

EAST SIDE UNION HIGH SCHOOL DISTRICT
Minutes of the Regular Meeting of the Board of Trustees
Meeting Held at Education Center
October 18, 2007

East Side Union High School District
APPROVED AS AMENDED
Board of Trustees
1-22-08 n

1) The Regular Meeting of the Board of Trustees was called to order at 5:10 p.m. by President Shirakawa. Vice President Nguyen, Clerk Herrera, Member Biehl and Member Garcia were present.

CALL TO ORDER

2) **PLEDGE OF ALLEGIANCE**

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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.

WELCOME AND EXPLANATION

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

CONSIDERATION OF AMENDMENTS

No amendments to the agenda.

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

BOARD SPECIAL RECOGNITIONS

1. **Silver Creek student, Miss Warda Ali, Winner of the 2007-2008 NFTE National Business Plan Competition**

Warda Ali, Student, Silver Creek

The Board presented Miss Warda Ali an award for winning the 2007-2008 NFTE National Business Plan Competition. Warda not only represented Silver Creek High School, East Side Union High School District, and San Jose, she represented Northern California. On October 3, 2007, Miss Warda Ali won the National title and \$10,000.

2. **Thelma Boac, Principal, Silver Creek High School**

The Board presented Thelma Boac, Principal of Silver Creek High School an award for being honored as one of the 100 Most Influential Filipina Women in the U.S. Thelma's National award will be presented to her at the 5th Annual Filipina Summit on October 25-27, 2007, in Washington D.C.

3. **Eddie Garcia, Board Member, East Side Union High School District**

The Board presented Board Member Eddie Garcia an award for being honored one of the Bay Area's Influential and Inspirational Latino Leaders. The San Francisco Hispanic Chamber of Commerce and the San Francisco Business Journal honored Comcast's and East Side Union High School

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District's Board Member as one of the top Latino Leaders in the Bay Area. Comcast delivers the inspirational story of Eddie Garcia and other honorees starting October 15, 2007, exclusively on Comcast On Demand.

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

- Marisa Hanson, ESTA President, Jose Valdes Program – Math Programs
- Ralph Giannini, Silver Creek High School Fire

7) **STUDENT BOARD LIAISONS**

3. **Quyen Ngo, Piedmont Hills High School ASB President** made a PowerPoint presentation. Piedmont Hill High School has adopted online voting. EduBallot.com. Project Sunburst has raised over \$2000. to help under privilege families in our community. Quyen shared information regarding the California Association of Student Councils.

3. **Rose Nguyen, Andrew Hill High School ASB President** made a presentation about the Homecoming events at Andrew Hill High School. Dance policy has caused low tickets sales and common dress policy has impacted school spirit. Student government is more organized this year. Andrew Hill's football team is undefeated. Mr. Keegan McLoskey Andrew Hill's new Activities Director was introduced.

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

8.1 Program Improvement Design and Implementation Presentation – Dan Moser, Associate Superintendent of Instruction and Human Relations

Presentations were made by Jane Baldi, Director of Testing Evaluation and Research, Diana Pors, Mathematics Subject Coordinator, Jefferylynn Davis, English Subject Coordinator, Karen Mazza, Director of English Language Learners and Supplementary Education,

Dan Moser, Associate Superintendent of Instruction and Human Relations

We did not meet our Program Improvement (PI) areas of achievement in two years so we fell into Program Improvement 3.

Jane Baldi, Director of Testing Evaluation and Research

We have to meet all 46 areas or else we don't make AYP. If you make 45 you would be eligible for PI if you continue not to make that data point for two years.

See Attachment 1

Member Garcia

I need to tell you last month's presentation really impacted me. I have

ORAL COMMUNICATIONS

STUDENT BOARD LIAISONS

*OPERATIONAL ITEMS/
BOARD DISCUSSION
AND/OR ACTION*

thought about how I as a Board member and we as a Board can help in this process. We are not along. This is happening all across the country. I appreciate the leadership Mr. Moser and the team has taken on this. I would like to recommend to this Board that we set up a Board Achievement Gap Committee. I would like to co-chair this committee and I would like to invite Member Herrera to help me co-chair this committee.

Rogelio Ruiz, Legal Counsel

This item will have to be ajenized at a future meeting.

Member Garcia

I would like this ajenized at our next meeting.

Member Biehl

I would like to first of all thank Mr. Moser for this very difficult task. I would like to thank everyone involve. When is the next measuring point?

Dan Moser, Associate Superintendent of Instruction and Human Relations

In March or April I would like to come back and provide you of what our benchmarks are and what progress we have made.

Superintendent Bob Nuñez

I was sorry that Julio Pardo was not in the room he would have heard the importance of the Jose Valdes Math Program. However we measure students at the very end and they are not graduating. If you look those students are they Latino students, African American students and students with disabilities.

