

**Agenda Item**

**10.07 Approve Minutes of December 11, 2008, Special Board Meeting**

Meeting: 01/15/2009 ESUHSD REGULAR BOARD MEETING - 4:00 P.M.  
Category: 10. Consent Calendar Items - ATTACHMENT A  
Agenda Type:  
Public Access: Yes

**Agenda Item Content**



**EAST SIDE UNION HIGH SCHOOL DISTRICT**

**TO:** Board of Trustees  
**FROM:** Bob Nuñez, Superintendent  
**SUBJECT:** Approve Minutes of December 11, 2008, Special Board Meeting

Attached are the minutes of the December 11, 2008, Special 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 December 11, 2008, Board meeting minutes as presented.

**Additional Executive Content**

**Action Agenda Details**

**Motion:**

Created on 01/05/2009 at 12:57 PM by Mary Guillen. Last update on 01/08/2009 by Mary Guillen.

**Board Approved**  
**January 15, 2009**

*M. Guillen*

**EAST SIDE UNION HIGH SCHOOL DISTRICT**  
Special Meeting of the Board of Trustees  
Meeting Held at Education Center  
December 11, 2008

1) The Special Meeting of the Board of Trustees was called to order at 4:03 p.m. by President Nguyen. Clerk Shirakawa, Member Biehl, Member Herrera and Member Martinez-Roach were present.

**CALL TO ORDER**

2) **CLOSED SESSION**

**CLOSED SESSION**

**2.01 EXPULSIONS – STUDENT A – E**

**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.

**Student C**

The Board on a vote of 5/0 approved the suspended expulsion of Student C.

**Student D**

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

**Student E**

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

**2.02 PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/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 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)

**2.04 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

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

Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code: One potential case

*The Board on a vote of 5/0 approved the initiation of litigation. The title of the action and the defendants will be disclosed upon inquiry once the action is commenced and the defendant is served with process.*

**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**

**PLEDGE OF ALLEGIANCE**

4) **WELCOME AND EXPLANATION TO AUDIENCE**

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

**WELCOME AND EXPLANATION**

5) **ANNUAL ORGANIZATIONAL MEETING**

5.01 Nomination and Election of Officers

**ANNUAL ORGANIZATIONAL MEETING**

Superintendent Nuñez opened nominations for Board Officers

5.01.01 Nomination for Board President:

- Member Herrera nominated Member Biehl  
*Vote: 2/3 Member Shirakawa voting no  
Member Martinez Roach voting no  
Member Nguyen voting no*

- Member Shirakawa nominated Member Martinez-Roach, second by Member Nguyen.  
*Vote: 5/0*

5.01.02 Nomination for Board Vice President:

- Member Martinez-Roach nominated Member Herrera, second by Member Shirakawa.  
*Vote: 5/0*

- 5.01.03 Nomination for Board Clerk:  
➤ Member Nguyen nominated Member Biehl, second by Member Herrera.  
*Vote: 5/0*

- 5.01.04 Nomination for Board Secretary:  
➤ Member Biehl made a motion to appoint Superintendent Nuñez to continue to serve as Secretary, second by Member Martinez-Roach.  
*Vote: 5/0*

- 5.01.05 Authorization of Signatures:  
No action needed on this item. Clerk of the Board is Clerk Biehl.

5.02 Develop and Approve a schedule of Board meetings for 2009:

- ✓ January 8, 2009 – Special Board Meeting
- ✓ March 19 changed to March 10, 2009
- ✓ April 16 changed to April 9, 2009
- ✓ June 4, 2009 (added)
- ✓ October 15 changed to October 8, 2009
- ✓ Board Retreat: January 23, 2009 (1/2 day) and January 24, 2009 (full day)

Regular Board Meeting dates for 2009 are:

January 15, 2009  
February 19, 2009  
March 10, 2009  
April 9, 2009  
May 21, 2009  
June 4, 2009  
June 18, 2009  
August 20, 2009  
September 17, 2009  
October 8, 2009  
November 19, 2009  
December 17, 2009

Special Board Meeting: January 8, 2009

Board Retreat: January 23, 2009 (1/2 day) and January 24, 2009 (full day)

- ✓ Motion to approve the 2009 Board meeting calendar as amended made by Vice President Herrera, second by Member Nguyen.  
*Vote: 5/0*

5.03 Appoint Standing Board Subcommittee

- No action needed at this time. President Martinez-Roach suggested that at the Board Retreat, the Board establish subcommittees as it has been in the past. Agreement by Board on this item to discuss at retreat.

5.04 Nomination of One Member of the Board of Trustees to Vote in the Election of the Santa Clara County Committee on School District Organization

- Member Herrera nominated Member Biehl, second by Member Shirakawa to as the one member of the Board of Trustees to vote in the election of the Santa Clara County Committee on School District Organization.

*Vote: 5/0*

5.05 Nomination and Election of Santa Clara County Committee on School District Organizations.

- *Item tabled until further notice*

5.06 Nomination and Election of Representative to CSBA Delegate Assembly

- Item carried; Member Biehl is currently a CSBA Delegate Representative.

5.07 Nomination and Election of Representative of MetroED Board

- First Motion:  
Motion by Member Nguyen to nominate Member Biehl to continue with his two-year term (ends 12/2009) on the MetroED Board, second by Member Herrera.

