

EAST SIDE UNION HIGH SCHOOL DISTRICT
Minutes of the Regular Meeting of the Board of Trustees
Meeting Held at Education Center
June 16, 2005

1) CALL TO ORDER/ROLL CALL

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

CALL TO ORDER

2) PLEDGE OF ALLEGIANCE

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3) WELCOME AND EXPLANATION TO AUDIENCE

President Herrera extended a welcome to everyone, 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

5) CONSIDERATION OF PROPOSED AMENDMENTS TO AGENDA

CONSIDERATION OF AMENDMENTS

6) PUBLIC MEMBERS WHO WISH TO ADDRESS BOARD OF TRUSTEES

- *Duc Huag - Conversion of Charter Schools*
- *Perry Mystre*

ORAL COMMUNICATIONS

7) STUDENT ACHIEVEMENT/BOARD DISCUSSIONS AND/OR ACTION

STUDENT ACHIEVEMENT / BOARD DISCUSSION AND/OR ACTION

8) OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

8.1 First Read of New Board Policy 5150 Pertaining to Homeless Youth

Board Member Martinez Roach asked how this policy will be addressed to the Non-English speaking homeless community. Mr. Abeyta explained that the policies will be advertised in the three major languages and their will also be a liaison assigned. Motion to approve the First Read of New Board Policy 5150 Pertaining to Homeless Youth by Member Martinez-Roach, second by Member Mann. Vote 4/0

APPROVED

Board of Trustees

Martinez 6/25/05

8.2 Public Hearing on the adoption of the 2005-2006 Budget as required by Education Code Section 42103

*Jerry Kurr, District Office consultant presented to the Board the changes to the Budget.
Motion to approve the Public Hearing on the adoption of the 2005-2006 Budget as required by Education Code Section 42103 by Member Martinez-Roach, second by Member Mann.
Vote 4/0*

8.3 Public Hearing on the Proposed Charter School Petition for Andrew Hill Charter High School

*The Board received a letter from the District Administration which was read by Superintendent Zendejas and made the following recommendation. The District Administration would like to consider for a 30 day extension to give ample time to gather, review and analyze, the data that may contribute to a wiser decision.
Motion to accept the 30 day extension regarding the Public Hearing on the Proposed Charter School Petition for Andrew Hill by Member Mann.
Vote 3/1 with Member Martinez-Roach voting no.*

8.4 LEAP Revision – Addendum – This is the revision to the District’s Local Education

*Motion to accept the LEAP Revision Addendum by Member Martinez-Roach, second by Member Mann.
Vote 4/0*

8.5 East Side Teachers Association/CTA/NEA 2005 ESTA Safety Survey

Presentation was done by Don McKell and reviewed the Safety survey. And the Board would like to have a report to look back on. Mr. Abeyta will be reporting back to the Board on the expectation of the school responses.

8.6 Establishment of Fund 40 Special Reserve Fund for Capitol Outlay Projects and Authorize the Transfer of Funds from Fund # 17 to Fund #40

*Motion to accept the Establishment of Fund 40 Special Reserve Fund for Capitol Outlay Projects and Authorize the Transfer of Funds from Fund # 17 to Fund #40 by Member Martinez-Roach, second by Member Mann.
Vote 4/0*

- 8.7 **Approve Board Meeting Calendar for 2005-2006**
Motion to Approve Board Meeting Calendar for 2005-2006 by Member Mann, second by Member Martinez-Roach.
Vote 4/0

- 9) **ATTACHMENT A – CONSENT CALENDAR ITEMS**
Items: (9.1), (9.8), (9.14), (9.24) pulled for discussion /approval. Motion to approve by Member Mann, second by Member Nguyen to approve the remainder of the Consent Items as amended.

Vote:4/0

(Agenda items in parentheses)

- Budget Transfers Dated June 16, 2005 (9.2)
- Classified Personnel Actions Dated June 16, 2005 (9.3)
- Certificated Personnel Actions Dated June 16, 2005 (9.4)
- Non-Regular Personnel Actions Dated June 16, 2005 (9.5)
- Minutes of May 19, 2005, Regular Board Meeting (9.6)
 - May 26, 2005, Special Board Mtg. (9.6.1)
- Acceptance of Grants / Gifts / Donations (9.7)
- Award of Bids (9.9)
- Approve Memorandums of Understanding (9.10)
- Approve School Field Trips (9.11)
- Adopt Resolution #2004/2005-51 an Itemized List Of Surplus/Obsolete Equipment for Sale and /or Disposal per Education Code Sections 17545 and 17546 (9.12)
- Adopt Resolution #2004/2005-52 the Matter Of Good Repair of Facilities (9.13)
- Approve Change Order #1 for Abatement & Demolition for the Yerba Buena High School Modernization Building 200 (9.15)
- Approve Notice of Completion for Evergreen Valley High School Interim Housing (12) Relocatable Buildings Project Bid #B-24-03-04 (9.16)
- Approve Amended Notice of Completion for For Independence High School Interim Housing (10) Relocatable Buildings Project Bid # B-15-03-04 (9.17)
- Approve District and/or School Representatives to Athletic Leagues (9.18)
- Uniform Complaint Procedure – Accept amendment to Williams Settlement Uniform Complaint Procedure (9.19)
- Approve Consolidated Application Part I and Single School Plans for Student Achievement 2005-2006 (9.20)
- Authorize Superintendent or Designee to Award Bids for Summer Projects (9.21)

