

EAST SIDE UNION HIGH SCHOOL DISTRICT
Minutes of the Regular Meeting of the Board of Trustees
Meeting Held at Education Center
April 26, 2007

APPROVED
Board of Trustees
5-24-07 M

1) The Regular Meeting of the Board of Trustees was called to order at 4:07 p.m. by President Shirakawa. Vice President Nguyen, Clerk Herrera, and Member Biehl were present. Member Garcia arrived at 5:14 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.

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

No amendments to the agenda.

5) **BOARD SPECIAL RECOGNITION (S)**

5.1 Awards were presented to the Winter Sports League Champions by Bob Nuñez Superintendent, and Ed Buller, Lead Athletic Director. The following awards were presented.

- Boys' Basketball, Oak Grove High School, Mt. Hamilton Athletic League Champions & Central Coast Section Champions
- Girls' Soccer, Santa Teresa High School, Mt. Hamilton Athletic League Champions
- Girls' Soccer, Silver Creek High School, West Valley Athletic League Champions
- Boys' Soccer, Evergreen Valley High School, West Valley Athletic League Champions
- Wrestling, Oak Grove High School, Mt. Hamilton Athletic League Champions

5.2 National Merit Scholarship Winner

- Lucinda Lai, Piedmont Hills High School

East Side Union High School District Outstanding Academic Award

Lucinda Lai received the highest award of academics from Superintendent Bob Nuñez.

5.3 **Above and Beyond Awards**

Superintendent Nuñez presented Karen Poon, Director of Finance and Dr. Aurora Quevedo, Director of Student Services, the Above and

CALL TO ORDER

PLEDGE OF ALLEGIANCE

WELCOME AND EXPLANATION

CONSIDERATION OF AMENDMENTS

BOARD SPECIAL RECOGNITIONS

Beyond Award for their outstanding performances at East Side Union High School District.

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

- John Moore, Chair of Bond Oversight Committee, Invitation to the May 8, Bond Oversight Committee Meeting
- Don McKelly, Campus Monitors
- Julio Pardo, Campus Monitors

7) **STUDENT BOARD LIAISONS**

- 7.1 Presentation was made by Amy Pham, ASB Secretary at Yerba Buena High School
- 7.2 Presentation by Tina Truong, ASB President at Andrew Hill High School. *Student did not attend.*

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

- 8.1 Hold Public Hearing at 6:20 p.m. Proposal for Successor Contract from East Side Union High School District to San Jose Federation of Teachers, Local 957, AFT, AFL-CIO – Linda Gubman, Assistant Superintendent of Human Resources

√ *No action needed.*

- 8.2 ROTC Presentation – Bob Nuñez, Superintendent, and Antonio Ferraro Colonel ROTC, Oak Grove High School

Colonel Ferraro, made a presentation about the ROTC Program in the East Side Union High School District. The presentation included parents, students, cadets, and officers.

√ *No action required.*

- 8.3 Adopt Resolution #2006/2007-36 declaring May 6-12, 2007, as National School Nurse Week and May 9, 2007, as National School Nurse Day – Bob Nuñez, Superintendent

Certificates of recognition were awarded to school nurses Eunice Esquivel, School Nurse, and Safiye Chen for their outstanding contributions to health awareness, of the students of the East Side Union High School District.

√ *Motion to adopt Resolution #2006/2007-36 – declaring May 6-12, 2007, as National School Nurse Week and May 9, 2007, as National School Nurse Day was made by Clerk Herrera seconded by Member Garcia.*
Vote: 5/0