*Vote: 5/0*

- Second Motion:  
Motion by Member Shirakawa to nominate Member Martinez-Roach as an alternate, second by Member Nguyen.

*Vote: 5/0*

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

- Item 5.02 Develop and Approve a schedule of Board meetings for 2009 moved to end of Operational items (after item 10.19).
- Item 10.01 carried to next Board Meeting, January 15, 2009
- Item 10.4 heard first under Operational items

√ Motion to amend agenda made by Vice President Herrera, second by Member Nguyen.

*Vote: 5/0*

7) **BOARD SPECIAL RECOGNITION (S)**

George Shirakawa, Jr.

- Recognition award for his many years of service with the East Side Union High School District.

**CONSIDERATION OF  
AMENDMENTS**

**SPECIAL  
RECOGNITIONS**

8) **STUDENT BOARD LIAISONS**

- 8.01 Katrina Rodarte, ASB Executive Officer – Oak Grove High School
- 8.02 Leslie Vera, Student Representative – KIPP San Jose Collegiate Charter High School

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

- Rosalie Gibson – Budget
- Juan Estrada – Particular Program Athletics
- Jerrie Calderon – Parent Letters to the Board
- Marisa Hansen – Budget
- Cindy Bega – Members to speak to Board
- Mary Ortega – Student – After school sports
- Melanie Waters – Athletics
- Laurie Ortega – After school sports
- Sylvistre Farias – Budget for Athletics
- Anne Friend – Budget
- Jeff Borges – Athletics
- Kim Delapaz – Not taking away sports
- Lori Thomas – Budget cuts
- Kathleen Medina – Proposed Athletic cuts
- Megan Gage – Student – Sports in school
- Steven Huynh – Student – Sports
- Margaret Centeno – Parent
- Bill Delgado – Cancellation of sports in East Side District
- Ursula Deleon – Cutting sports
- Lia Randazzo – Student – effect of sports on East Side students
- Veronica Velasquez – sports cut
- Rene Centeno – Parent
- Camille Cayabyab – Student – Yes on Sports
- Julio Pardo – First Interim report
- Lupe Zarate – Sports
- Celeste Acosta – Student – Sports cut proposal
- Robert Graham – Sports programs
- Janette Contreras – Athletics
- Sandy Willis – Eliminating of sports at schools
- Vidal Carrillo – Athletic issue
- Courtney Wienckowski – Student – Keep sports in school
- Patricia Carrillo – Sports programs
- Julie Pardo – School Summer Program
- Jerri Calderon – Childrens’ Center “Thank You”
- Neil Struthers – Project Labor Agreement

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

- 10.1 Measure G and Measure E Citizens’ Bond Oversight Committee Report –

**STUDENT BOARD LIAISONS**

**ORAL COMMUNICATIONS**

**OPERATIONAL ITEM BOARD DISCUSSION**

John Moore, Chairperson of Measure G and Measure E Citizens' Bond Oversight Committee

AND/OR ACTION

**Item carried to January 2009 Board Meeting**

- 10.2 Presentation on DAC/DELAC Update – Dan Moser, Associate Superintendent of Instruction and Human Relations and Nguyen Dinh, Administrator of Language and minority Programs

**Presentation Only - No action necessary on this item.**

- 10.3 School Attendance Review Board Overview Presentation – Alan Garofalo, Associate Superintendent of Student Services and Facilities, Ana Lomas, Director of Student Services and George Sanchez, Coordinator of SARB/Safety

**Presentation Only - No action necessary on this item.**

- 10.4 Approve First Interim Report – Jerry Kurr, Associate Superintendent of Administration and Business Services

Presentation by Associate Superintendent Kurr

Bob Nunez, Superintendent

First, that we have to adopt the First Interim and send to the County Office by December 15<sup>th</sup> of this month. One of things that this district has to do, as well as all the other districts have to do, is take a look at reductions overall because of the state of the budget in California. At this point, we still do not have from the Governor anything that deals with mid-year cuts. It does appear that those will be hopefully address in January, February; if not, roll over to next year. This district has to cut eleven million dollars in going into next year so that we are solvent for this year and the next two years. I know most of you are here to talk about sports, but I also want to go through the rest of that list with regard to the reductions. First, it is the elimination of the athletics program, the sports programs, and I will have more to talk about that when I come back. Second, it is the elimination of 2.2 teachers on special assignment. Their assignment won't be there next year because the funding is going away. It is also increasing class size by three across the board and I know we have to negotiate that with the teachers union. What I wanted you to think about the impact and the affect that three additional students has on each teacher in all the classrooms cause it is massive, we are also looking at keeping the twelve counselors that were hired last year with special money that was the one position that parents and teachers told us over and over again they wanted to keep. All of those counselors, in fact, are bilingual and so we are keeping those in the budget. We are looking at eliminating 18% of the administrative staff. Most of those positions are here at the district office and it is meant to keep positions out at the schools to keep discipline going at those school sites, but 18%, is a lot of positions, administrative positions that will be eliminated. We are looking at eliminating a number of classified positions and the reason for that is that we

are trying to keep those positions that we are funding as close to the classrooms as possible so we are not doing those reductions, also we'll be looking at the district office. As I look at it, the biggest things on there are the reduction of staff and sports. So let me go back to sports, sports is great, and I know that; I know that at every school and every high school it is an important factor to have. It is something that can define your experience there much like if you are in the drama program, music program, the art program. But come January, when we take a look at the next year's budget it very well could be that those programs are also going to be on there. But with regard to sports, since we have started talking about that, the fact that there are 2.1 million dollars that we are not going to be funding, we have gotten some assistance. So, first I would like to have Jim Leahey come up from the Oakland Athletics, Vice President for Sales and Marketing.

