

## Agenda Item

### 16.17 Approve Minutes of January 15, 2009, Regular Board Meeting

Meeting: 02/19/2009 ESUHSD REGULAR BOARD MEETING - 5:00 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 January 15, 2009, Regular Board Meeting

Attached are the minutes of the January 15, 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 January 15, 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 Yesterday at 12:53 PM by Mary Guillen. Last update on 02/13/2009 by Mary Guillen.

APPROVED  
Board of Trustees  
*Mary Guillen*  
2-19-09

**EAST SIDE UNION HIGH SCHOOL DISTRICT  
Minutes of the Regular Meeting of the Board of Trustees  
Meeting Held at Education Center  
January 15, 2009**

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

The Regular Meeting of the Board of Trustees was called to order at 4:00 p.m. by President Martinez-Roach. Clerk Biehl, Member Nguyen and Member Garcia were present. Vice President Herrera arrived at 4:10 p.m.

**CALL TO ORDER**

**2. CLOSED SESSION**

**2.01 EXPULSIONS – STUDENT A-B**

***Student A***

*The Board on a vote of 4/0 approved the expulsion of Student A as modified. Vice President Herrera was absent.*

***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 expulsion of Student C.*

***Student D***

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

**CLOSED SESSION**

**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 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)*

**2.04 CONFERENCE WITH LEGAL COUNSEL**

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code:  
One (1) potential case

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

**WELCOME AND EXPLANATION**

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

None

**CONSIDERATION OF AMENDMENTS**

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

**SPECIAL RECOGNITION(S)**

**6.01 Sindura Reddy, Student Ambassador at Johnson & Johnson's Annual Alliance Building & Training Session in Washington, D.C.**

**6.02 Special Recognition of Students:  
Martin Luther King, Jr. Contest Winners – Grand Prize**

- **Ashleigh Richelle, Santa Teresa High School – Writing Grand Prize Winner**
- **Dorothy Nguyen, Oak Grove High School - Art Grand Prize Winner**
- **Judy Le, Silver Creek High School – Multimedia Grand Prize Winner**

**6.03 Special Recognition of Staff**

- **James Lick High School Certificated Staff**
- **Raj Villivalam, Attendance Accounting Manager**
- **Nadia Davis, Attendance Accounting Specialist**

**7. STUDENT BOARD LIAISONS**

**STUDENT BOARD LIAISONS**

**7.01 Ana Avila, ASB President – James Lick High School**

**7.02 Dahlia Zapata, Student Representative – Latino College Preparatory Academy**

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

- *Carmen Vidrio – Silver Creek High School*
- *Julio Pardo – Classified Personnel Actions*

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

**9.01 Accept Audit Report for 2007-2008 – Jerry Kurr, Associate Superintendent of Administration and Business Services**

*Motion to accept the audit report for 2007-2008 made by Clerk Biehl, second by Member Garcia.*

**Vote: 5/0**

**9.02 Approve Purchase Orders Presented January 15, 2009 – Jerry Kurr, Associate Superintendent of Administration and Business Services**

*Motion to approve the purchase orders presented January 15, 2009 made by Member Nguyen, second by Vice President Herrera.*

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

**9.03 Approve 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 Vice President Herrera, second by Member Nguyen.*

**Vote: 5/0**

**9.04 Approve Memoranda of Understanding – Jerry Kurr, Associate Superintendent of Administration and Business Services – Attachment C**

*Motion to approve the memoranda of understanding made by Clerk Biehl, second by Vice President Herrera.*

**Vote: 5/0**

**9.05 Measure G and Measure E Citizens' Bond Oversight Committee Report – John Moore, Chairperson of Measure G and Measure E Citizens' Bond Oversight Committee**

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

**ORAL COMMUNICATIONS**

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

- 9.06 A Hold Public Hearing at Approximately 7:30 p.m. regarding the Approval of the General Waiver Request – CAHSEE Apportionment - Dan Moser, Associate Superintendent of Instruction and Human Relations**

*Public hearing held. There were no public speakers on this item.*

- 9.07 Approve General Waiver Request – CAHSEE Apportionment – Dan Moser, Associate Superintendent of Instruction and Human Relations**

*Motion to approve the General Waiver Request, CAHSEE apportionment, made by Clerk Biehl, second by Member Herrera.*

**Vote: 5/0**

- 9.08 Accept Amendment to the Valenzuela/CAHSEE Williams Quarterly Report – Dan Moser, Associate Superintendent of Instruction and Human Relations**