ORAL COMMUNICATIONS

STUDENT BOARD LIAISONS

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

- 8.4 School Attendance Boundaries; Review and Approval of Amended Proposed Attendance Boundary Change Alvin Avenue Area – Bob Nuñez, Superintendent
- √ *After review of the proposal the Board did not recommend the amended proposed attendance boundary change in the Alvin Avenue area. Motion was made by Vice President Nguyen, seconded by Clerk Herrera.*
Vote: 5/0
- 8.4.a Proposed Modifications to Board Policy 5117, Second Reading and Adoption – Bob Nuñez, Superintendent
- √ *Motion to approve Proposed Modifications to Board Policy 5117, Second Reading and Adoption was made by Member Biehl, seconded by Member Garcia.*
Vote: 5/0
- 8.5 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, was made by Clerk Herrera, seconded by Vice President Nguyen.*
Vote: 5/0
- 8.6 Memoranda of Understanding – Jerry Kurr, Interim Assistant Superintendent of Business Services – **Attachment C**
- √ *Motion to approve Memoranda of Understanding, Attachment C was made by Member Garcia, seconded by Vice President Nguyen.*
Vote: 5/0
- 8.7 Approve Provisional Internship Permit Request for Certificated Employee – Linda Gubman, Assistant Superintendent of Human Resources
- √ *Motion to approve Provisional Internship Permit Request for Certificated Employee was made by Member Biehl, seconded by Clerk Herrera.*
Vote: 5/0
- 8.8 2007-2008 Budget Process – Bob Nuñez, Superintendent
- √ *Discussion; no action required.*

Superintendent Nuñez

We will have one meeting in June to address this. We will have public input in June 2007. This is an opportunity for the public to assist the Board with regard to deficit spending.

Member Biehl

Who has been invited to participate with the Budget Advisory Committee? When have they met, who have they met with?

Jerry Kurr, Interim Assistant Superintendent of Business Services

The committee includes the Association Presidents, AFT, Jennifer Lewis; CSEA, Cindy Bega; ESTA, Don McKell; representing confidential is Administrative Secretary Betty Banderas, and two Principals, Juan Cruz and Dan Moser. Since Dan came to the District Office, John Najac has been representing the Principals. School Site Council Representative, the President from Independence High School, Susan Cassens. Susan is the Chair of the committee. From the Bond Oversight Committee John Sellarole, and now Dan Moser has been representing district administration. Hong Le is the student representative, ASB President from Independence High School. John Reinke has been the representative from the community. Staff on the committee has been myself, the Business Office is Syliva Pelayo, and Karen Poon. This week's meeting was a little light in attendance. Most meetings are pretty well attended. We do have a plan to have a document that the committee needs to discuss at our next meeting on May 22, 2007.

Based on memos and information provided by the Superintendent, Member Biehl submitted a 2007-2008 Budget Review Timeline. (See **attachment 1**)

President Shirakawa

Don't forget the process we have on site. We do have a process. When we don't have the appropriate information and things change drastically, then we are accused of hiding information or two, changing things in midstream and not notifying the community. Until we get the legislative approval of funds, it doesn't matter.

Superintendent Nuñez

We have to wait for legislation to pass the bill. It is still not final. It is difficult to develop a budget when we don't know what the money is going to be. There will be a Board Meeting on June 21 and 28, 2007. This district is fiscally sound and will continue to be fiscally sound, but I do agree we do need a plan.

What I am hearing is we need to get to our public early and we will do that. This district is better off financially now than it has been in the last four years. I think that a lot of it is because of the Board.

We will have a date out for our budget meeting forum in June. I need to honor what the Budget Advisory Committee is doing.

- 8.9 Assistant Superintendent of Instructional Services Contract – Bob Nuñez, Superintendent

√ *Motion to approve Assistant Superintendent of Instructional Services Contract was made by Clerk Herrera, seconded by Vice President Nguyen.*

Vote: 5/0

- 8.10 Approve Career Technical Educational Program Equipment, Grades Seven through Twelve Grant Proposal – Dan Moser, Assistant Superintendent of Instructional Services

√ *Motion to approve Career Technical Educational Program Equipment, Grades Seven through Twelve Grant Proposal was made by Vice President Nguyen, seconded by Clerk Herrera.*

Vote: 4/0 Mr. Garcia out of the room.

- 8.11 Approve Grant Application for the 2006-2007 Equipment & Supplies for Career Technical Education (CTE) Program on behalf of the San Jose Conservation Corps Charter – Jerry Kurr, Interim Assistant Superintendent of Business Services

√ *Motion to approve Grant Application for the 2006-2007 Equipment & Supplies for Career Technical Education (CTE) Program on behalf of the San Jose Conservation Corps Charter was made by Vice President Nguyen, seconded by Clerk Herrera.*

Vote: 4/0 Mr. Garcia out of the room.

