

## Agenda Item

### 16.28 Approve Minutes of April 9, 2009, Regular Board Meeting

Meeting: 05/21/2009 ESUHSD REGULAR BOARD MEETING - 4:00 P.M.  
Category: 16. Consent Calendar Items - ATTACHMENT A  
Agenda Type: Action (Consent)  
Public Access: Yes

## Agenda Item Content



### EAST SIDE UNION HIGH SCHOOL DISTRICT

**TO:** Board of Trustees  
**FROM:** Bob Nuñez, Superintendent  
**SUBJECT:** Approve Minutes of April 9, 2009, Regular Board Meeting

Attached are the minutes of the April 9, 2009, Regular Board meeting for review and approval by the Board of Trustees.

**FISCAL IMPACT:** None

**FUNDING SOURCE:** None

**RECOMMENDATION:** It is recommended that the Board of Trustees approve the April 9, 2009, Board meeting minutes as presented.

## Additional Executive Content

Our adopted rules of Parliamentary Procedure, Robert's Rules, provide for a consent agenda listing several items for approval of the Board by a single motion. Most of the items listed under the consent agenda have gone through Board subcommittee review and recommendation. Documentation concerning these items has been provided to all Board members and the public in advance to assure an extensive and thorough review. Items may be removed from the consent agenda at the request of any board member.

Created on 05/13/2009 at 07:33 PM by Mary Guillen. Last update on 05/14/2009 by Mary Guillen.

**EAST SIDE UNION HIGH SCHOOL DISTRICT**  
**Minutes of the Regular Meeting of the Board of Trustees**  
**Meeting Held at Education Center**  
**April 9, 2009**

**1. CALL TO ORDER/ROLL CALL**

The Regular Meeting of the Board of Trustees was called to order at 4:01 p.m. by President Martinez-Roach. Member Nguyen and Member Garcia were present. Clerk Biehl arrived at 4:04 p.m. and Vice President Herrera arrived at 4:11 p.m.

**CALL TO ORDER**

**2. CLOSED SESSION**  
**2.01 EXPULSIONS**

*Student A:*

*The Board on a vote of 5/0 approved the expulsion of Student A as modified.*

*Student B:*

*The Board on a vote of 5/0 approved the expulsion of Student B as modified.*

*Student C:*

*The Board on a vote of 5/0 approved the expulsion of Student C as modified.*

*Student D:*

*The Board on a vote of 5/0 approved the expulsion of Student D.*

**CLOSED SESSION**

**2.02 PUBLIC EMPLOYEE DISCIPLINE/DISSMISSAL/  
RELEASE (Government Code Section 54957)**

**2.03 CONFERENCE WITH LABOR NEGOTIATORS  
(Government Code Section 54957.6)**

*Agency Designated Representatives:*

*Bob Nuñez, Superintendent*

*Jerry Kurr, Associate Superintendent of Administration and  
Business Services*

*Dan Moser, Associate Superintendent of Instructional  
Services 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)*

*East Side Teachers Association (ESTA)*

**2.03 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

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

Three (3) potential cases

*The Board on a vote of 5/0 voted to reject the claim of Ann Lucero.*

*The Board on a vote of 5/0 authorized staff to seek settlement with specific fiscal limits. The title of this action will be disclosed once settlement is reached or litigation is commenced.*

**2.05 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

**2.06 PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
(Government Code Section 54957)**

**2.07 PUBLIC EMPLOYMENT/PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957)**

**3. PLEDGE OF ALLEGIANCE**

**4. WELCOME AND EXPLANATION TO AUDIENCE**

*President Martinez-Roach extended a welcome to everyone, explained the format of the meeting and noted that all Board Meetings are recorded.*

**5. CONSIDERATION OF PROPOSED AMENDMENTS TO AGENDA**

*None*

**6. BOARD SPECIAL RECOGNITION(S)**

**6.01 Special Recognition of Staff**

- *Certificated : Mary Metz*
- *Classified: Charlie Fortes, Omar Gutierrez, Gilbert Gaska and Dennis Gentile*
- *Administration: Tom Huynh*

**6.02 National Merit Finalists**

- *Christine Dinh, Evergreen Valley High School*
- *Devon Bates, Piedmont Hills High School*
- *Rouyo Zhang, Santa Teresa High School*
- *David Zeng, Santa Teresa High School*