ATTACHMENT A

- Approve Memorandum of Understanding between East Side Union High School District And the City of San Jose (9.22)

- Approve Gifted and Talented Education 2005-2006 Application (9.23)

✓
 Member Mann, second by Member Nguyen.
 Vote: 4/0

Motion to approve item (9.1) by

✓
 Member Mann, second by Member Nguyen.
 Vote: 3/1 *Member Martinez-Roach voted no.*

Motion to approve item (9.8) by

✓
 Member Martinez-Roach, second by
 Member Mann.
 Vote: 4/0

Motion to approve item (9.14) by

Member Mann, second by Member Nguyen.
 Vote: 3/1 *Member Martinez-Roach voted no.*

Motion to approve item (9.24)

10) WRITTEN REPORTS/RECOMMENDATIONS

WRITTEN REPORTS

- 10.1 Consolidated Compliance Review (CCR) and Response to the CDE
Would like to ask the Superintendent for a report brought back for discussion on the CCR..

11) BOARD OF TRUSTEES/SUPERINTENDENT COMMUNICATIONS/COMMENTS

BOARD/SUPERINTENDT COMMENTS

11.1 Board of Trustees

Clerk Martinez-Roach

Congratulations to all the Schools and Graduates. Have a happy summer. Also their was an article in the Newspaper about Santa Teresa High in regards to Sex Ed.

Member Nguyen

Had a wonderful experience at all the Graduations. Also would like to have a retreat.

Member Mann

Would like to ask some direction from the board to direct our legal council on the comments and slanders that were written in the ESTA Publication of their last issue of the Panorama.

President Herrera

Annual Evaluation of the Superintendent will take place at 4:00 p.m. on June 20, 2005.

11.2 Superintendent

Would like to thank Mr. Najak and Jakel for leading Summer School which started today. Also, would like to thank all Administrators not only the ones who have summer school at their campus but also the ones who participated and shared their time to help other schools.

12) CLOSED SESSION*CLOSED SESSION***12.1 PUBLIC EMPLOYEE DISCIPLINE/ DISMISSAL/RELEASE (GOVERNMENT CODE §SECTION 54957)****12.2 CONFERENCE WITH LABOR NEGOTIATORS (GOVERNMENT CODE §SECTION 54957.6)****12.3 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

St Paul Fire and Marine Insurance Co. v General Con. Inc. East Side Union SD, et al.
Motion by Member Mann, second by Member Nguyen. *The board voted 3/0/1 Member Martinez Roach, abstaining and member Shirakawa absent.*
Voted to approve the settlement of the matter St Paul Fire and Marine Insurance Co. v General Con. Inc. and East Side union SD, et al. Copy on file at District Office.

ESTA v. East Side Union High School District, Santa Clara County Superior Court (Quimby funds litigation)

Motion by Member Mann, second by Member Nguyen. The board voted 4/0 with Member Shirakawa absent. To approve the resolution of the districts cross complaint in that pending action and to dismiss its complaint and to no longer pursue in the cross claims in that action. Copy on file at District Office.

12.1 & 12.3

Motion by Member Mann, second by Member Nguyen. *The board voted 3/0 Member Martinez Roach, abstaining and member Shirakawa absent. Found that material allegations in the complaint of Vicki Robledo to be unsubstantiated and without merit.*

12.4 PUBLIC EMPLOYEE PERFORMANCE EVALUATION (GOVERNMENT CODE §SECTION 54957)

12.5 PUBLIC EMPLOYMENT/TRANSFER (GOVERNMENT CODE §SECTION 54957)

Motion by Member Mann, second by Member Nguyen The board voted 4/0 with Member Shirakawa absent. To approve the appointment Dennis Barbada as Interim Director of Information Systems.

Motion by Member Mann, second by Member Nguyen The board voted 3/1 with Member Shirakawa absent. and Member Martinez -- Roach voting against the appointment of Gerry Soriano, Principal at Foothill High School.

13) REPORT CLOSED SESSION ACTION(S)

REPORT CLOSED ACTIONS

14) ADJOURNMENT

Meeting was adjourned by Board President Herrera in Memory of Joann Shirakawa, mother of Vice President George Shirakawa.

ADJOURNMENT

Respectfully submitted,

Patricia Martinez-Roach
Board Clerk
Patricia Martinez-Roach