

Agenda Item

10.14 Approve Minutes of September 18, 2008 Regular Board Meeting

Meeting: 11/20/2008 ESUHSD REGULAR BOARD MEETING - 4:00 P.M.
Category: 10. 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 September 18, 2008 Regular Board Meeting

Attached are the minutes of the September 18, 2008, 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 September 18, 2008, Board meeting minutes as presented.



BA_20080918_Minutes.pdf

East Side Union High School District

APPROVED

Board of Trustees

M. Guillen 11-20-2008

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 11/06/2008 at 11:30 AM by Mary Guillen. Last update on 11/16/2008 by Mary Guillen.

**EAST SIDE UNION HIGH SCHOOL DISTRICT
Minutes of the Regular Meeting of the Board of Trustees
Meeting Held at Education Center
September 18, 2008**

1. CALL TO ORDER/ROLL CALL

The Regular Meeting of the Board of Trustees was called to order at 4:09 p.m. by President Nguyen. Vice President Garcia, Clerk Shirakawa and Member Biehl were present. Member Herrera arrived at 6:41 p.m.

CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

PLEDGE OF ALLEGIANCE

3. WELCOME AND EXPLANATION TO AUDIENCE

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

WELCOME AND EXPLANATION

4. CONSIDERATION OF PROPOSED AMENDMENTS TO AGENDA

CONSIDERATION OF AMENDMENTS

None

5. BOARD SPECIAL RECOGNITION(S)

SPECIAL RECOGNITION(S)

- *Christine Griffin-Janisch, Andrew Hill High School – ESUHSD Teacher of the Year*
- *Michelle Sanchez, Mt. Pleasant High School - CALSA Scholarship Recipient*
- *Angel Rodriguez, Mt. Pleasant High School Student – CALSA Scholarship Recipient*
- *Melanie Reyes, Mt. Pleasant High School – CALSA Scholarship Recipient*
- *Gabriel Soto, Mt. Pleasant High School – CALSA Scholarship Recipient*
- *Lucina Sanchez, Wm. C. Overfelt High School – CALSA Scholarship Recipient*
- *Mari Garcia, Santa Teresa High School – CALSA Scholarship Recipient*

6. PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD OF TRUSTEES

ORAL COMMUNICATIONS

- *Arthur Rodriguez – School Libraries*
- *Rosalind Taylor – School Libraries*
- *Jerry Dyer – Restoring Librarians*
- *Ralph Giannini - Librarians*
- *Janice Mallard – Librarians*
- *Don Dawson – Librarians*
- *Eleanor Aguirre – Library Cuts*
- *Ted Sapphire – Libraries*
- *Patricia Martinez-Roach – Librarians*
- *Lisa McCusker – Librarians*
- *Hernan Diaz on behalf of Greg Van Holt - Librarians*

- Ed Wong – Librarians/Counselors)
- Chris Evans – School Libraries
- Marisa Hanson - Librarians
- For Evergreen Club (Student Representatives) – Recycled Paper
- Micheal Reed – ASB Funds
- Mary Ortega – Piedmont Hills Softball Field
- Heather Lopez – Piedmonts Hills Softball Field
- John Ortega – Piedmont Hills Softball Field
- Laurie Ortega – Piedmont Hills Softball Field
- Sharon Jackson – Lockers/Softball Field
- Brenda Koehler – Locker Removal at Piedmont Hills High School
- Marlene Teehan – Taking Out Lockers/Health Issue
- Linda Turner – School Lockers at Piedmont Hills High School
- Jerry Hughes - Santa Teresa Football Lights
- John Moore – Stadium Lights at Santa Teresa High School
- Margaret Shepperson – Summer School and Accountability
- John Sellarole – Citizens’ Bond Oversight Committee (CBOC)
- Marc Tafoya Young – Textbook Resolution
- John Moore – One-Time Approval of Policies
- Cindy Bega – Unaudited Actuals
- Julio Pardo – Classified Actions

7. STUDENT BOARD LIAISONS

*Kathleen Nguyen, ASB President – Evergreen Valley High School
Joey Flores, ASB President – Yerba Buena High School*

8. OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

**8.01 Citizens’ Bond Oversight Committee Report –
John Moore, Chairperson of Citizens’ Bond Oversight
Committee**

Presentation made by Chairperson John Moore.