Mr. Leahey, Oakland Athletics Vice President of Sales & Marketing

I am here from the A's and we are here to offer our support of what we know are very serious issues regarding budget constraints that threaten sports. The A's have a model that we would like to share that provides a way for schools to help maintain valuable programs such as sports. We have a program called "Step Up to the Plate" this program offers a way for schools to generate funds and this self sustaining method can provide a valuable resource for schools to maintain programs that are valuable. In the Bay Area, over the last four year, this program has helped schools raise \$300,000 to help the programs, not only sports, but other important parts of the education programs and objections. I am here really to talk about two things, one is that the program is real and it can be an important resource but two it is really a good model and we encourage all the members of the community and the business community and the local business community to think about other ways where the schools, the students, the parents and teachers can help themselves to continue these programs because we know this is very important. It's important to everyone's formation as a person not only sports but what ever activity you are involved. It's obviously been important to me personally and I am sure it's been important to all of you. We are going to try to do our part. There is a meeting on January 14<sup>th</sup> at 4:00 p.m. at the SCCOE in San Jose, where we will be able to explain more about the program. This certainly won't solve the whole problem so I am here to tell you, you can help solve part of the problem but equally importantly we would like to emphasize tonight is by reaching out to the community by showing our support to the community. We hope we can set a small example for other members of the local business community to come up with ways that the schools can help themselves and community can help them to help themselves.

Superintendent Nuñez

We also got a phone call from the San Jose Earthquakes who would also like to talk to us about providing funds and I think it goes to the fact that there are two things you can do, you can cut a program when you don't have the money or you look for more dollars. Those are two professional teams that are going to be of assistance. Another thing that happen is that in conversations with Councilwoman Nora Campos and the soon to be



Supervisor George Shirakawa would be sitting out in the audience on this topic than sitting up here. We are going to be looking at renting out and leasing all of our sport facilities during non sport times and non school times and what we have found is that the cities indicated that they believe there is actually good revenue stream if we do that. We don't do that ourselves because we are really not in the business of making money; that is not something we do. We are looking at doing that at all our fields and then using all those dollars back into the sports program because that is what is generating it. That was actually also an idea that came from one of the parents that sent me an e-mail that didn't say that I was crazy but at this case I think what we are trying to say is we understand. I understand clearly that any program that we put up there with regard to reducing or eliminating is difficult. Sports is one of those programs that really has been hands off everywhere. At this point we need to make sure that we have teachers in the classrooms we have assistance in students that are furthering their education that allows them to go on to a four year institution and if there is dollars we need to have what we need to do is go out and reach out to the community. But also we need to talk to in the demand from the governor and from the State Legislators that enough is enough at this point we are still waiting to know about the mid year cuts and if you heard yesterday there is 14.8 billion dollars that we don't have that really does impact every school district and as I watch the governor blame the Legislators and I watch them blame the governor we are all the ones suffering and so at this point I am thankful for the Athletics and Earthquakes that are stepping forward. We are going to seek out additional funding we are hopeful that the teachers association is going to see its way to assist us by increasing class size but that is not a permanent fix because that is not good in helping keep teachers and students in the classroom. So at this point we believe that based on some evaluations further on into the year we will be able to see how many dollars we get from the leasing of the property and the fields as well as donations from the professional teams to see what impact there really is on sports. So that is my brief explanation. Now I am going to first go and ask Mr. Kurr to present.....

President Martinez-Roach

Before Mr. Kurr speaks I would like to just preface that for those of you who don't understand we are required by law to certify the district fiscal stability whether we are positive or negative and what this does is that we hire the superintendent to give us his best estimate of what he feels the cuts should be because we do have a deficit. What I just emphasize is that this is the superintendent's recommendation and then with our CFO of course with his input and then the Board is going to have discussion about what course to take however, we do have to certify the interim by December 15<sup>th</sup> if we don't do it this evening we would have to have a special meeting and then come back and do it again until we all agree. Thank you Mr. Kurr.

Vice President Herrera

It is not only for a balance budget this year but for the following two years which is what makes it tricky.