There is one thing the State and the Federal Government looks at. How do we involve our policy makers? Dan and I were just talking the other day about what we can do to engage the Board to get more involved. This subcommittee would allow us to focus on student achievement. We will return back to the Board with recommendations for a subcommittee.

√ *No action necessary.*

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- 8.2 Request for One-Time Waivers of Board Policy 5142.1 to Allow for a Fireworks Display at Independence High School on November 9, 2007 – Bob Nuñez, Superintendent
- √ Motion to approve Request for One-Time Waivers of Board Policy 5142.1 to Allow for a Fireworks Display at Independence High School on November 9, 2007, was made by Vice President Nguyen, seconded by Member Garcia.
Vote: 5/0*
- 8.3 Request for One-Time Waivers of Board Policy 5142.1 to Allow for a Fireworks Display at Yerba Buena High School on November 2, 2007 – Bob Nuñez, Superintendent
- √ Motion to approve Request for One-Time Waivers of Board Policy 5142.1 to Allow for a Fireworks Display at Yerba Buena High School on November 2, 2007, was made by Member Garcia, seconded by Clerk Herrera.
Vote: 5/0*
- 8.4 West Coast Aquatics Facilities Usage – Bob Nuñez, Superintendent, Sandra Rasmussen, and Sue McAllister.
- √ Motion to approve West Coast Aquatics Facilities Usage was made by Clerk Herrera, seconded by Member Biehl.
Vote: 5/0*
- 8.5 Adopt Resolution #2007/2008-21 Approving Authorization to Enter into Contracts to Accommodate Emergency Remediation on School Facilities for Health and Safety Reasons for Silver Creek High School – Jerry Kurr, Associate Superintendent of Administration and Business Services
- √ Motion to adopt Resolution #2007/2008-21 Approving Authorization to Enter into Contracts to Accommodate Emergency Remediation on School Facilities for Health and Safety Reasons for Silver Creek High School was made by Clerk Herrera, seconded by Member Biehl.
Vote: 5/0*
- 8.6 Request for Allowance of Attendance Because of Emergency Conditions – Affidavit of Governing Board Members – Dan Moser, Associate Superintendent of Instruction and Human Relations
- √ Motion to approve Request for Allowance of Attendance Because of Emergency Conditions – Affidavit of Governing Board Members was made by Clerk Herrera, seconded by Member Garcia.
Vote: 4/0 President Shirakawa out of the room.*

- 8.7 Adopt Resolution #2007/2008-15 To Authorize Theresa Maxie to represent East Side Union High School District in California State Licensing Matters Regarding Child Care and Development Centers – Dan Moser, Associate Superintendent of Instruction and Human Relations
- √ *Motion to adopt Resolution # 2007-2008-15 To Authorize Theresa Maxie to represent East Side Union High School District in California State Licensing Matters Regarding Child Care and Development Centers was made by Member Biehl, seconded by Clerk Herrera.*
Vote: 4/0 President Shirakawa out of the room.
- 8.8 Adopt Resolution #2007/2008-16 To Provide Authority to Request Reimbursement of Expenses with Department of Rehabilitation – Dan Moser, Associate Superintendent of Instruction and Human Relations
- √ *Motion to adopt Resolution # 2007-2008-16 To Provide Authority to Request Reimbursement of Expenses with Department of Rehabilitation was made by Clerk. Herrera, seconded by Member Biehl.*
Vote: 4/0 President Shirakawa out of the room.
- 8.9 Adopt Resolution #2007/2008-17 Filing Modernization Applications – Alan Garofalo, Associate Superintendent of Student Services and Facilities
- √ *Motion to adopt Resolution # 2007-2008-17 Filing Modernization Applications was made by Member Biehl, seconded by Clerk. Herrera.*
Vote: 4/0 President Shirakawa out of the room.
- 8.10 Adopt Resolution #2007/2008-18 Filing a Notice of Determination – Alan Garofalo, Associate Superintendent of Student Services and Facilities
- √ *Motion to adopt Resolution #2007-2008-18, was made by Member Biehl, seconded by Clerk Herrera.*
Vote: 4/0 President Shirakawa out of the room
- 8.11 Adopt Resolution #2007/2008-19 New Construction Applications – Alan Garofalo, Associate Superintendent of Student Services and Facilities
- √ *Motion to adopt Resolution #2007/2008-19 New Construction Applications was made by Member Biehl, seconded by Member*

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Garcia.
Vote: 5/0

- 8.12 Adopt Resolution #2007/2008-20 Filing Modernization and Career Technical Education Projects at Independence and Yerba Buena High Schools – Alan Garofalo, Associate Superintendent of Student Services and Facilities

√ *Motion to adopt Resolution #2007/2008-20 Filing Modernization and Career Technical Education Projects at Independence and Yerba Buena High Schools was made by Member Garcia, seconded by Clerk Herrera.*
Vote: 5/0

- 8.13 Approve Second Reading of 9000 Board Policies and Adopt 9000 Board Policies – Bob Nuñez, Superintendent

Additional revisions were made by Member Biehl. This included Provisional Appointments (BB9223), Remuneration (BB9250), typos, and other word usage.