**PLEDGE OF ALLEGIANCE**

**WELCOME AND EXPLANATION**

**CONSIDERATION OF AMENDMENTS**

**SPECIAL RECOGNITION(S)**

**7. STUDENT BOARD LIAISONS**

*7.01 Jeanelle Ajel, ASB President – Mt. Pleasant High School*

*7.02 Amanda Cord, ASB President, Santa Teresa High School*

**8. PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD OF TRUSTEES**

- *Omar Gutierrez – Call for Fiscal Responsibility*
- *Linda Todd – Adult Education Program*
- *Valli Sharpe-Geisler – Adult Education Program*
- *Nika Lu – Adult Education Program*
- *Lee Troung – Adult Education Program*
- *Glennis Cameron – Adult Education Program*
- *Fran Brautigan – Adult Education Program*
- *Alexandra Alas – Adult Education Program*
- *Celina Ni – Adult Education Program*
- *Joy Luu – Adult Education Program*
- *Minh Nguyen – Adult Education Program*
- *Marie Yepez – Adult Education Program*
- *Hoang Thai – Adult Education Program*
- *Robert Bell – Adult Education Program*
- *Pat Chamberlain – Adult Education Life-Long Learning Prog.*
- *Norma Bejarano – Adult Education Program*
- *Jennifer Lewis – Adult Education Program*
- *Sky Anderson – Elimination of Director of Special Services*
- *Janice Richardson – Elimination of Director of Special Svcs.*
- *Sue McAllister – Save Our Sports 5K Run Update*
- *Phuong Nguyen – Adult Education Program*
- *Cintia Van Sambeek – Adult Education Program*
- *Rosa Solorzano – Director of Special Services*
- *Teresa Montes de Oca – Director of Special Services*
- *Julia Gonzales Luna – Downtown College Prep*
- *Richard & Amelia Ruiz – Downtown College Prep*
- *Jonathan Ahumada – Downtown College Prep*
- *Keven Chavez – Downtown College Prep*
- *Francisca Dominguez – Downtown College Prep*
- *Virginia Arce – Downtown College Prep*
- *Erika Rico – Downtown College Prep*
- *Jose Luna – Downtown College Prep*
- *Ana Chavez & Ana Mendez – Downtown College Prep*
- *Marisa Hanson – Tentative Agreement*
- *Cindy Bega – Classified Personnel Actions*

**STUDENT BOARD  
LIAISONS**

**ORAL COMMUNICATIONS**

9. **SUPERINTENDENT – OPERATIONAL ITEMS/  
BOARD DISCUSSION AND/OR ACTION**

- 9.01 **Adopt Resolution #2008-2009-32 Declaring May 3-9,  
as California Day of the Teacher – Bob Nuñez,  
Superintendent**

*Motion to adopt resolution #2008/2009-32 Declaring May  
3-9, 2009, as California Day of the Teacher made by  
Clerk Biehl, second by Vice President Herrera.  
Vote: 5/0*

- 9.02 **Adopt Resolution #2008/2009-33 Declaring May 17-23,  
2009, as Classified School Employees Week - Bob  
Nuñez, Superintendent**

*Motion to adopt resolution #2008/2009-33 Declaring May  
17-23, 2009, as Classified School Employees Week  
made by Vice President Herrera, second by Clerk Biehl.  
Vote: 5/0*

10. **INSTRUCTIONAL SERVICES – OPERATIONAL ITEMS/  
BOARD DISCUSSION AND/OR ACTION**

- 10.01 **Hold Public Hearing at 6:30 p.m. to Consider Downtown  
College Prep Charter School Petition – Dan Moser,  
Associate Superintendent of Instruction and Human  
Relations**

*Public hearing to consider Downtown College Prep  
Charter School Petition held.*

- 10.02 **Andrew Hill High School Presentation – Dan Moser,  
Associate Superintendent of Instruction and Human  
Relations and Bettina Lopez, Principal of Andrew Hill  
High School**

*Andrew Hill High School presentation by Principal  
Bettina Lopez.*

- 10.03 **Evergreen Valley High School Presentation – Dan  
Moser, Associate Superintendent of Instruction and  
Human Relations and Cari Vaeth, Principal of Evergreen  
Valley High School**

*Evergreen Valley High School presentation by Principal  
Cari Vaeth.*

- 10.04 **Accept Valenzuela/CAHSEE Williams First Quarter  
Report – Dan Moser, Associate Superintendent of  
Instruction and Human Relations**

*Motion to accept the Valenzuela/CAHSEE Williams First  
Quarter Report made by Vice President Herrera, second  
by Clerk Biehl.  
Vote: 5/0*

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

**INSTRUCTIONAL SVCS -  
OPERATIONAL ITEMS/  
BOARD DISCUSSION  
AND/OR ACTION**

**10.05 Approve the Community-Based English Tutoring (CBET) Program - Dan Moser, Associate Superintendent of Instruction and Human Relations**

*Motion to approve the Community-Based English Tutoring (CBET) Program made by Vice President Herrera, second by Member Nguyen.*

