

EAST SIDE UNION HIGH SCHOOL DISTRICT
Minutes of the Regular Meeting of the Board of Trustees
Meeting Held at Education Center
November 15, 2007

East Side Union High School District

APPROVED

Board of Trustees

12-18-07
[Signature]

1) The Regular Meeting of the Board of Trustees was called to order at 4:09 p.m. by President Shirakawa. Vice President Nguyen, Member Biehl and Member Garcia were present. Clerk Herrera arrived at 4:30 p.m.

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. The following individuals were very instrumental as **presenters supporting the Community Safety Summits on Saturday, October 13, 2007, at Overfelt and Andrew Hill High Schools:**

- Esther Mota, Community Services Supervisor for the City of San Jose, Safe School Campus Initiative
- Joe Nguyen, Community Coordinator, City of San Jose, Safe School Campus Initiative
- Jose Landin, Youth Outreach Worker, City of San Jose, Safe School Campus Initiative
- Son Nguyen, Youth Outreach Worker, City of San Jose, Safe School Campus Initiative
- Fernando Lopez, Youth Outreach Worker, City of San Jose, Safe School Campus Initiative
- Nate Abordo, Youth Outreach Worker, City of San Jose, Safe School Campus Initiative
- Ken Johnson, Community Coordinator, City of San Jose, Safe School Campus Initiative
- Dirk Parsons, San Jose Police Department Crime Prevention Specialist

2. **Oak Grove Air Force JROTC**

Oak Grove Air Force JROTC was congratulated for their outstanding hospitality at College Night, on October 29, 2007, at Independence High School. Colonel Antonio Ferraro accepted the award.

3. Cupertino Electric and Silver Creek Administration

Recognition was presented to Cupertino Electric Inc., for their extraordinary efforts in providing emergency services at Silver Creek High School campus during a power outage. The individual efforts and dedication of the managers and staff working on this project went above and beyond that of normal contractor and client relationships. Thank you, from East Side Union High School District.

**4. Ed Buller, Athletic Director – Outstanding Achievement Award
Recipient of the San Francisco 49ers Charlie Wedemeyer Coach of the Week Award**

Ed Buller was the recipient of the San Francisco 49' Charlie Wedemeyer Coach of the Week Award. Ed will receive a \$1000. Scholarship for the Oak Grove Football Program. Ed also received a \$1000 gift certificate from Kelly Moore Paints to beautify the school's campus.

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

- Esau Herrera, Latino Role Model Conference
- Jeanette P. Schnell, Special Education

7) **STUDENT BOARD LIAISONS**

1. Quoch Nguyen, Independence High School ASB President

Quoch provided the Board with a PowerPoint presentation. Quoch spoke about the Leadership Class at Independence High School.

Member Biehl

I just wanted to say I did have the opportunity to attend the Homecoming Assembly. It was wild. It was fun. The gym was packed. The enthusiasm was amazing. There was split second timing of the Leadership Team to keep everything going. I thought I was at the Olympics. It was fabulous. I am glad I had the opportunity to attend.

2. Christle Baltazar, William C. Overfelt High School ASB Vice President

Christle provided the Board with a PowerPoint presentation. Christle spoke about the Leadership Class, events, and Homecoming events.

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

- 8.1 Construction Technology Academy – Gerri Forte, Director of Career Services, Neil Struthers, Santa Clara & San Benito Counties Building Trades & Construction Trades Council, Ric Reyes, Seville Group and Alan Garofalo, Associate Superintendent of Student Services and Facilities

Presentation was made by Ric Reyes, Bond Program Manager, Neil Struthers, Santa Clara & San Benito Counties Building Trades & Construction Trades Council, Brenda Childress, Executive Director of 4 CA, Dr. Geri Forte, Alan Garofalo and student Luis Garcia.

ORAL COMMUNICATIONS

STUDENT BOARD LIAISON

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

This is an academic course and a career education course. The program supports students who are in this CTE field of study. The program supports students academically by helping them prepare for success on the California High School Exit Exam. The program helps students get ready for the next step, which includes apprenticeship and employment.

- 8.2 Approve Third Reading of Provisional Appointments (BB9223) and Remuneration (BB9250) Board Policies and Adopt Provisional Appointments (BB9223) and Remuneration (BB9250) Board Policies – Bob Nuñez, Superintendent

Bob Nuñez, Superintendent

At the last Board meeting there were suggested changes. The Board indicated they wanted more time to study and review.