Associate Superintendent Kurr

Let me put this into a little bit of context, an interim financial report is a picture of the school district at a given point in time. After schools open, we have the student population, we have the staffing ratios, we usually have which we finally did get the State finance bill and funding, this is actually a look at what we know today to be the truth based upon what is in State law, what the State finance bill that the State adopted late. In the interim report, the requirements are for certification by the Board. There are three separate certifications the Board can make; one is the positive certification which means the district will be able to meet all of its financial obligations in the current year and the subsequent two years, a qualified certification is that the school district will be able to meet all its obligations in the current year but may not be able to meet its obligations in the subsequent two years. A negative certification is that the district will not be able to meet its obligations in current fiscal year meaning that we would not be able to pay all our bills. This is a real summary of what actually is in the First Interim report given to the Board. If I could explain this a little bit, (Referring to Budget PowerPoint Presentation). This is the year 2008/09 that is current year, this is projection for 2009/10 and 2010/11 and one thing I might mention is that we all have forgotten when the State adopted the State finance bill they adopted funding education 3 billion dollars less than the previous year. So that is where we are starting from, there is already a reduction in education for how we are operating this year. This is the revenues, the part of the budget we are talking about is in restricted general fund which is the general funds the district receives from property tax and from the State for all its core educational programs and general operations of the school district, it's not the categorical, the federal and other State money it just the part of the budget that has to provide for the reserve requirements and the expenses for what takes place in classrooms. So you can see that our revenues for this year are 142.3 million our expenses are 154 million dollars and obviously, we are spending 11.7 million dollars more than what we are receiving this year for State and property tax support. Fortunately, we start with a beginning balance in the reserve for which we call economic uncertainties, 16.9 million dollars and we are projecting our ending balance to be including the balance plus the reserve and some assets to be 5.4 million dollars. Our reserve requirement, meaning we are required to have 3% of our budget set aside for economic uncertainties, is 7.4 million dollars and that is based upon what the Board adopted as the budget in June so you can see we are two million dollars short for this year and meaning we meet the expenditure requirements of those but we don't meet the reserve requirements which by that definition we can meet all of our expenditure obligations in the current year. Then we look at the projections in the next year, in this figure, this is looking at our first estimate of what the first interim report would look like back mid November. At that time, we were projecting what was in the State projections, was a 5.9% COLA for next year subsequent to that all of the recommendation coming from the specialist in Sacramento is that we should budget a zero cost-of-living increase for next year considering the State finance condition. So, in that figure is a 7.5 million dollar over estimate of what our revenues will be for next year. So, that is 7.5 along with our over spending of 3.7 is where we get the 11 million dollars we are talking about that we need to reduce for next year. And then that will leave us an ending balance plus

reserve of 3.2 million dollars. No, that's starting with the beginning balance in reserves 3.2 million dollars which would leave us a 2.1 million ending balances ending in reserve and the requirement being 7.7 in next year we are looking at not meeting our reserve by requirement by 5.6 million dollars and as you're balances decline because you are over spending you can see that in 2010/11 if we made no changes we will not make enough to meet our obligations in 2010/11. What I am going showing you now is what we've done since November 18th to correct both this year's problem and a plan to 2009/10 and 2010/11. And for this year if were able to make shifts in funding look as some of our balances we have that haven't been allocated and the first and most significant thing to address that 2 million shortage for this year is that Silver Creek had an electrical fire and explosion last year, we repaired that using deferred maintenance funds which qualified for the age of the equipment for that was to use that the insurance proceeds of \$810,000, they're not restricted ordinarily during ordinary times we would put that back into deferred maintenance fund but we have those dollars available. We can use those to fund our obligations for this year and then an unallocated economic impact aid dollars which is State categorical funds we had \$400,000 unallocated this year that was in the State finance bill was elimination of a 6.5% deficit on categorical programs that brought in another \$300,000, so we are using the \$700,000 to fund, which ordinarily is funded from general funds, teacher salary and sheltered and English Learner classes so that removes that obligation of the general fund. Then, finally we have what is called targeted instructional improvement grant funds those can actually be used to cover and those are categorical and restricted dollars. Those can be used for teacher salaries so funding some of the teacher salaries out of that and then just those funding changes balances this year's budget and gives us \$300,000 projected in fund balances meeting all our reserve requirement. Okay, so that takes care of this year which actually also helps next year because we didn't spend two million dollars more than what we had this year.

President Martinez-Roach

Can I ask a question? What you did is you were able to move some funding around to accommodate certain positions with the EIA funds?

Associate Superintendent Kurr

Both EIA funds which are categorical funds, which by definition is to address families that have low economic status in our classrooms. In the classrooms the students who attend sheltered classes and English Learner fall along with that definition so we are using those dollars to meet with the intent of what those dollars were for, but when the Board adopted the budget in June we were actually using the general funds and restricted dollars to fund those teachers.

President Martinez-Roach

I see, I think that was an important clarification you were using general funds but now you are using categorical funding.