- 8.12 Approve Carl D. Perkins Grant Application for Career and Technical Education for the Adult Education Program Year 2007-2008 – Jerry Kurr, Interim Assistant Superintendent of Business Services

√ *Motion to approve Carl D. Perkins Grant Application for Career and Technical Education for the Adult Education Program Year 2007-2008 was made by Clerk Herrera, seconded by Member Biehl.*

Vote: 5/0

- 8.13 Adopt Resolution #2006/2007-37 – to Hire on a Short-Term Basis Twelve (12) Employees as Campus Monitors – Linda Gubman, Assistant Superintendent of Human Resources

Member Garcia

What are the qualifications and criteria for this position?

Linda Gubman, Assistant Superintendent of Human Resources

Same qualifications of a liaison.

Member Garcia

Next time, it would be good to put the job description in the Board packet.

- √ *Motion to adopt Resolution #2006/2007-37 – to Hire on a Short-Term Basis Twelve (12) Employees as Campus Monitor, was made by Member Garcia, seconded by Member Biehl.
Vote: 5/0*

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

ATTACHMENT A

- √ *There was a request to pull items 9.17 and 9.19. Motion to approve the remainder of the 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 April 26, 2007 (9.1)
- Ratify/Approve Certificated Personnel Actions Presented April 26, 2007 (9.2)
- Ratify/Approve Student Aide Personnel Actions Presented April 26, 2007 (9.3)
- Purchase Orders Presented April 26, 2007 (9.4)
- Budget Transfers Presented April 26, 2007 (9.5)
- Award of Bids (9.6)
- Donations/Grants/Awards (9.7)
- Approve Site Proposals for Expenditures of the 2006 Discretionary Block Grant (9.8)
- Approve School Field Trips (9.9)
- Approve CAHSEE Local Waivers for Special Education Students (9.10)
- Approve Renewal Application and Local Plan for the 2007-2008 Carl D. Perkins Vocational and Technical Education Grant (9.11)
- Approve the Special Education Local Plan Area Local Education Agency Assurances (9.12)
- Approval for Permanent Status Novels (9.13)
- Adopt/Approve Classified Holiday Schedule for the 2007-2008 School Calendar (9.14)

- Approve Change Order #1 for Independence High School Villa D Modernization Project (9.15)
- Approve Notice of Completion for Andrew Hill High School Additions and Modernization Projects (Sterling Environmental Corporation) (9.16)
- Approve Minutes of Special Board Meeting Dated March 27, 2007 (9.18)

√ *Authorize Superintendent or Designee to Award Bid (9.17)*
Item pulled, no action.

√ *Motion to approve the amended minutes of Special Board Meeting dated April 5, 2007, item 9.19, made by Member Biehl seconded by Clerk Herrera.*
Vote: 5/0

**5.1 School Attendance Boundaries; Academic Master Plan;
Review and Approval of Proposed Attendance
Boundary Changes – Bob Nuñez, Superintendent**

Frank Biehl

I just need to check, Mr. President, would you like us to take that section out of this motion or leave it the way it is? It's a very small section it only fits 28 houses, we can just take it out of this motion, and then have that come back at the next meeting on March 26th.. I don't mind changing the motion to amend all of the proposed boundary changes, except for this one small section, near Alvin, and that section will be brought back to us for consideration at the next meeting. And this also includes that the staff will look into the busing.

George Shirakawa

My only concern is another three weeks of not knowing for that particular group where they are going to school. We want to make sure we come back on March the 26th with something.

Superintendent Nuñez

For those students we could say they have the option of going to either school right now.

George Shirakawa

Maybe we really need to clarify it more. (To Lan Nguyen) Are you interested more in a permanent thing or only for this year?

Vice President Lan Nguyen

I am interested in a permanent boundary.

Frank Biehl

Mr. President the reason why I wanted to take it out is it seems we have agreement on everything ~~but~~ else except this one issue. It affects 28 ~~people~~ houses. I think the easiest thing ~~is~~ for us would be is just ~~is~~ to bring that back at the next meeting. Make it staff time to examine it ~~one more time.~~ once again.