Member Herrera

You mentioned merging the two committees. I would like to see some type of proposition come from the bodies as opposed to an individual and from the administration so that I could have a sense of what are the upsides and downsides of that kind of approach. That is being proposed that the sentiment of both committees be represented in some formal communication regarding that so that it is not just John Moore just saying that.

CBOC Chairperson Moore

I will do that. Although, for clarity, when I speak as Chair of the Committee, to the best of my ability I submerge my personal opinions and I speak for the majority comments of my Committee. There are opportunities when I will come up and speak as an individual.

**STUDENT BOARD
LIAISONS**

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

Member Herrera

That idea is a sentiment among the members?

CBOC Chairperson Moore

It is something that we discussed and will discuss in our October 1 meeting. I would never do anything to diminish the power of my Committee by expressing personal opinions.

Member Herrera

Thank you very Mr. Moore on that issue. I would also want to know as a Board Member what the administration's sense of that would be as well. The other is the comments made by John Sellarole, which I take very seriously because I think that he, you and others that sit on the Citizens' Oversight Bond Committee take very seriously the trust that you represent on the part of the community's trust in this process. I just want to say publicly that I don't see us taking that step without some sense of discomfort in it and I am hoping that we will not always be in that position. I just want to say publicly that I am not comfortable with it and hoping that there is an agreement from the community if they knew more on this matter.

Member Biehl

First Mr. Moore, thank you and your Committee for all the fine work that you do. I appreciate the decision that you've made because I think it is difficult in these times that building projects can no longer be subsidized by general operating funds. The Attorney General's opinion says that in a narrow limited way that if, in fact, salaries are being used to complete the building projects and work directly on the building projects, it is an appropriate use of funds and you and your committee have spent the time to figure out the appropriate allocation of that backed up with the facts in figures from the District. On the face of it, it sounds like you are using money for administrative salaries, but really there are other ways to fund a building project. You could lease build and everything could be handled that way. You could contract with a firm that was responsible not just for the management of the project, but also for paying all the bills on the project or for doing the planning on the project. I think it is a legitimate expense for the bonds to cover and I know it is something the District should have done previously and it was a surprise to do it retroactively for a period of months. It should have been done before and I appreciate the work that you have done to do it an appropriate way moving forward. I have one question deals with the building plan itself. What you alluded to tonight sounded like the building plan goes to you first and then it comes back to us. I think it actually starts--the Academic Master Plan provides the input from the sites, then the administration prepares a proposal, then it goes to us, then we bless a master building plan and then we start spending the money.

Chairperson Moore

If that was the impression that I left you with, then I mis-spoke. That is definitely not the case. What I was to is that work is being on a master scope and sequence. As in the past, some of that has come to the Committee at our regular for comment when money has been spent. There has been talk that an advisory role for the Committee may be expanded or some other group that would be total separate. There are a variety of things being looked at by administration, but no, the Citizens' Bond Oversight Committee is strictly a rearview mirror vision of how we are spending bond funds. If I left anybody in this room with the impression that believe that we have a decision-making role or any other role beyond that, that is my mistake and I apologize.

Member Biehl

No problem. Just one last thing, the idea of consolidating the two Committees, I have a little bit of a problem with that just to let you know. I think we have to be pretty clear about which is which and I think maybe the answer is to simply segregate. You could have your meeting in tandem, but just segregate the people as to who is on what Committee and who is in the audience watching because there is issue with term limits and what have you on your Committee. I think it may be more confusing to do it that way and the reality is just Measure G is just about done. The two are related on one another and it makes sense to meet on the same night and in tandem, but I am not convinced that it actually makes sense to make it actually into one Committee and certainly you need to check with Counsel to see if that will work, but that is my initial thing. Thank you for all the good work that you have done.

President Nguyen

I appreciate all the work that you do. I have never seen a more talented group of Committee as we have with the Measure G and Measure E Committees. You have the best group of talented individuals like yourself Dr. Sellarole and we have a couple of other names we have appointed to the Measure E Committee that I think will be a talented group. It will be a group that we can always look for in advice in how to appropriately spend the public dollars so we have complete confidence.

Chairperson Moore

Thank you.

President Nguyen

I appreciate all your work and again, go back to the Measure E and Measure G Committees, unless you can help us to really see how you can mesh the group together and how can you distinguish issues on the agenda and things like that, it will be difficult for ourselves to distinguish

also when we have to make either decisions or just really understand it. It will help us more if you can...maybe an October meeting to talk about it.