Member Garcia

I think the processed worked, for someone who went through it. The question tonight is do we want a specific process on paper.

Mr. Biehl

I think this (recommended language) puts us in a better position because it recognizes the process that we used that work. We have learn from counsel tonight it does not set any set of restrictions on us. It is worded in such a way there is flexibility. I would like to move for approval of the language presented to Board Policy 9223.

Member Garcia

I just want to be on the record. This is pretty solid. Legally there is some flexibility, but it's pretty solid. I just hope that future Boards understand that we did want flexibility somewhere.

President Shirakawa

Member Biehl, I am going to support it, but I also want to go on the record. I think that the process did work last time we use it without any specific policy or language. I am not convinced why we have to press this language in there, but I will support it.

√ *Motion to approve Third Reading of Provisional Appointments (BB9223) Board Policy was made by Member Biehl, and seconded by Vice President Nguyen.*

Vote: 5/0

√ *Motion to approve Third Reading of Adopt Provisional Remuneration (BB9250) Board Policy was made by Member Garcia, seconded by Vice President Nguyen.*

Vote: 5/0

- 8.3 Approve Ad-Hoc Achievement Gap Board Committee for 2007-2008 School Year – Eddie Garcia, Board Member and Bob Nuñez, Superintendent

√ *Motion to approve Ad-Hoc Achievement Gap Board Committee for 2007-2008 School Year, was made by Vice President Nguyen, seconded by Member Biehl.
Vote: 5/0*

- 8.4 Award Professional Consulting Services Contract for Asset Evaluation and a Best Use Plan/Recommendations/Implementation for District Real Property Portfolio – Jerry Kurr, Associate Superintendent of Administration and Business Services

Clerk Herrera

I had an opportunity to review the agenda with the Superintendent, but there was no information available on this issue on the time he and I met. The packets were delivered, and still no information. Up to this point there is still no information. I understand there is a recommendation that is going to be made. I'm feeling a little deprived as one Board Member of understanding who submitted their request for qualifications and what the recommendation might be based on. My preference is to review the material prior to a Board meeting before I would be call to vote on what ever the recommendation is. I am very interested in the issue.

Member Biehl

Sorry, Mr. Superintendent, but I am going to reflect the same sentiment. I would really like it to be a policy of our Board that we not act on things that are not included in the packet. I wouldn't have a problem if something arrived late. This is a pretty significant issue.

Bob Nuñez, Superintendent

First, this is an item that normally isn't by itself. It is in the consent calendar. Most contracts, the processes such, isn't really abetted out in the open. The reason it is, is because we do understand it is a major project. The reason it was not included is because we have not completed the process. That is what I was going to do tonight. Walk through all the elements that you have before you. Yes there will be a recommendation tonight.

Vice President Nguyen

After reviewing this, I do not have a problem approving this. I am going to make a motion to approve this agenda item.

Member Garcia

I want to understand the motion first of all. So what we are doing tonight is approving the awarding or the negotiation of the contract. Then you will bring the contract back. So what we are approving tonight is for you to go to negotiations with the Staubach Company. If for some reason those break down, then we come back with something new. We will have an opportunity to look at the contract prior to final vote. I'll second that motion.

√ *Motion to award Professional Consulting Services Contract for Asset Evaluation and a Best Use Plan/Recommendations/ Implementation for District Real Property Portfolio, was made by Vice President Nguyen, seconded by Member Garcia.*

Vote: 5/0

- 8.5 Proposed Memorandum of Understanding Re: ESUHSD's Potential Lease of Hillview Branch Library Facilities for District's Educational Programs – Alan Garofalo, Associate Superintendent of Student Services and Facilities

√ *Motion to approve proposed Memorandum of Understanding Re: ESUHSD's Potential Lease of Hillview Branch Library Facilities for District's Educational Programs, was made by Clerk Herrera, seconded by Member Garcia.*

Vote: 5/0

- 8.6 Proposed Memorandum of Understanding Re: ESUHSD's Potential Lease of Berryessa Branch Library Facilities for District's Educational Programs – Alan Garofalo, Associate Superintendent of Student Services and Facilities

√ *Motion to approve proposed Memorandum of Understanding Re: ESUHSD's Potential Lease of Berryessa Branch Library Facilities for District's Educational Programs, was made by Clerk Herrera, seconded by Vice President Nguyen.*

Vote: Vote 4/0 Member Garcia out of room.