**Vote: 5/0**

**11. STUDENT SERVICES – OPERATIONAL ITEMS/ BOARD DISCUSSION AND/OR ACTION**

**STUDENT SERVICES - OPERATIONAL ITEMS/ BOARD DISCUSSION AND/OR ACTION**

**11.01 Approve New Board Policy #5353 Pertaining to Student Lockers – Alan Garofalo, Associate Superintendent of Student Services and Facilities**

*Motion to approve new Board Policy #5353 Pertaining to Student Lockers as amended made by Clerk Biehl, second by Vice President Herrera.*

**Vote: 5/0**

**11.02 Approve Renewal Application and Local Plan for the 2009-2010 Carl D. Perkins Vocational and Technical Education Grant - Alan Garofalo, Associate Superintendent of Student Services and Facilities**

*Motion to approve renewal application and local plan for the 2009-2010 Carl D. Perkins Vocational and Technical Education Grant made by Vice President Herrera, second by Member Nguyen.*

**Vote: 5/0**

**12. HUMAN RESOURCES – OPERATIONAL ITEMS/ BOARD DISCUSSION AND/OR ACTION**

**HUMAN RESOURCES - OPERATIONAL ITEMS/ BOARD DISCUSSION AND/OR ACTION**

**12.01 Approve Second Reading of 4000 Board Policy Series and Adopt 4000 Board Policy Series – Dan Moser, Associate Superintendent of Instructional Services and Human Relations**

*Motion to approve the second reading of the 4000 Board Policy series and adopt the 4000 Board Policy series made by Vice President Herrera, second by Member Nguyen.*

**Vote: 5/0**

**12.02 Ratify and Approve Tentative Agreement with East Side Teachers Association/CTA/NEA, August 31, 2009 - August 31, 2010 - Dan Moser, Associate Superintendent of Instructional Services and Human Relations**

*Motion to ratify and approve tentative agreement with East Side Teachers Association/CTA/NEA, August 31, 2009, made by Member Garcia, second by Vice President Herrera.*

**Vote: 5/0**

**13. BUSINESS SERVICES – OPERATIONAL ITEMS/ BOARD DISCUSSION AND/OR ACTION**

**BUSINESS SERVICES - OPERATIONAL ITEMS/ BOARD DISCUSSION AND/OR ACTION**

**13.01 Approve Purchase Orders Presented on April 9, 2009 - Jerry Kurr, Associate Superintendent of Administration and Business Services**

*Motion to approve purchase orders presented on April 9, 2009, made by Vice President Herrera, second by Clerk Biehl.*

**Vote: 5/0**

**13.02 Approve Contracts for Professional Services (ATTACHMENT B) - Jerry Kurr, Associate Superintendent of Administration and Business Services**

*Motion to approve contracts for professional services made by Member Garcia, second by Vice President Herrera.*

**Vote: 5/0**

**13.03 Receive First Reading Board Policies 3000 Series – Jerry Kurr, Associate Superintendent of Administration and Business Services**

*First reading of 3000 Board Policy series received.*

**13.04 Approve Budget Adjustments – Jerry Kurr, Associate Superintendent of Administration and Business Services**

*Item carried.*

**14. FACILITIES – OPERATIONAL ITEMS/ BOARD DISCUSSION AND/OR ACTION**

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

**None**

**15. ADULT EDUCATION – OPERATIONAL ITEMS/  
BOARD DISCUSSION AND/OR ACTION**

**ADULT EDUCATION -  
OPERATIONAL ITEMS/  
BOARD DISCUSSION  
AND/OR ACTION**

**15.01 Adult Education Program Presentation – Alan Garofalo,  
Associate Superintendent of Student Services and  
Facilities, and Rich Uribe, Director of Adult Education**

*Adult Education Program presentation by Rich Uribe,  
Director of Adult Education.*

**16. ATTACHMENT A – CONSENT CALENDAR ITEMS**

**ATTACHMENT A**

*Item 16.01, 16.02 and 16.06 were pulled. Motion to approve the  
remainder of the consent calendar made by Vice President  
Herrera, second by Member Nguyen.*

**Vote: 5/0**

*(Agenda items in parenthesis)*

- *Ratify and Approve Student Aide Personnel Actions  
Presented April 9, 2009 (16.03)*
- *Approve School Field Trips (16.04)*
- *Approve CAHSEE Local Waivers for Special Education  
Students (16.05)*
- *Award of Bids (16.07)*
- *Approve Change Order #1 for Restroom Modification  
Project at James Lick, Yerba Buena and Piedmont Hills  
High Schools (Roldan Builders, Inc.) (16.08)*
- *Notice of Completion for James Lick High School  
New Restroom Building Project (Zolman Construction, Inc.) (16.09)*

- *Motion to approve item 16.01, Ratify and Approve  
Classified Personnel Actions Presented April 9, 2009, made  
by Clerk Biehl, second by Member Nguyen.*