Chairperson Moore
Okay.

- 8.02 Hold Public Hearing at 6:15 p.m. to Adopt Resolution Regarding Sufficiency of Textbooks and Instructional Materials per Education Code 60119 - Dean Moser, Associate Superintendent of Instruction and Human Relations**

Public hearing held.

- 8.03 Adopt Resolution #2008/2009-03 Regarding the Sufficiency of Textbooks and Instructional Materials – Dan Moser, Associate Superintendent of Instruction and Human Relations**

*Motion to adopt Resolution #2008/2009-03 regarding the Sufficiency of Textbooks and Instructional Materials made by Member Biehl, second by Member Herrera.
Vote: 5/0*

- 8.04 Hold Public Hearing at 6:20 p.m. to Adopt Gann Spending Limit per Education Code Sections 42123 and 1629 - Jerry Kurr, Associate Superintendent of Administration and Business Services**

Public hearing held.

- 8.05 Adopt Resolution #2008/2009-04 Gann Spending Limit - Jerry Kurr, Associate Superintendent of Administration and Business Services**

*Motion to adopt Resolution #2008/2009-04 Gann Spending Limit made by Member Biehl, second by Vice President Garcia.
Vote: 5/0*

- 8.06 Responses to Santa Clara County Civil Grand Jury Report - Inventory Practices Inadequate in Santa Clara County School Districts - Jerry Kurr, Associate Superintendent of Administration and Business Services and Julie Kasberger, Director of General Services**

Presentation made by Director Julie Kasberger regarding inventory practices in Santa Clara County Schools. No action required on this item.

8.07 Alternative Career Technical Training (ACTT) High School - Alan Garofalo, Associate Superintendent of Student Services and Facilities, John Fox, CCOC Director and Gerri Forte, Director of Career Services

Member Biehl

I just want to thank you and Jody for all the good work that you have done here, as well as the Superintendent for coming up with this idea. The Board at MetroED is very excited about this. All the other members from the other districts, in fact, they are saying how can we do this in our district too. This is a pilot program and I am excited and really glad it is working and I hope in the next month or two to come over and pay a visit and see it myself. Thank you so much.

Motion to approve the District's pilot program for the Alternative Career Technical Training High School made by Member Herrera, second by Member Biehl.

Vote: 5/0

8.08 Approve Unaudited Actuals for 2007-2008 - Jerry Kurr, Associate Superintendent of Administration and Business Services

Vice President Garcia

What is the projected shortfall with enrollment you think over the course of the year?

Associate Superintendent Kurr

The way we project enrollment is that we take and attendance rate of about 94% so the 200 is down to 190 something and that is what I based about \$6,200 in revenue limit what would equate to that number.

Member Biehl

Do we have any idea what the enrollment is about? Have we taken any look into that; why we are down 200?

Associate Superintendent Kurr

We actually at this time of year everyday look at the enrollment.

Member Biehl

I do too. When you send that report every day, I am looking at it. My question is...

Associate Superintendent Kurr

It is in our ninth grade population. For some reason it is Independence, YB and Oak Grove. We do know there may have been some impact by about 90 students for the KIPP program that would have come out of Alum Rock, but that would have only affected, I believe, Independence. We haven't analyzed completely what the cause of the enrollment drop at Oak Grove. Although, I did this

morning at the County CBO meeting, Oak Grove Elementary District indicated they are surprised in the drop in their enrollment also.

Member Biehl

I know several years ago my wife and I sort of talked there was some sort of bubble going through the school system and then we felt that about this time we were going to start seeing the change, but I am also wondering about the current economic circumstances in a lot of our community and how that might be affecting it as well. Thank you for the report.

President Nguyen

Thank you for your work Jerry. As we heard, the Governor and the Legislators have agreed on the budget, but we have heard more bad news than good that came out of it. So, we will be waiting for your full analysis, Jerry and Bob, to see what the impact is going to be like for our district.

Motion to approve the unaudited actions for 2007-2008 made by Member Herrera, second by Vice President Garcia.

Vote: 5/0

- 8.09 Adopt Resolution #2008/2009-05 to Authorize Adjustments of Expenditures and Adopt Resolution #2008/2009-06 to Authorize Adjustments of Revenues between Undistributed Reserve - Jerry Kurr, Associate Superintendent of Administration and Business Services**

Resolution #2008/2009-05 to Authorize Adjustments of Expenditures pulled.

