

**EAST SIDE UNION HIGH SCHOOL DISTRICT**  
**Minutes of the Regular Meeting of the Board of Trustees**  
**Meeting Held at Education Center**  
**February 10, 2005**

- 1) The Regular Meeting of the Board of Trustees was called to order at 4:05 p.m. by President Herrera. Vice President Shirakawa, Clerk Martinez-Roach Member Mann and Member Nguyen were present.

**CALL TO ORDER**

2) **PLEDGE OF ALLEGIANCE**

**PLEDGE OF ALLEGIANCE**

A moment of silence was observed for the late Humberto Herrera, President Herrera's father.

3) **WELCOME AND EXPLANATION TO AUDIENCE**

**WELCOME AND EXPLANATION**

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

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

**BOARD SPECIAL RECOGNITIONS**

- 4.1 Silver Creek High School Students  
Organizers for the fundraising events in memory of Bobby Tang

- Michael Vu
- Paul Hoang
- Andrew Truong
- Tracey Tea
- Henry Vo

- 4.2 Martin Luther King, Jr. Contest Winners

- Derrick Nguyen
- Amanda Pham
- Christine Nguyen
- Jessica Nguyen

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

**CONSIDERATION OF AMENDMENTS**

**APPROVAL OF PROPOSED AMENDMENTS TO THE AGENDA**

**APPROVAL OF AMENDMENTS**

8.4 to 8.2

Hear renumbered item 8.4 prior to Board Special Recognitions.

9.16 pulled from agenda and moved to 12.2 (Closed Session)

*On a motion by Member Mann, second by Vice President Shirakawa to approve agenda as amended. Vote: 5/0*

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

- Janice Mallard – Budget Cuts
- Allan Quan – Director Changes at Oak Grove High School
- John Moore – Measure G Report
- Don McKell – Certificates of Participation
- John Moore – Budget Task Force/Certificates of Participation
- Joe Van Sambeek – Certificates of Participation
- Don McKell – Certificated Reductions/PKS Layoffs
- Lara Sandora – Certificated Reductions

ORAL COMMUNICATIONS

7) **STUDENT ACHIEVEMENT/BOARD DISCUSSION AND/OR ACTION**

No student representatives were present.

STUDENT ACHIEVEMENT

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

- 8.1 Appoint Recommended Members for the Capitol Property Land Use Committee

*Clerk Martinez-Roach asked why there were no teacher or classified representatives on the Committee. It was also asked that if there was a conflict of interest, how would it be handled.*

*Superintendent Zendejas indicated that the Committee could include teacher and classified representatives.*

*Chief Operations Officer Garofalo indicated that if there was a conflict, the committee member would be asked to step down.*

*Motion to approve as amended to add Don Mckell and Filiberto Zamora or their representatives to serve on the Committee by Member Mann, second by Member Nguyen. Vote: 5/0*

OPERATIONAL ITEMS/  
BOARD DISCUSSION  
AND/OR ACTION

- 8.2 Safety for Students and Student Crime Statistics

*Presentation made by Andrea Bennett. Clerk Martinez-Roach thanked Andrea Bennett, Jeff Leasure and Marisa Gaska for their efforts in providing the information for this presentation.*

*Chief Safety, Security and Students Services Officer Abeyta indicated that he would like to come back at a future Board meeting to make a complete presentation on safety.*

- 8.3 Update on East Side Union High School District Budget Task Force  
– J. Manuel Herrera

*The Budget Task Force has begun the second of four steps, which is listening to Stakeholder presentation requests received. The first meeting was February 8, which included presentations by Counselors, Librarians, Medical Magnet Program and MetroEd. There are two meetings scheduled for February 28 and March 2. Both start at 6:00 p.m. and will be held at Evergreen Valley High School. There are 40 designated participants on the table.*

- 8.4 Resolution No. 2004/2005-27 A Resolution Declaring the Official Intent to Reimburse Expenditures Arising Out of the Commitment to Develop, Design, Construct and Effect Certain Capital Projects from the Proceeds of Tax Exempt Securities

*Presentation on proposal for Certificates of Participation made.*

*President Herrera indicated that the vote is to begin the process with the Resolution and to subsequently come back after the necessary analysis and consultations with the Santa Clara County Office of Education and the steps that follow from that.*

*Motion to approve by Clerk Martinez-Roach, second by Member Mann. Vote: 5/0*

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

ATTACHMENT A

*Items: (9.10) and (9.14) were pulled for discussion/approval. Item (9.16) was pulled from the Consent Calendar and moved to Closed Session (12.2).*

*Motion to approve by Member Mann, second Vice President Shirakawa to approve the remainder of the Consent Items as amended. Vote: 5/0*

(Agenda items in parentheses)

- Purchase Orders Dated February 10, 2005 (9.1)
- Budget Transfers Dated February 10, 2005 (9.2)
- Approve Classified Personnel Actions Dated February 10, 2005 (9.3)
- Approve Certificated Personnel Actions Dated February 10, 2005 (9.4)
- Approve Minutes of Board Meeting Dated December 14, 2004, Board Meeting (9.5)
- Acceptance of Gifts/Donations (9.6)
- Approve Contracts for Professional Services (9.7)
- Award of Bids (9.8) – (NONE)
- Approve Memorandums of Understanding (9.9)