**Vote: 5/0**

- *Motion to approve item 16.02 Ratify and Approve  
Certificated Personnel Actions Presented April 9, 2009,  
made by Vice President Herrera, second by Member  
Nguyen.*

**Vote: 4/1 President Martinez-Roach voting No**

- *Motion to approve item 16.06 Acceptance of Donations,  
Grants and Awards made by Clerk Biehl, second by  
Member Nguyen.*

**Vote: 4/0; 1 Abstention**

**Abstention by President Martinez-Roach due to conflict  
of interest**

**17. WRITTEN REPORTS/RECOMMENDATIONS**

**WRITTEN REPORTS**

**None**



18. **BOARD OF TRUSTEES/SUPERINTENDENT  
COMMUNICATIONS/COMMENTS**  
18.01 **Board of Trustees**

**BOARD/SUPERINTENDENT  
COMMENTS**

▪ **J. Manuel Herrera, Vice President**

*I feel protective of the Adult Education Program. It needs more resources. How it ended up in the flexibility column is a big question. Every penny allocated to Adult Ed needs to stay in Adult Ed.*

▪ **Frank Biehl, Member**

*MetroED – MetroED is going through the same process that we are. We laid off nine classified employees at our last meeting. It is a sad thing for us to do, but I want to assure you that the fiscal integrity of MetroED is being watched very carefully by their administration and appropriate steps are being taken however sad they are to take.*

• **Lan Nguyen, Member**

*We are in a difficult budget situation. We should be thinking about the Tier III reductions to balance the budget because I also see the Adult Education Program as very valuable, not only Adult Education, but other programs as well. If the administration has not thought about putting the resolution on the agenda, I would like to formally request that it be put on the agenda.*

• **Eddie Garcia, Member**

*Last month I went to go the Overfelt High School's class production on the Laramie Project. It was solid! Wow is the best word! It was cutting edge. It was so cutting edge that during their intermission Vito came to me and asked if it was a little over the edge. I said not. I was so impressed with the insightfulness that these students had and the ability to portray what is a pivotal fine point in our Country's history, The Laramie Project. Mr. Chiala, to you and your team and Mr. Chavez: "Double thumbs up! It was great!" Tell your students thank you. They all gave me a nice signed framed photo.*

• **Patricia Martínez- Roach, President**

*I would like to have our General Counsel look at the resolution to see if it is appropriate for us because it almost sounds like a negotiable resolution and I just want to make sure that we are okay with the legality.*

*I do want to say it has been a pleasure going around to the schools and to the Latino Empowerment ceremony where we had 2,000 students and parents and Independence High School. Last Saturday was with the Vietnamese students and parents. It was very empowering to see so many people get together and represent what we are all about and that's student achievement.*

*We had the Raiders Kick-Off event and it was just an amazing experience. A bus load of people went there. I am real excited to hear that people are making reservations already for the games so that we can raise some money. I am very optimistic. I think it is going to be a win-win for us and fundraising efforts are very strong. The Superintendent and I are going to be stepping back from the Fundraising Committee. I will be there if you need me. Mr. Garofalo will be taking over the Committee.*

*There is another program that I am very protective of and that is child care. They always want to cut child care and I am here to protect it. It is a very important program for our students.*

*At some point, I would like us to have a report on ELD students throughout the District; where we are and what kinds of programs we have. I believe the biggest student achievement gap that we have is in that area. We all need to come together on that and find an aggressive solution.*

#### **18.02 Superintendent**

##### **Bob Nuñez, Superintendent**

*We will be having a Special Board meeting on May 12 for a half hour.*

*Donation update: We have close to \$2,000 in donations. What will help in donations and fundraising will be the leasing out of our facilities. We do have a Facilities Use Policy and that is 1330a. We will be bringing that back to the Board for a first and second reading so that we can look at the rate we are charging and the rental of the facilities.*

*There is not a program that we are going to find a champion for. These are going to be very hard decisions that we are going to have to make like the other district have made. The Principals have been looking and programs and funding levels at the schools. You will be receiving a proposal/recommendation from administration that will include talking to the Associations, but ultimately it will be one that reduces dollars that will allow to continue delivering a quality education to students. At the same time, I don't want to forget that there are three Town Hall Meetings where we still need to talk about the funding of education. I invite you all to become part of that group and listen and be active members in trying to get education funded at acceptable levels.*

#### **19. REPORT CLOSED SESSION ACTION(S)**


**See section 2.0**

**REPORT CLOSED  
SESSION ACTION(S)**

20. **ADJOURNMENT**

*Meeting adjourned at 10:00 p.m. by President Martinez-Roach.*

*Respectfully submitted,*



\_\_\_\_\_  
Board Clerk

**ADJOURNMENT**