Resolution #2008/2009-06 to Authorize Adjustments of Revenues between Undistributed Reserve pulled.

- 8.10 Adopt Resolution #2008/2009-07 to Issue Tax and Revenue Anticipation Notes for Fiscal Year 2008/09 - Jerry Kurr, Associate Superintendent of Administration and Business Services**

Motion to adopt Resolution #2008/2009-07 to Issue Tax and Revenue Anticipation Notes for Fiscal year 2008/09 made by Member Herrera, second by Member Biehl.

Vote: 5/0

- 8.11 Adopt Resolution #2008/2009-08 to Endorse and Support Measure W Parcel Tax - Bob Nuñez, Superintendent**

Motion to adopt Resolution #2008/2009-08 to Endorse and Support Measure W Parcel Tax made by Member Biehl, second by Member Herrera.

Vote: 5/0

8.12 Request for One-Time Waiver of Board Policy 5142.1 to allow for a Fireworks Display at Andrew Hill High School - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion to approve a one-time waiver of Board Policy 5142.1 to allow for a fireworks display at Andrew Hill High School made by Clerk Shirakawa, second by Vice President Garcia.

Vote: 5/0

8.13 Request for One-Time Waiver of Board Policy 5142.1 to allow for a Fireworks Display at Independence High School - Jerry Kurr, Associate Superintendent of Administration and Business

Motion to approve a one-time waiver of Board Policy 5142.1 to allow for a fireworks display at Independence High School made by Clerk Shirakawa, second by Vice President Garcia.

Vote: 5/0

8.14 Request for One-Time Waiver of Board Policy 5142.1 to allow for a Fireworks Display at Yerba Buena High School - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion to approve a one-time waiver of Board Policy 5142.1 to allow for a fireworks display at Yerba Buena High School made by Clerk Shirakawa, second by Vice President Garcia.

Vote: 5/0

8.15 Program Management Services Agreement with The Seville Group, Inc. Measure E General Obligation School Facilities Bond Program - Jerry Kurr, Associate Superintendent of Administration and Business Services

Vice President Garcia

A couple of comments and a question. We have heard the report from Total School Solutions and things that have clearly endorsed the work that The Seville Group has done. The CBOC has publicly commented on the great work they have done and I have asked private of Mr. Moore to give me the real skinny. Are they really doing what they say they are doing? He said, "Absolutely." Staff has mentioned many times at this dais of the work they have done and everything I have heard about SGI from top to bottom, every single person on that team is qualified. Everybody that is working with that team is pleased with their work. I know that it is Alan and his team that work with them on a daily basis and I did read the contract and to me it looks fine, but I wanted to check with the day-to-day manager to see if you are comfortable with that

because you are the one that is going to manage that. You are the one that is going to ensure its compliance and I just want to check with you Alan to see if you are okay with the contract as well.

Associate Superintendent Garofalo

Mr. Garcia, I know Mr. Kurr and his staff worked diligently to put this together. I've gone through it several times inside and out. I probably have much of it memorized. It's just fine. It's a good agreement; a solid agreement. There's flexibility and for the District, which is a good thing.

Vice President Garcia

With that I feel comfortable making a motion, Mr. President, if I can.

President Nguyen

I think this is a fair contract. I looked at the language and it does give the District leeway and flexibility to not only contract work with SGI to provide the services, but also to have ongoing evaluations and things like that.

Motion to approve the program management services agreement with The Seville Group, Inc. made by Vice President Garcia, second by Clerk Shirakawa.

Vote: 5/0

8.16 Award Contract for Demographic Services - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion to award contract for demographic services to Davis Demographics and Planning, Inc. made by Member Biehl, second by Vice President Garcia.

Vote: 5/0

8.17 Approve the change in Governance and Operations of KIPP San Jose Collegiate from KIPP Heartwood Academy to KIPP: Bay Area Schools - Dan Moser, Associate Superintendent of Instruction and Human Relations

Motion to approve the change in governance and operations of KIPP San Jose Collegiate from KIPP Heartwood Academy to KIPP: Bay Area Schools made by Member Herrera, second by Vice President Garcia.