Associate Superintendent Kurr

Correct and that is the same situation with the targeted and instructional funds. Okay, but we still have the problem in the 2009/10 school year in our budget for this year we had election cost for the Board elections of \$288,000 that we won't have next year we are making some shifts of categorical programs assuming some sites equipment supply cost to a level we estimate at \$373,000. What we had in the projections that we looked at November 18<sup>th</sup> and we always have had is the premium increases that health insurance industries that we been experiencing for few years we had estimated a 5% premium increase, now this and our bargaining union agreements have health benefits coverage in them. We know that this might have to be negotiated or maybe the industries won't have premium increases, which doesn't seem likely. We know we may have to negotiate this or may have some trade offs for this amount of what we have projected is increases in November and that's \$880,000. This is teachers that are funded out of general fund currently that are on special assignment that we would move back to the classrooms and that is what the general fund is supporting that is \$265,000. This has an advert impact on our problem but we did fund 12 counselors out of the balances we had from 1802 funds of which we won't have next year so now we are seeing it is important to the district and important to students to keep those counselors so they can work with the student during next year, next subsequent years so that adds back in to the general fund 1.4 million dollars. And these are the things the Superintendent was talking about. We know now these needs to be negotiated, an increase in class size of three students across the board, then reducing Administration/Managers 1.9 million dollars, reduce classified staff 3.1 million what I might mention about those is that the Superintendent sent out an e-mail this week to staff and those dollars don't match what was in the Superintendent's e-mail but that's because that was only salaries that he was referring. To this is the total impact of elimination reduction of those staff services this is not just the salaries but the benefits and the statutory requirements on those, and then elimination of athletics this is just the impact of what the general fund funds this year. It does take in consideration we still know we have to maintain pools, we know we have to maintain our fields our support areas and stuff that still will be an impact on the budget. We still will have to maintain those but that's not on these figures. And then the last is because we are reducing the expenditures the 3% that the district is required to maintain in their budget for a reserve, reduces by \$600,000 for 2009/10 then moving forward to 2010/11 the assumption is that we keep this plan in place and so all of those ongoing things we would continue in 2010/11 and the result of that is that we meet our reserve requirements. You can see we are actually going go have to spend within our revenues in 2009/10, we end up in all three years meeting the district obligations. Now what the County of Superintendent asked for is if you are balancing your budget and how you meet your current year obligations and then if you are projecting needs in the subsequent years is in your interim financial report, you have a plan on how you are going to address those. This first interim report this isn't in concrete, we do know that there is going to be coming something out from special session legislators the January Governor's proposed budget. The second interim is due by March 15<sup>th</sup> so that will have another look. We'll have better information, we will

have a better idea of what is happening in the State, we will be revising the plans the real plan for 2009/10 that the Board will obligate is actually the budget that we will be addressing in June 2009 for the 2009/10 year. So this is still a plan, still fluid and it doesn't set anything in concrete but we know at least at this point in time we either have to increase revenues or have reductions to the levels that we are projecting for the plan. We are recommending to the Board that they certify a positive certification for the first interim. Any questions.

Superintendent Nuñez

I don't have a question, but I have somebody after you so if there is no question I was going to have.... As Jerry indicated that there is still a lot of unknowns and that is that we don't know what mid year cuts would be, we don't know what the budget is going to be. This will take us through the next three years but what we need to do is have a plan of where we are going beyond that. So I would like to invite Juan Cruz up if I could, Juan is the President of the local chapter of ACSA which is the administrators group and he will be bringing forward in January a proposal of how to deal with this in the long term.

Principal Cruz

Juan Cruz, Principal at Yerba Buena High School. Good evening Trustees. Today I am here to share with you some information in regards to what ACSA and some of the steps they are taking to try to address, sort of this roller coaster of funding that public education is always facing. So ACSA as you know just recently also sued the State to try and block the implementation of Algebra. At this point there are considering preliminary steps in terms of being able to sue the State under the adequacy of funding title, so that they can force the State to do what other States have successfully done. New York and some other States are in communication with the State ACSA so that we can be able to bring you back some information in January once a lot of the details are iron out and see if this district and this Board would like to join the efforts under with ACSA to have a voice in terms of what our funding should look like.

President Martinez-Roach

Thank you, we appreciate very much your efforts and look forward to hearing from you.

First of all, I really want to thank all the members in the audience especially the students who came here. I know you spoke from the heart and I completely agree with all of you. I think nobody up here disagrees that sports are not important. The reality is that we don't have enough money to balance our books. We have to either be solvent and say we are going to pay our bills by the 15<sup>th</sup> or say we are not going to. However, this does not mean that we are going to cut sports tonight I think I need to emphasize that. Mr. Superintendent if you could follow up on my last comment, I think the audience needs to understand what the action tonight, if it is approve by the majority of the Board to accept the First Interim Report, what would that mean to sports.

Superintendent Nuñez

I think first, that we have to understand sports really cost more than 2.1 million dollars. Right now what we are looking for is how to find an additional 2.1 million dollars. I am really interested in talking to the Oakland Athletics to see how much money that really this. I am really interested in looking at what leasing would do and what kind of dollars that would bring back in. And the San Jose Earthquakes, outside of a phone call I have not really talked to them yet and all those persons that said they would help, I'm hoping Mary really did get their phone numbers and if you haven't left yet thank you I'll like to make sure we do get the number. I think what the president is saying is that in fact, is not that tonight's decision is final. If in fact between now and a very short period time we can find that there are dollars coming in, then we can actually take a look applying those dollars towards sports ongoing. There is a person, Alan Garofalo is really the person in charge of athletics for the school district and I've asked him to take a look and be the contact with both the Athletics and the Earthquakes. Also, Jerry Kurr is going to be the one that will be looking at the leasing out of property. So as I look at it, the vote tonight really is saying this is the direction we are going to go, if we have nothing else. As I look at it, this district needs to be able to say to the County Office of Education that we have a plan, that plan is to live within our means but at the same time we do have a plan B and that plan B is to want to find the dollars. I believe not only for this program the other programs we are looking at trying to keep going in this district, but right now this is the one before us and so I believe that unless I am missing something, Alan and Jerry that it is something that looking at the commitment from the community that we can actually go back and find the dollars to look at keeping at least the majority of those programs. Keeping in mind that the dollars don't have to be all here when school start because that when sports comes we are ready looking at when the dollars come in such, but it is important to make sure that we tell the county that we are a solvent district.