- Approve Athletic and Cheerleader Code of Conduct (9.11)
- Approve Notice of Completion for Sports Field Renovation at Evergreen Valley, Overfelt and Independence High Schools (9.12)
- Approve Notice of Completion for Floor Covering at W. C. Overfelt High School (9.13)
- Adopt Resolution #2004/2005-25 Authorizing Reduction in Classified Workforce for Lack of Work or Lack of Funds (9.15)
- Adopt Resolution #2004/2005-28 to Reduce Temporary Workforce Identified as Adult Aides (9.17)
- Accept Grant #2005-126-003 Approving First 5 of Santa Clara County in the Amount of \$187,500 (9.18)
- Approve Consolidated Program Application (CADS) – Part II for 2004-2005 (9.19)

✓*Motion to approve item (9.10) by Member Mann, second by Vice President Shirakawa. Vote: 5/0*

✓*Motion to approve item (9.14) by Member Mann, Vice President Shirakawa. Vote: 5/0*

*Member Nguyen asked to go on record inquiring if the District has exhausted all of their options.*

*President Herrera indicated that this is a legal noticing requirement, not the actual implementation.*

*Member Nguyen is aware that this is an Education Code requirement.*

*Legal Counsel indicated that the Resolution is not only a procedural device, but as a matter of law, it must be passed for the purpose of issuing March 15 notices.*

✓*Item (9.16) moved to (12.2) Closed Session.*

10) **WRITTEN REPORTS**

- 10.1 Citizens Bond Oversight Committee Update Report Presentation
- 10.2 Update on Harvey Rose Audit
- 10.3 Report on Board Travel
- 10.4 Quarterly Report on Santa Clara County Treasury Investment Portfolio Status as of December 31, 2004

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

11.1 Board of Trustees

Craig Mann – MetroEd

The presentation by MetroEd at Budget Task Force was quite illuminating.

**WRITTEN REPORTS**

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

Clerk Martinez-Roach – Student-Board Relations Committee  
Clerk Martinez-Roach received a letter from Johan Klehs. She is interested in meeting with him and asked if any other Board members are interested in meeting with him. President Herrera asked Clerk Martinez-Roach to meet with Mr. Klehs on behalf of the Board.

11.2 Superintendent

If the District moves forward with the Certificates of Participation, Superintendent Zendejas would like the teachers to have the full budget of supplies that they expected for the remainder of the year.

12) CLOSED SESSION

*CLOSED SESSION*

12.1 Expulsions – A-L

Student A: Expulsion for one academic year.

*Vote: 5/0*

Student B: Expulsion for one academic year.

*Vote: 5/0*

Student C: Expulsion for one academic year.

*Vote: 5/0*

Student D: Expulsion for one academic year.

*Vote: 5/0*

Student E: Expulsion for one academic year.

*Vote: 5/0*

Student F: Expulsion for one academic year.

*Vote: 5/0*

Student G: Expulsion for one academic year.

*Vote: 5/0*

Student H: Suspend expulsion.

*Vote: 5/0*

Student I: Expulsion for one academic year.

*Vote: 5/0*

Student J: Expulsion for one academic year.

*Vote: 5/0*

Student K: Suspend expulsion.

*Vote: 5/0*

Student L: Expulsion for one academic year.

*Vote: 5/0*

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

*Motion by Member Mann, second by Clerk Martinez-Roach, the Board took action to direct the Superintendent to send out Education Code Section 44951 notices to one Director of Testing and six Restructuring Directors employed by the District.*

*Vote: 5/0*

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

Employee Organizations:

East Side Teachers Association (ESTA)  
California School Employees Association (CSEA)  
American Federation of Teachers (AFT)

•Report on the Status of Certificated Grievances

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 54569.9 statement threatening litigation.

*On a motion by Clerk Mann, second by Clerk Martinez-Roach to  
approve a settlement with ESTA, in the action ESTA v. East Side  
Union High School District, whereby the District shall pay \$10,500  
to ESTA in settlement of that pending lawsuit.*

*Vote: 5/0*

12.5 Public Employee Performance Evaluation (Government Code  
§Section 54957)

12.6 Public Employment/Transfer (Government Code §Section 54957)

- *Administrator on Special Assignment (1)*  
*Appointment of Roxanne Regules, Ed.D.*  
*Vote: 5/0*

- *Associate Principal (2)*  
*Appointment of Jer Soriano*  
*Appointment of Michael Luna*  
*Vote: 5/0*

- *Principal (2)*  
*Appointment of Juan Cruz*  
*Appointment of Gerri Forte*  
*Vote: 5/0*

- *Villa Principal (2)*  
*Appointment of Jesus Rios*  
*Vote: 5/0*

- *Interim Coordinator (1)*  
*Lynda Remley*  
*Vote: 5/0*

**ADJOURNMENT**

On motion by Member Mann, second by Vice President Shirakawa  
the meeting was adjourned at 8:35 p.m.

**ADJOURNMENT**

Respectfully submitted,

  
Clerk of the Board of Trustees

**APPROVED**  
Board of Trustees

4-14-05 MRS