- 8.7 Proposed Impact Fee Process – Alan Garofalo, Associate Superintendent of Student Services and Facilities

Alan Garofalo, Associate Superintendent of Students Services and Facilities

No Board action is required. This item is for informational purpose. We are looking at doing an impact study to raise our developers' fees. We are looking at taking this item to Tier 2. This would put the square footage up to \$2.63 a square foot for residential. We will go through and design a process and will come back in 180 days for a vote.

- 8.8 Approve Increase of Certificated Substitute Pay Rate – Dan Moser, Associate Superintendent of Instructional Services and Human Relations

Superintendent Nuñez

To become more competitive with other districts in the valley. It is our hope with this increase, for our retired teachers, we would be able to attract more substitutes so our classes are covered.

√ *Motion to approve Increase of Certificated Substitute Pay Rate, was made by Member Biehl, seconded by Vice President Nguyen.
Vote: 5/0*

- 8.9 Adopt Resolution #2007/2008-22 to Hire on a Short-Term Basis up to Six Employees as Campus Monitors – Jerry Kurr, Associate Superintendent of Administration and Business Services

√ *Motion to adopt Resolution #2007/2008-22 to Hire on a Short-Term Basis up to Six Employees as Campus Monitors was made by Member Biehl, seconded by Member Garcia.
Vote: 4/0 President Shirakawa out of the room.*

- 8.10 Receive Williams Settlement Uniform Complaints Report for Period covering July 1, 2007 through September 30, 2007 as required by EC 35186 (Williams Settlement Legislation SB550 and AB2727) - Dan Moser, Associate Superintendent of Instructional Services and Human Relations

√ *Motion to receive Williams Settlement Uniform Complaints Report for Period covering July 1, 2007 through September 30, 2007 as required by EC 35186 (Williams Settlement Legislation SB550 and AB2727), was made by Clerk Herrera, seconded by Member Biehl.
Vote: 4/0 President Shirakawa out of room.*

- 8.11 Adopt Resolution #2007/2008-23 An Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546 – Jerry Kurr, Associate Superintendent of Administration and Business Services

√ *Motion to adopt Resolution #2007/2008-23 An Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546, was made by Member Biehl, seconded by Member Garcia.
Vote: 4/0 President Shirakawa out of the room.*

- 8.12 Approve Request for Use of Education Code 44258.7 – Teachers on Special Assignment Authorization for the 2007/2008 School Year – Dan Moser, Associate Superintendent of Instructional Services and Human Relations

Superintendent Nuñez

The Ed Code Section quoted 44258.7 should read 44258.3. It is corrected on the memorandum.

√ *Motion to approve request for Use of Education Code 44258.3 – Teachers on Special Assignment Authorization for the 2007/2008 School Year with above modification noted, was made by Member Garcia, seconded by Clerk Herrera.*

Vote: 4/0 President Shirakawa out of the room.

- 8.13 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 Member Biehl, seconded by Clerk Herrera.*

Vote: 4/0 President Shirakawa out of the room.

- 8.14 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 President Shirakawa out of the room.

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

√ *Motion to approve as amended, Contract for Professional Services, Attachment B, was made by Clerk Herrera seconded by Member Garcia.*

Vote: 4/0 President Shirakawa out of the room.

- 8.16 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 Herrera, seconded by Member Garcia.*

Vote: 4/0 President Shirakawa out of the room.

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

√ *There was motion to approve the entire Consent Calendar by Member Biehl, seconded by Clerk Herrera.*

Vote: 4/0 President Shirakawa out of the room.