Member Biehl

First thing I would like say tonight is that I am very, very proud of our community I am very proud that all of you took the time down here. To come down here to tonight to express your outrage of what is happening to education in the State of California, because it is an outrage because we are losing an entire generation because of the politics that is playing in Sacramento today. There are small group of people in Sacramento that has signed a pledge that under no circumstances will they ever support a tax increase under any circumstances. Well, I want to tell you we are under dire circumstances right now, we are going to lose an entire generation. These cuts that we are talking about today are not just to athletics these are increasing our class size by additional 3 students these are firing our bus drivers these are firing the people that run our cafeterias and clean our schools this is an absolute outrage and I am glad you all here tonight and you are as outrage as I am. You need to take that message forward we are going to take that message forward and we are going to make change in this State and I thank you for being here and that's I feel about it and I will continue to

fight for it as I am assuring you that every other member in this School Board will as well and they have in the past and they will again in the future.

√ Motion to approve First Interim Report made by Vice President Herrera, second by Member Shirakawa.

**Vote: 5/0**

- 10.5 Academic Master Plan Standardization: Cost Estimate for Standardization; Process for Integration of Measure E Bond Projects with Academic Master Plan – Bob Nuñez, Superintendent

Receive Academic Master Plan Standardization – Time to be set for review and discussion at Board retreat

√ Motion to receive Academic Master Plan Standardization Report and to set up a date and time at Board Retreat for Special Board Meeting to review and discuss report was by Vice President Herrera second by Member Nguyen.

**Vote: 5/0**

- 10.6 Update on Board Selection Process – Bob Nuñez, Superintendent

Community Advisory Committee was compromised of the following:

- ✓ East Side Teachers Association - Marisa Hanson
- ✓ California School Employee Association – Cindy Bega
- ✓ Association of California School Administrator – Juan Cruz
- ✓ American Federation of Teachers – Jennifer Lewis
- ✓ Confidential Employees – Esther Carrillo-Olmos
- ✓ School Site Council – Parents who are not employees of the District
  - Tom Paramo – Evergreen Valley High School
  - Susan Cassens – Independence High School
  - Dolorse Carmichael – Oak Grove High School
  - Dan Juchau – Silver Creek High School
- ✓ ASB President – W.C. Overfelt High School - Abaline White
- ✓ Community Representatives – Not Employees of the District
  - Juan Estrada – Latino Community
  - Keith Nguyen – Asian Community
  - Harriet Arnold – African-American Community
- ✓ Californians for Justice – President for Silver Creek H.S. - Albert Tobias
- ✓ Building and Construction Trade Counsel – Neil Struthers

Fourteen Qualified Candidates:

- Trinh Bach
- Barbara Boone
- Dhaval Brahmhatt
- Eddie Garcia
- William Derek Grasty
- Thomas Roy Harney
- David S. Hernandez
- John Higaki, Ed.D.
- Galvin Jackson
- Brenda Koehler
- Rudy Nasol
- Kinman Pham
- Tom J. Tafolla
- Tim Tom

Two candidates did not qualified because they did not reside in the District's attendance area:

- Nick Birchard
- Stephen Eckstone, Ph.D.

Special Board Meeting for Board Appointment set for January 8, 2009,  
at 6:00 p.m.

- 10.7 Approve Extension Agreement – Project Labor Agreement for Measure E Bond Projects – Alan Garofalo, Associate Superintendent of Student Services and Facilities

√ Motion to approve Extension Agreement – Project Labor Agreement for Measure E Bond Projects made by Member Nguyen, second by Vice President Herrera.

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

- 10.8 Approve Proposed Settlement Agreement with City of San Jose re: Payment for Utilities Costs for Existing City Library at Independence High School – Alan Garofalo, Associate Superintendent of Student Services and Facilities

√ Motion to approve Proposed Settlement Agreement with City of San Jose re: Payment for Utilities Costs for Existing City Library at Independence High School a \$253,000 one time payment to East Side Union High School District from the City of San Jose made by Clerk Biehl, second by Member Nguyen.

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



- 10.9 Approval of Ground Lease Agreement for New City Library at Independence High School – Jerry Kurr, Associate Superintendent of Administration and Business Services
- √ Motion to approve Ground Lease Agreement for New City Library at Independence High School made by Clerk Biehl, second by Member Nguyen.  
**Vote: 5/0**
- 10.10 Approve 2009 Summer School Program – Dan Moser, Associate Superintendent of Instruction and Human Relations
- √ Motion to approve 2009 Summer School Program made by Vice President Herrera, second by Member Nguyen.  
**Vote: 5/0**
- Summer School Report requested by Board for a future Board Meeting, which is to include total students who attend, classes offered/taken and how many students were successful.
- 10.11 “Going Green” - Alan Garofalo, Associate Superintendent of Student Services and Facilities, and Jerry Kurr, Associate Superintendent of Administration and Business Services
- Presentation Only - No action necessary on this item**
- 10.12 Expulsion Hearing Committee Panel recommendations for 2008-2009 - Alan Garofalo, Associate Superintendent of Student Services and Facilities
- √ Motion to approve Expulsion Hearing Committee Panel recommendations for 2008-2009 made by Vice President Herrera, second by Clerk Biehl.  
**Vote: 4/0 (Member Nguyen out of the room)**
- 10.13 Adopt Resolution #2008/2009-14 Inter-Fund Loan for Cash Flow Purposes – Jerry Kurr, Associate Superintendent of Administration and Business Services
- √ Motion to Adopt Resolution #2008-2009-14 Inter-Fund Loan for Cash Flow Purposes made by Vice President Herrera, second by Member Shirakawa.  
**Vote: 5/0**
- 10.14 Approve Carl D. Perkins 132 Grant 2008-2009 Grant Application for East Side Adult Education Program - Alan Garofalo, Associate Superintendent of Student Services and Facilities
- √ Motion to approve Carl D. Perkins 132 Grant 2008-2009 Grant Application for East Side Adult Education Program made by Clerk Biehl, second by Vice President Herrera.  
**Vote: 5/0**

