vote: 5/0*

√ *Approve the court claim of Grant Wollen in the amount of \$3,777.*

*Vote: 5/0*

12.5 PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
(Government Code §Section 54957)

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

√ •Principal

*Approve the appointment of Bettina Lopez as Principal of Andrew Hill High School*

*Vote: 5/0*

√ •Principal

*Approve the appointment of Traci Williams as Principal of Piedmont Hills High School*

*Vote: 5/0*

√ •Director

*Approve the appointment of Charlotte Reed-Price as Director of Transportation*

*Vote: 5/0*

√ •Director

*Approve the appointment of Donna DeMartini as Director of Special Education*

*Vote: 5/0*

√ •Director

*Approve the appointment of Richard Uribe as Director of Adult Education*

*Vote: 5/0*

13) Report Closed Session Actions (s)

**REPORT CLOSED SESSION**

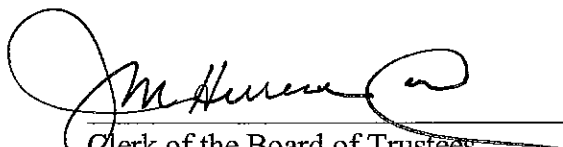
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14) **Adjournment**

- √ Motion to adjourn by Clerk Herrera, seconded by Vice President Nguyen, meeting was adjourned by President Shirakawa at 7:51p.m.

***ADJOURNMENT***

Respectfully submitted,

  
Clerk of the Board of Trustees