President Shirakawa moved on the suggestions made by Member Biehl, Provisional Appointments (BB9223) and Remuneration (BB9250) be brought back to our next Board meeting for more discussion.

√ *Motion to approve Second Reading of 9000 Board Policies as amended with the exception of the Provisional Appointments (BB9223) and Remuneration (BB9250) to be brought back at the next Board meeting, was made by Member Biehl, seconded by Vice President Nguyen.*
Vote: 5/0

- 8.14 Approve Variable Term Waiver Request for a Certificated Employee– Dan Moser, Associate Superintendent of Instruction and Human Relations – Attachment D

√ *Motion to approve Variable Term Waiver Request for a Certificated Employee, Attachment D, was made by Clerk Herrera, seconded by Member Garcia.*
Vote: 5/0

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8.15 Approve Provisional Internship Permit Requests for Certificated Employees – Dan Moser, Associate Superintendent of Instruction and Human Relations – **Attachment E**

√ *Motion to approve Provisional Internship Permit Requests for Certificated Employees, Attachment E, was made by Clerk Herrera, seconded by Member Biehl.
Vote: 4/0 Vice President Nguyen out of the room.*

8.16 Contracts for Professional Services – Jerry Kurr, Associate Superintendent of Administration and Business Services – **Attachment B**

Frank Biehl

I have a question for the Superintendent regarding page 2 of 6, Eric Hall and Associates. \$90,000. Capitol Facilities Fund. Is this additional to the \$120,000. we allocated last January? Or is this a change of contract?

Superintendent Nuñez

It is a change of the contract.

√ *Motion to approve as amended, Contract for Professional Services, Attachment B, was made by Clerk J. Herrera seconded by Member Garcia.
Vote: 4/0 Vice President Nguyen out of the room.*

8.17 Memoranda of Understandings -- Jerry Kurr, Associate Superintendent of Administration and Business Services –**Attachment C**

√ *Motion to approve Memoranda of Understandings, Attachment C was made by Clerk J. Herrera, seconded by Member Biehl.
Vote: 4/0 Vice President Nguyen out of the room.*

9) ATTACHMENT A/CONSENT CALENDAR APPROVAL OF AGENDA

√ *There was a request to pull item 9.7, to remove Student B by Superintendent Nuñez. Motion to approve the remainder of the Consent Calendar was made by Clerk Herrera, seconded by Member Biehl.
Vote: 4/0 Vice President Nguyen out of the room.*

(Agenda items in parentheses)

ATTACHMENT A

- Ratify and Approve Classified Personnel Actions Presented October 18, 2007 (9.1)
- Ratify and Approve Certificated Personnel Actions Presented October 18, 2007 (9.2)
- Ratify and Approve Student Aide Personnel Actions Presented October 18, 2007 (9.3)
- Purchase Orders Presented October 18, 2007 (9.4)
- Award of Bids (9.5)
- Approve School Field Trips (9.6)
- Expulsion Hearing Committee Panel Personnel for 2007-2008 School Year – Alan Garofalo, Associate Superintendent of Student Services and Facilities (9.8)
- Approve the Appointment of Mrs. Debbie Drennan, Parent, to Represent East Side Union High School District at the South East Special Education Local Planning Areas (SELPA) Community Advisory Council (CAC) Meetings (9.9)
- Approve Notice of Completion for the Silver Creek High School Phase I New Science Classroom Building (American Steel & Stairways, Inc.) (9.10)
- Approve Notice of Completion for the Silver Creek High School Phase I New Science Classroom Building (B&B Landscape Contractors, Inc.) (9.11)
- Approve Notice of Completion for the Silver Creek High School Phase I New Science Classroom Building (Foothill Air Conditioning & Heating, Inc.) (9.12)
- Approve Notice of Completion for the Silver Creek High School Phase I New Science Classroom Building (Joseph J. Albanese, Inc.) (9.13)
- Approve Notice of Completion for the Silver Creek High School Phase I New Science Classroom Building (Mastria Incorporated) (9.14)
- Approve Notice of Completion for the Silver Creek High School Phase I New Science Classroom Building (Sprig Electric) (9.15)
- Approve Notice of Completion for the Silver Creek High School Phase II New Science Classroom Building (Beals Martin) (9.16)
- Approve Notice of Completion for the Silver Creek High School Phase II New Science Classroom Building (Jensen Landscape) (9.17)
- Approve Notice of Completion for the Silver Creek High School Phase II New Science Classroom Building (Joseph J. Albanese, Inc.) (9.18)
- Approve Notice of Completion for Foothill High School Relocatable Classrooms (Ralph Larsen & Son, Inc.) (9.19)
- Approve Notice of Completion for Mt. Pleasant/IAC Low Voltage Project (Elcor Electric, Inc.) (9.20)
- Approve Change Order #1 for Evergreen Valley High School New