- 10.15 Approve Request for Use of Education Code Section 44258.3 – Teachers on Special Assignment Authorizations for the 2008-2009 School Year - Dan Moser, Associate Superintendent of Instruction and Human Relations
- √ Motion to approve request for Use of Education code section 44258.3 – Teachers on Special Assignment Authorizations for the 2008-2009 school year made by Vice President Herrera, second by Clerk Biehl.  
**Vote: 5/0**
- 10.16 Approve the Right of Entry for the County of Santa Clara – Jerry Kurr, Associate Superintendent of Administration and Business Services
- √ Motion to approve the Right of Entry for the County of Santa Clara made by Clerk Biehl, second by Member Nguyen.  
**Vote: 5/0**
- 10.17 Approve Variable Term Waiver Requests for Certificated Employees - Dan Moser, Associate Superintendent of Instruction and Human Relations – **Attachment D**
- √ Motion to approve Variable Term Waiver Requests for Certificated Employees made by Vice President Herrera, second by Member Nguyen.  
**Vote: 5/0**
- 10.18 Contracts for Professional Services – Jerry Kurr, Associate Superintendent of Administration and Business Services – **Attachment B**
- √ Motion to approve Contract for Professional Services, Attachment B, made by Member Nguyen, by Member Shirakawa.  
**Vote: 5/0**
- 10.19 Memoranda of Understanding – Jerry Kurr, Associate Superintendent of Administration and Business Services – **Attachment C**
- √ Motion to approve Memoranda of Understanding, Attachment C, made by Vice President Herrera, second by Clerk Biehl.  
**Vote: 5/0**
- 11) **ATTACHMENT A/CONSENT CALENDAR APPROVAL OF AGENDA**
- √ **Items 11.05, 11.11, 11.12, 11.13, and 11.14 were pulled. Motion to approve the remainder of the consent calendar made by Vice President Herrera, second by Clerk Biehl.**  
**Vote: 5/0**

**ATTACHMENT A**

(Agenda items in parentheses)

- Ratify and Approve Classified Personnel Actions Presented December 11, 2008 (11.01)
  - Ratify and Approve Certificated Personnel Actions Presented December 11, 2008 (11.02)
  - Ratify and Approve Student Aide Personnel Actions Presented December 11, 2008 (11.03)
  - Purchase Orders Presented December 11, 2008 (11.04)
  - Approve Field Trips (11.06)
  - Acceptance of Donations/Grants/Awards (11.07)
  - Approve CAHSEE Local Waivers for Special Education Students (11.08)
  - Approve Change Order #1 for Andrew Hill High School (KMS Inc. (11.09)
  - Approve Change Order #1 for Apollo High School, Phase II Project (William G. Blomquist, Inc.) (11.10)
- √ Motion to approve Item 11.05 Award of Bids made by Member Shirakawa, second by Member Nguyen.  
**Vote: 5/0**
- √ Motion to approve Item 11.11 Minutes of October 4, 2008 Special Board Meeting made by Member Shirakawa, second by Member Nguyen.  
**Vote: 4/0 President Martinez-Roach abstaining**
- √ Motion to approve Item 11.12 Minutes of October 23, 2008 Special Board Meeting made by Member Shirakawa, second by Member Nguyen.  
**Vote: 4/0 President Martinez-Roach abstaining**
- √ Motion to approve Item 11.13 Minutes of November 20, 2008 Regular Board Meeting made by Member Shirakawa, second by Member Nguyen.  
**Vote: 4/0 President Martinez-Roach abstaining**
- √ Motion to approve Item 11.14 Minutes of November 25, 2008 Special Board Meeting made by Member Shirakawa, second by Member Nguyen.  
**Vote: 4/1 President Martinez-Roach abstaining**

12) WRITTEN REPORTS

- 12.1 Budget Adjustment Report Update – Jerry Kurr, Associate Superintendent of Administration and Business Services  
√ **Report received.**
- 12.2 Quarterly Report on Santa Clara Treasury Investment Portfolio Status as of September 30, 2008  
√ **Report received**
- 12.3 Develop Fee Report  
√ **Report received**

**WRITTEN REPORTS**

- 12.4 Summary Update on Copiers/Printers  
√ Report received
- 12.5 Williams Settlement Annual Report for 2008  
√ Report received

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

13.1 Board of Trustees

Clerk Biehl

Report on activities with the California School Board Association Delegate Assembly meeting in San Diego, December 3-4, and also the California School Board Association Annual Conference on December 4-6 (*Attachment A*).