Board Action re: Bay Area Technology Charter School Proposal –
Bob Nuñez, Superintendent

It was recommended that the Board not approve the petition. The reasons for that can be found on page 2 of the attachment.
(Attachment 1)

5.2 The Board of Trustees gave careful consideration to this Petition and the concern raised by the Administration. After careful consideration, the Board of Trustees voted to deny the petition and adopt the District's findings for the proposed Bay Area Technology Charter School.

√ *Motion to ~~deny the recommendation~~ accept the findings of the administration and ~~the findings by~~ deny the petition of the Bay Area Technology Charter School Proposal was made by Member Garcia seconded by Member Biehl.*
Vote: 5/0

10) WRITTEN REPORTS

10.1 Receive Williams Settlement Uniform Complaint Report for Period Covering January 1, 2007

Report received.

10.2 Quarterly Report on Santa Clara County Treasury Investment Portfolio Status as of March 31, 2007

Report received.

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

11.1 Board of Trustees

Member Biehl

I attended the National School Boards Association Meeting in San Francisco. It was a good experience, but I don't think I'll be going to Orlando for the next one. Mr. Clinton spoke on health care and what the educational board spends on health care.

WRITTEN REPORTS

*BOARD/
SUPERINTENDENT'S
COMMUNICATIONS/
COMMENTS*

Vice President Nguyen

I also had the opportunity to attend the National School Boards Conference. I will not be attending the conference again.

11.2 *Superintendent Nuñez*

At our next meeting I want to bring back Career Technology Education and update on the Academic Master Plan. I got some really good news this week with regards to where we are at James Lick. I would like to give an update on James Lick and the positive things that are going on there.

12) **CLOSED SESSION**

12.1 Expulsions – A-V

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

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

*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 suspended expulsion.
Vote: 5/0*

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

Student H: No Action

*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*

CLOSED SESSION

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

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

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

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

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

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

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

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

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

*Student V: 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, Assistant Superintendent of Human Resources
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: claim for damages
of Bertha Alejo, claim for damages of Helen Chavez.

√ *Approve the court claim of Helen Chavez in the amount of \$1,989.32.*
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 Vito Chiala as Principal of William C. Overfelt High School, effective July 1, 2007.
Vote: 5/0

13) Report Closed Session Actions (s)

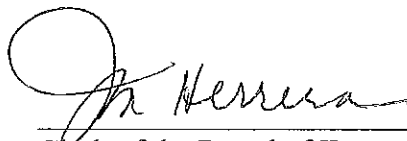
REPORT CLOSED SESSION

14) Adjournment

ADJOURNMENT

√ Motion to adjourn by Member Biehl, seconded by Vice President Nguyen, meeting was adjourned by President Shirakawa at 8:51 p.m.

Respectfully submitted,



Clerk of the Board of Trustees

Attachment 1

To: Superintendent Bob Nunuz

From: Frank Biehl

Sub: 2007-08 Budget Review Timeline

I've reviewed the information provided for Agenda Item 8.8 of the April 26, 2007 Board meeting along with our current calendar of scheduled board meetings to create my understanding of our budget review timeline for the 2007-08 fiscal year.

- May? Governor's May revised 2007-08 budget (released in mid May)
- May? Board study session on proposed 2007-08 budget
- May 22 Budget Advisory Committee (BAC) will review a 2007-08 budget (in some form) and assumptions
- May 24 Scheduled Board Meeting
- June 2-3 Proposed Board retreat
- June 1-15? Proposed District Community Meeting to review budget and offer questions/input to the administration
- June 7 Submit proposed 2007-08 budget to Board
- June 11-16 Graduation week
- June 21 Scheduled Board meeting (Board budget hearings?)
- June 28 Scheduled Board meeting (adopt final budget?)

I believe it is important to prepare and publish a complete and definitive timeline so that the public has adequate notice to schedule attendance at budget review meetings. I hope we don't review such an important matter at a hastily called special board meeting.

As a Board we need to determine if a Board study session should be scheduled or if we are able to conduct the budget review within our current meeting schedule. We also need to confirm the sequencing of the review process.

As a Board member I think it would be useful to receive a Draft proposal from the administration before the proposed district community meeting tentatively proposed to be held in the first two weeks of June. This would permit the Board to identify issues that they would like the administration to review with the public prior to presenting final budget recommendations. June 11 is graduation week and for that reason the district community meeting will most likely be scheduled on June 5, 6 or 7.