Vote: 5/0

8.18 Approve Amendment to MetroED Joint Powers Agreement (JPA) regarding Temporary Second Alternate Board Member Process - Bob Nuñez, Superintendent

Member Biehl

There was an odd circumstance that occurred where the Campbell representative was unable to attend the meeting and their alternate was unable to attend the meeting as

well. It was an important meeting and because of that, they thought they could just appoint someone else to attend, but they weren't allowed to because it is not included in the MetroED charter. The MetroED Board has discussed this and the staff over there have prepared several alternative. This, basically, was the simplest way we thought to solve the problem, which is in the unlikely circumstance that the representative from MetroED cannot make it and the alternative can't make it either, the President of the Board sending the representative may appoint on a one-time basis a representative to attend the meeting and that information just needs to be communicated from the Superintendent of the particular district to the MetroED Board before the meeting in writing. This has been approved by the MetroED Board. All of the MetroED Members thought this was the simplest and easiest way to do it. It is routine. I would ask for your approval tonight.

Motion to approve amendment to MetroED Joint Powers Agreement (JPA) regarding temporary second alternate Board Member process made by Member Biehl, second by Vice President Shirakawa.

Vote: 4/0

Vice President Garcia out of room.

**8.19 California School Boards Association (CSBA)
Candidate Nomination for Directors-at-Large:
Asian/Pacific Islander and Hispanic - Bob Nuñez,
Superintendent**

Member Biehl

If I may, since I am on the Delegate Assembly, there are two representatives that are currently serving. There is a Director-at-Large Asian/Pacific Islander. It has been Liao from the Cupertino School District. He is doing a good job. I have also had the opportunity to meet Director-at-Large for the Hispanic Community, Susan Heredia, and she is doing a very good job as well. I don't see there is any reason for us to nominate anyone else for this position, but if anyone here has a nomination of someone else we are free to do that. I recommend that we don't take action on this item.

No action taken on this item.

8.20 Second Reading and Adoption of 5000 Board Policy Series - Bob Nuñez, Superintendent and Alan Garofalo, Associate Superintendent of Student Services and Administration

Motion to approve/adopt 5000 Board Policy series made by Member Biehl, second by Clerk Shirakawa.

Vote: 5/0

8.21 Second Reading and Adoption of 7000 Board Policy Series - Bob Nuñez, Superintendent and Alan Garofalo, Associate Superintendent of Student Services and Administration

Motion to approve/adopt 7000 Board Policy series made by Member Biehl, second by Member Herrera.

Vote: 5/0

8.22 Approve Variable Term Waiver Requests for Certificated Employees - Dan Moser, Associate Superintendent of Instruction and Human Relations - ATTACHMENT D

Motion to approve the variable term waiver requests for certificated employees made by Member Herrera, second by Vice President Garcia.

Vote: 5/0

8.23 Approve Provisional Internship Permit Requests for Certificated Employees - Dan Moser, Associate Superintendent of Instruction and Human Relations - ATTACHMENT E

Motion to approve the provisional internship permit requests for certificated employees made by Member Biehl, second by Member Herrera.

Vote: 5/0

8.24 Contracts for Professional Services - Jerry Kurr, Associate Superintendent of Administration and Business Services - ATTACHMENT B

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

Vote: 5/0

8.25 Memoranda of Understanding - Jerry Kurr, Associate Superintendent of Administration and Business Services - ATTACHMENT C

Motion to approve the memoranda of understanding made by Member Biehl, second by Vice President Shirakawa.

Vote: 5/0

8.26 Request for One-Time Waiver of Board Policy 5142.1 to allow for a Fireworks Display at Evergreen Valley High School - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion to approve a one-time waiver of Board Policy 5142.1 to allow for a fireworks display at Evergreen Valley High School made by Clerk Shirakawa, second by Vice President Garcia.

Vote: 5/0

9. ATTACHMENT A – CONSENT CALENDAR ITEMS

Item 9.01 was pulled. Motion to approve the remainder of the consent calendar made by Member Herrera, second by Member Biehl.