Classroom Building (Blach Construction) (9.21)

- Approve Change Order #1 for James Lick High School PE Building Modernization (Iconco/LVI Demolition Services) (9.22)
- Approve Minutes of Regular Board Meeting Dated September 20, 2007 (9.23)
- Developer Fees Report (9.24)

- Approve California High School Exit Local Waivers for Special Education Students (9.7)

Superintendent Nuñez

I would like to remove Student B from the list.

√ *Motion to approve 9.7 as amended was made by Member Biehl, seconded by Clerk Herrera.*

Vote: 4/0 Vice President Nguyen out of the room.

10) **WRITTEN REPORTS**

- 10.1 Budget Adjustment for General Fund Report – Jerry Kurr, Associate Superintendent of Administration and Business Services

Report received.

- 10.2 Compliance with October 8, 2004, Stipulated Arbitrator’s Award – Jerry Kurr, Associate Superintendent of Administration and Business Services

Report received.

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

- 11.1 Board of Trustees

Member Biehl

I visited Oak Grove High School. I was very impressed with the ROTC Program. There is a new building being built. Staff has worked hard on the master schedule to incorporate the Program Improvement Plan. I was at a concert at Evergreen High School. It was fabulous. Congratulations to the principal and Steve Barnhill, EVHS, Music Director.

- 11.2 Superintendent Nuñez

- a. **Fire and Science Academy Update**

We are working with the City. The City has agreed to rebuild Fire Station Number 2. We are looking at how we will become partners

WRITTEN REPORTS

***BOARD/
SUPERINTENDENT’S
COMMUNICATIONS/
COMMENTS***

with them. We would like to add a classroom. We will bring back to the Board a facilities lease. The City is first trying to get through their process for what the fire station will look like. We are looking at the property of our current childcare center on this site. We will be rebuilding a new childcare center at that site. We will be looking at including additional infant slots as well as looking at our relationship with Head Start.

b. Academic Master Plan

Marie Grey has visited most schools. She has been working with the data director. They are gathering data to see how our decisions will be made. They have met with Californians for Justice, Charter Schools, directors and principals, and PACT. There is an Academic Master Plan Meeting schedule for next week. We plan to review those areas where we have been collecting data to date.

Lastly, this past weekend there were two safety summits at William C. Overfelt High School and Andrew Hill High School. This district has gone along way to show the community, students and staff that a positive school environment is important and to do this we need help from the community. I thank all the Board members that were able to come to those events. I heard a lot of positive comments from the Mayor's Task Force and the Police Department.

12) **CLOSED SESSION**

CLOSED SESSION

12.1 Expulsions – A-B

Student A: Approved the suspended expulsion for one academic year.

Vote: 5/0

Student B: Approved 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

Jerry Kurr, Associate Superintendent of Administration and Business Services

Dan Moser, Associate Superintendent of Instruction and Human Relations

Cathy Giammona, Director of Human Resources, Vida Branner-Siders

Director of Compensation and Classified Employee Relations

Employee Organizations:

American Federation of Teachers (AFT)

California School Employees Association (CSEA)

Employee Organizations: East Side Teachers Association (ESTA)

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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 M. Bashara, against ESUHSD and one potential case.

√ *Motion to reject the tort claim of M. Bashara..*

Vote: 5/0

√ *The Board approved by a vote of 5/0 a settlement agreement and general release of claims, a copy of which is available from the District Office upon request.*

~~CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION~~

~~Sub-Division (a) of Section 54956.9~~

~~Tessa Cavazos v. East Side Union High School District, et al. (Santa Clara County Superior Court)~~

~~√ *Approve/ the settlement agreement and general release of claim in connection Tessa Cavazos v. East Side Union High School District, et al. (Santa Clara County Superior Court)*~~

~~—Vote: 5/0~~

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

√ • *Superintendent*

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

13) Report Closed Session Actions (s)

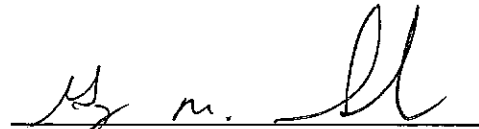
REPORT CLOSED SESSION

14) Adjournment

ADJOURNMENT

√ Motion to adjourn by Vice President Nguyen, seconded by Clerk Herrera meeting was adjourned by President Shirakawa at 8:07 p.m.

Respectfully submitted,


Clerk of the Board of Trustees

East Side Union High School District
APPROVED AS AMENDED
Board of Trustees
1-22-08 