ATTACHMENT A

(Agenda items in parentheses)

- Ratify and Approve Classified Personnel Actions Presented November 15, 2007 (9.1)
- Ratify and Approve Certificated Personnel Actions Presented November 15, 2007 (9.2)
- Ratify and Approve Student Aide Personnel Actions Presented November 15, 2007 (9.3)
- Purchase Orders Presented November 15, 2007 (9.4)
- Award of Bids (9.5)
- Approve School Field Trips (9.6)
- Approve Increase of Fees for Fingerprinting (9.7)
- Approve Proposed School Safety Drills for 2007/2008 (9.8)
- Approve Updated Course Descriptions: Heritage for Heritage Speakers; American Sign Language I (9.9)
- Approve Amendment to Course Offerings (Cosmetology) for the East Side Adult Education Program (9.10)
- Approve CAHSEE Local Waiver for Special Education Students (9.11)
- Approval of the Teacher Recruitment and Retention Program Grant for 2007/2008 (9.12)
- Approve Notice of Completion for the Evergreen Valley High School New Classroom Building (Blach Construction) (9.13)
- Approve Notice of Completion for the James Lick High School PE Modernization (Icono/LVI Demolition Services) (9.14)
- Approve Change Order #1 for Public Address System and Outside Plant Cabling Installation (SASCO Electric) (9.15)
- Approve Change Order #1 for Foothill High School Streetscape/Landscape Project (Lone Star Landscape Inc.) (9.16)
- Notice of Completion for Roof Replacement at Silver Creek, William C. Overfelt and Yerba Buena High Schools (Andy's Roofing) (9.17)
- Notice of Completion for Floor Replacement at Santa Teresa, Andrew Hill, William C. Overfelt, and Yerba Buena High School (Harry L. Murphy) (9.18)
- Notice of Completion for Asphalt Replacement/Repairs at Silver Creek, Oak Grove, Evergreen Valley and Santa Teresa High Schools (El Camino Paving) (9.19)
- Approve Minutes of Regular Board Meeting Dated October 18, 2007 (9.20)

10) **WRITTEN REPORTS**

- 10.1 Quarterly Safety Reports – First Quarter 2007 – Alan Garofalo, Associate Superintendent of Student Services and Facilities

WRITTEN REPORTS

Member Biehl

I would like to complement Andrew Hill High School. I would like to read this for to the record. Since the start of the school year an extensive progressive discipline program was instituted. Andrew Hill High School's in house suspension has helped reduced incidents of defiance with common dress by close to 90%. It is the overwhelming consciences of the Safety Team that the incidents of defiance and insubordination and harassment have gone down by well over 50%. It is a night and day difference. Congratulations to the Andrew Hill!

Report received.

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

11.1 Board of Trustees

Member Garcia

The Latino Role Conference was absolutely great. The Safety Summit was overwhelming.

Member Biehl

I attend the conference on the pandemic flu. This is something we hope will not happen. It was very well organized by Carla Holtzclaw who was formally an employee with East Side Union High School District.

Vice President Nguyen

I was able to attend the Safety Summit at Overfelt High School. It was very well organized. With the great work of Dr. Ana Lomas and all the support staff it was a success. It was well attended by the community. Many parents give their input. They are very concern with these issues. I had an opportunity to attend the First Annual Fundraiser for the Jose Valdes Program at Andrew Hill High School last Sunday. What was impressive about this event is that the people who put the fundraiser together were former students of Andrew Hill High School. Many of these students attended the Jose Valdes Program. Many of these students went to Ivy League Colleges. These former students came back to develop and join this foundation. These students are able to give back to the community and the school. This was a great event.

Thank you Mr. Pardo.

11.2 Superintendent Nuñez

KIPP Charter School Request

Last week we received a petition from KIPP San Jose Charter School. It is a petition to have a charter school here with East Side. We will begin the interview process with them. What we have done in the past is to have cabinet meet with them every

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

week to go through every part of the process. This year we are going to invite CSEA and ESTA to sit on that panel with us. If they have any questions or concerns they can be voiced right at the onset. We will be back to meet the 30 day time line. We will be back at the December 13th Board Meeting.

Valdes Program

This year Dan Moser has looked at how to incorporate the ongoing process for not only the feeder school process but also for those students who are looking for some enrichment. I would ask Dan Moser to come back in January to describe that program, because the Jose Valdes Program is an institution of this District we don't want to see leave. The program is one of the major assets of this District.

12) CLOSED SESSION

CLOSED SESSION

12.1 Expulsions – A

*Student A: Approved the expulsion for one academic year.
Vote: 4/0 Clerk Herrera was absent.*

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)

12.4 CONFERENCE WITH LEGAL COUNSEL –
ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code: one potential case.

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 Clerk Herrera, seconded by Member Garcia, meeting was adjourned by President Shirakawa at 8:30 p.m.

Respectfully submitted,



J. Manuel Herrera, Clerk
East Side Union High School District
Clerk of the Board of Trustees