Vote: 5/0

(Agenda items in parenthesis)

- *Ratify and Approve Certificated Personnel Actions Presented September 18, 2008 (9.02)*
- *Ratify and Approve Student Aide Personnel Actions Presented September 18, 2008 (9.03)*
- *Purchase Orders Presented September 18, 2008 (9.04)*
- *Approve School Field Trips (9.05)*
- *Notice of Completion for Flooring at Various School Sites (Harry L. Murphy, Inc.) Bid #B-28-07-08 (9.06)*
- *Notice of Completion for the Asphalt at Various School Sites (Galeridge Construction Inc.) Bid# B-27-07-08 (9.07)*
- *Notice of Completion for the Painting Services at Andrew Hill High School (A & A Painting Services) Bid# B-28-07-08 (9.08)*
- *Notice of Completion for the Roofing at Various School Sites (Andy's Roofing Company) Bid# B-27-07-08 (9.09)*
- *Notice of Completion for Evergreen Valley High School Scoreboard and Sound System (9.10)*
- *Notice of Completion for Independence High School Stadium Fence Project (9.11)*
- *Notice of Completion for James Lick High School Stadium Lights Project (9.12)*
- *Notice of Completion for the Oak Grove High School Building P Modernization Project (9.13)*
- *Approve Minutes of Special Board Meeting dated July 3, 2008 (9.14)*
- *Approve Minutes of Special Board Meeting #1 dated August 19, 2008 (9.15)*
- *Approve Minutes of Special Board Meeting #2 dated August 19, 2008 (9.16)*

- *Motion to approve item 9.01 Ratify and Approve Classified Personnel Actions Presented September 18, 2008, as amended, which is to pull the change of status for Debra Ramirez as indicated by Superintendent Nuñez, made by Member Biehl, second by Member Herrera.*

Vote: 5/0

10. WRITTEN REPORTS/RECOMMENDATIONS

10.01 Relocation of Santa Teresa High School Special Education Program
Report received.

11. BOARD OF TRUSTEES/SUPERINTENDENT COMMUNICATIONS/COMMENTS

11.01 Board of Trustees

- *Eddie Garcia, Vice President*
I went out to Yerba Buena High School last night. Great job Mr. Cruz. I was just a beehive of activity there. It was

ATTACHMENT A

WRITTEN REPORTS

BOARD/SUPERINTENDENT COMMENTS

a great evening. I noticed that Joey is gone, but I took a grand tour of the bathrooms and they looked great.

- *Frank Biehl, Member
MetroED Board Update
The Santa Clara County School Boards Association is having a Fall Dinner on October 22 at MetroED. We are contracting with them to have their students in the baking a catering class to do the dinner. Paul Chatman, the President of the California School Boards Association will be speaking that night. We have a jazz band from Saratoga High School District that will be playing. You are all invited to attend.*

On other comments, I would just like to ask that the Superintendent consider some sort of a review of the Summer School Program and some sort of incorporation of the Summer School Program into the Academic Master Plan. Perhaps some kind of a committee that includes parents and administrators to take a look at it to get some feedback and to see...basically to help us better understand it.

The last thing would be that at our last meeting I asked that there be some type of presentation on security services around the District at some point. I know this is a very busy meeting and not the time to do it. I am wondering if that could be scheduled sometime in the future.

- *George Shirakawa, Clerk
I am in the middle of a campaign and I talk to hundreds of voters. Many voters have shared with me their satisfaction with East Side Union High School District. They like what is going on with the facilities. They also like to articulate how well their kids are doing. So, I just want to pass this along to the Board, the administration, the staff and everyone else in the district. I wanted to share that with everyone.*
- *Lan Nguyen, President
I drive around Andrew Hill from time to time, from the outside it looks better than when it did when I used to go to school there. I can see that weekends, evenings and afternoons there are a lot of activities there. The community is definitely using the facility really well. I believe that all the schools in the district are well utilized. I live about two from Evergreen and sometimes I take my son and we walk by and also see that it is definitely well utilized. With the Measure G money we have definitely done a lot of good with our school sites and I do feel the students are feeling more proud of going to the schools everyday because of the facilities they have there. With the Measure I have*

complete confidence that it is going to be even better for our students. Again, I know that with such a small department under Mr. Garofalo, he and his staff have been doing a wonderful job. They are all under the Superintendent's direction. Good job Mr. Superintendent.

11.02 Superintendent

The main group and the Governor have agreed, but they now have to convince the members in the Senate and in the House. It is going to be interesting to see if it stays as identified on the paper, but if that is the way to go, we are then able to start looking at what the impact is on the District. One of the things that has come up is a letter dated August 1 from the County Superintendent indicates that "it is imperative that your Board approve a detailed expenditure reduction plan to balance the 2009-2010 and 2010-2011 budget and restore the minimum required reserves. This plan must be submitted to us no later than October 31." Jerry has been able to get them to go the end of November. At the same time, it is really our sense that we don't have to submit it until we submit the First Interim Report. What they are indicating is that what are we going to do the second and third year out. We will be meeting with the Associations and other stakeholders to take a look at what the budget really does mean to us and where we are going to go. I expect to start doing that in the next week or two. It does also say that we need to start reviewing our budget. We have 45 days after the Governor signs it. So, I am not exactly sure why the County Superintendent feels he can move that date up on us, but I am thankful that Jerry was able to convince him to move it down a little further.