Update on MetroED

I had a good meeting. The primary issue that we are dealing with is the funding equalization. Once again the Superintendents have not recently on that as well. Basically, five Finance Director's agree with us, one doesn't, that's from Campbell, so we are sort of addressing the same issues we had last year. Although I feel we are making some progress and I hope the Superintendent agrees with me on that we certainly have better relationships with the Boards and I must state there is no pending law suit at this point with the MetroED Board that has all been in the last year since I have been working with the Board. That has all been eliminated that's no longer an issue with the Board. We are making progress, there is going to be another Superintendent's Meeting on Jan 9<sup>th</sup> and then that whatever recommendations comes from that is going to come back to the Board. It's still a struggle when you have an organization that has six people who have to agree on things in order to make any progress. However I understand that our attorney is going to be at MetroED who is going to be reviewing exactly when we have to have all six members agree to something and when we don't have to have all six broad members agree. So there may be a possibility that on some of these issues relating to equalization that may not need to have unanimous consent and that will certainly make life easier for us. I did warn, once again, the other members of MetroED is that if you have a funding system that provides a disincentive to send students to CCOC that districts are going to not send as many students to CCOC, and Campbell, of course, they don't want a system that provides a disincentive to send to hold programs on campus that they get money for and my response to that was that all of that funding belongs to MetroED. It is not in fact district funding and should in fact be distribute based on the number of students that District's send to CCOC, so Campbell and I are still in disagreement on this issue but I made my point she made her point and we will try to move forward and hopefully find a way. Perhaps we can resolve this, the one thing that was noted is that MetroED does in their budget spend a high percentage of money on capital improvements and there may be a way that we may be able to work on something that may be able to address that. I think it is always a good

**BOARD/  
SUPERINTENDENT'S  
COMMENTS**

idea to find ways when you have capital money to use it for capital things and not to use regular operational money for capital. So that is something that is being investigate right now, so away progress is being made but not enough.

Vice President Herrera

Nothing except again to appreciate George for your work and to say we are looking forward to working with you as County Supervisor and so with the interest in the Board vacancy fourteen people should be fully aware that to serve on the Board if they are to serve you are looking at working 6 to 8 hours on a regular Board day.

President Martinez-Roach

I am very excited to be back it feels like I never left, I am really excited to work with the East Side family again and looking forward to working with the Board. Thank you very much for electing me as Board President and I can assure you that this is going to be a team effort. We are all going to work together, we are all going to make sure that we carry this tragedy that we have currently with this fiscal crisis and we give our employees a little piece of mind to assure them that we are going to do everything we can to make sure that they are here with us at least a couple more years. Mr. Shirakawa I wish you the best I hope that you enjoy being in the Board of Supervisor and I look forward to working with you in the future.

Member Nguyen

Nothing to Report

Member Shirakawa

Thanks again everyone, again I am not leaving I am just going to a different mission for our community and I look forward to work with Board. I will do my best to keep you involved and to always look out for East Side Union High School District. You have my word on that. I will do the best that I can to communicate with you on what's going on out there.

- 13.2 Superintendent Nuñez  
Nothing to report

- 14) Report Closed Session Actions (s)  
*See Section 2 for Report of Closed Session Items*

**REPORT CLOSED  
SESSION ACTION(S)**

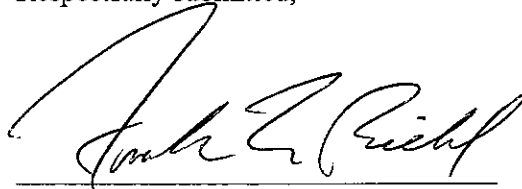
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15) **Adjournment**

Meeting was adjourned by President Martinez-Roach at 10:28 p.m.

**ADJOURNMENT**

Respectfully submitted,



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Frank Biehl  
Clerk of the Board of Trustees

# 13.01

## Attachment A

**Date:** December 11, 2008

**To:** East Side Union High School District Board

**From:** Frank Biehl, Board Member

**Sub:** California School Board Association Delegate Assembly, December 3 - 4, 2008,  
California School Board Association Annual Conference, December 4 - 6, 2008

Delegate Assembly activities included:

1. Election of Vice President and President-Elect, Director-at-Large, Asian/Pacific Islander, Director-at-Large, Hispanic
2. Platform and policy revisions
3. Extensive briefing on California's fiscal situation (Rick Pratt)

Annual Education Conference activities included attending the following:

1. California Suburban School District Luncheon
2. First General Session: The Culture of Poverty (Rudy Payne)
3. Education Foundations: Local Partners in Raising Friends and Funds
4. California Latino School Board Association Breakfast
5. Pure Politics; California Budget (Dan Walters & Kevin Gordon)
6. CSBA Legislative Network Luncheon
7. Second General Session: Nilaja Sun performance of No Child
8. What to cut when you can't cut any more: The Board's Role in Balancing the Budget
9. CTAG 101: The Board Role in Closing the Achievement Gap
10. CSBA Golden Bell Awards Luncheon: Renaissance Academy in the Alum Rock School District was honored.
11. Third General Session: Briefing on the state budget