At the Academic Master Plan, we had talked about having one more meeting to review the Small but Necessary Schools and the Charter Schools. We are looking at October 4 at 9:00 a.m. and we will do that here.

Jose Valdes Math Program, one of the things we are looking at is, if it actually comes to fruition, is utilizing the old Berryessa Library as a site for us. What we are going to house there is the Jose Valdes Math Program, which is going to allow students to go there for after school tutoring and programs. This will be not only for those that need help in algebra, but also for those that have the upper end math needs. We are also going to look at as we go through the process, the other community centers that we are able to get from the City. We are going to have that same program at all of those so that they will have a permanent home. Julio Pardo is working on the feverishly.

Lastly, it is an update on the East Side Union High School District Foundation. This is really for our Counsel because I understand we now have a means to start depositing money.

Counsel Ruiz

We had said we would be bringing back some by-laws with recommendations for this meeting, but the agenda was obviously very long. It will be coming at the October meeting.

Superintendent Nunez

We submitted a \$100,000 grant request that was approved; \$25,000 over the next four years from AT&T.

12. CLOSED SESSION

CLOSED SESSION

12.01 RECONSIDERATION OF EXPULSION – STUDENT A

On a vote of 4/0 the Board approved referring the matter of the expulsion of Student A for reconsideration to the Oak Grove School District with a recommendation that the expulsion be suspended. Member Herrera absent from Closed Session.

12.02 PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

(Government Code §Section 54957)

**12.03 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)

12.04 CONFERENCE WITH LEGAL COUNSEL

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Subdivision (a) of Section 54956.9 of the Government Code:

*Tessa Cavazos v. East Side Union High School District, et al.
(Santa Clara County Superior Court Case No. 107CV085424)*

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54969.9 of the Government Code:

Three (3) potential cases, claim for damages from Clara Behashti, claim for damages from Elena Castro, and claim for damages from Rosie Zamora.

*Claim for damages from Clara Behashti
 The Board on a vote of 4/0 rejects the claim of Clara Behashti. Member Herrera absent from Closed Session.*

*Claim for damages from Elena Castro
 The Board on a vote of 4/0 approved the claim of Elena Castro, subject to conditions. Member Herrera absent from Closed Session.*

*Claim for damages from Rosie Zamora
 The Board on a vote of 4/0 rejects the claim of Rosie Zamora. Member Herrera absent from Closed Session.*

12.05 CONFERENCE WITH REAL PROPERTY NEGOTIATORS

| | |
|-----------------------|--|
| Property: | Pala Middle School 149 N. White Road, San Jose, CA 95127 Alum Rock Union Elementary School District |
| District Negotiators: | Bob Nuñez, Superintendent Jerry Kurr, Associate Superintendent of Administration and Business Services Rogelio Ruiz, Legal Counsel |
| Negotiating Parties: | ESUHSD and Alum Rock Union Elementary School District |
| Under Negotiation: | Property Exchange Terms |

| | |
|-----------------------|--|
| Property: | ESUHSD Educational Center 830 N. Capitol Avenue, San Jose, CA 95133 |
| District Negotiators: | Bob Nuñez, Superintendent Jerry Kurr, Associate Superintendent of Administration and Business Services Rogelio Ruiz, Legal Counsel |
| Negotiating Parties: | ESUHSD and Party to be Determined |

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

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

13. REPORT CLOSED SESSION ACTION(S)

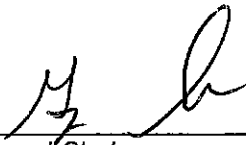
**REPORT CLOSED
SESSION ACTION(S)**

14. ADJOURNMENT

Meeting adjourned at 10:10 p.m. by President Nguyen.

ADJOURNMENT

Respectfully submitted,



Board Clerk
George Shirakawa

East Side Union High School District

APPROVED

Board of Trustees

mquillen 11-20-2008