*Motion to accept the amendment to the Valenzuela/CAHSEE Williams Quarterly Report made by Vice President Herrera, second by Member Nguyen.*

**Vote: 5/0**

- 9.09 Receive First Reading of 4000 Series Board Policies – Dan Moser, Associate Superintendent of Instruction and Human Relations**

*Received first reading of 4000 series Board Policies. No action necessary on this item.*

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

*Motion to approve the variable term waiver request for certificated employee made by Vice President Herrera, second by Member Garcia.*

**Vote: 5/0**

- 9.11 Adopt Resolution #2008/2009-15 California Budget Crisis – Bob Nuñez, Superintendent**

*Motion to adopt Resolution #2008/2009-15, California Budget Crisis, made by Member Nguyen, second by Member Garcia.*

**Vote: 5/0**

**9.12 Adopt Resolution #2008/2009-16 Special Education Mandate Cost Settlement – Jerry Kurr, Associate Superintendent of Administration and Business Services**

*Motion to adopt Resolution #2008/2009-16, Special Education Mandate Cost Settlement, made by Vice President Herrera, second by Member Nguyen.  
Vote: 5/0*

**9.13 Review, Discuss and Take Action on Letter from MetroED dated January 6, 2009**

*The Legal opinion letter from Burke, Williams and Sorenson regarding the issue related to the Master Business Relationship Agreements between MetroED and each participating district was presented to the Board for discussion. Superintendent Nuñez indicated that this took away the ability of districts to determine the impact on themselves and moved that to the MetroED Board and MetroED Superintendent.*

*Superintendent Paul Hay from MetroED made a presentation to the Board regarding equalization of funding. He provided the Board a copy of the public document tabled on the CCOC/MetroED Board meeting agenda for next week, as well as the minutes of the December 8 meeting and an extract of the joint powers document that breaks out what the requirements, authorities and rules are of the Executive Council. A copy of the Joint Powers Agreement was also disseminated to the Board.*

**No action taken on this item.**

**9.14 Action regarding Change of 2009 Board Meeting Dates – Bob Nuñez, Superintendent**

- February 19, 2009
- Academic Master Plan

**February 19, 2009**

*It was suggested that consideration be given to move the February 19, 2009, Board meeting to another date as a result of the meeting taking place during winter break. After some discussion, the Board agreed to hold their regular Board Meeting on February 19, 2009, as originally agreed upon.*

**Academic Master Plan**

*The Board of Trustees agreed to hold a Special Board meeting on February 7, 2009, at 9:00 a.m. to discuss the Academic Master Plan.*

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

*Item 10.01 was 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 Certificated Personnel Actions Presented January 15, 2009 (10.02)*
- *Ratify and Approve Student Aide Personnel Actions Presented January 19, 2009 (10.03)*
- *Approve School Field Trips (10.04)*
- *Approve Notice of Completion for Andrew Hill High School Kitchen Modernization Project (KMS, Inc.) (10.05)*
- *Approve Notice of Completion for Apollo High School Phase II Project (William G. Blomquist, Inc.) (10.06)*
- *Approve Minutes of December 11, 2008, Special Board Meeting (10.07)*

*✓ Motion to approve item 10.01, Ratify and Approve Classified Personnel Actions Presented January 15, 2009, made by Vice President Herrera, second by Member Garcia.*

**Vote: 5/0**

**11. WRITTEN REPORTS/RECOMMENDATIONS**

**11.01 Receive Budget Adjustments**

*Report received.*

**11.02 Receive Summary of General Obligation Bond Sale**

*Report received.*

**12. BOARD OF TRUSTEES/SUPERINTENDENT COMMUNICATIONS/COMMENTS**

**12.01 Board of Trustees**

- **J. Manuel Herrera, Vice President**  
*The matter of the theater at Silver Creek High School. I understand that nothing begins until the Academic Master Plan is adopted. I am asking for the Board to put this on the agenda at their next meeting and for the administration to come back and advise us whether there is any reason why we should delay. We can see already what the factors are. The Academic Master Plan is not going to change that is one of the priority projects. There have been a number of people that have come to this Board over a number of years to tell us of the horrific decomposition of that facility and especially when it gets into the winter months and how it floods and the mold. I would like to see on the agenda that the administration tell us either there is not a reason to proceed expeditiously or, in fact, the Board authorize us to proceed expeditiously with that project.*

**ATTACHMENT A**

**WRITTEN REPORTS**

**BOARD/SUPERINTENDENT COMMENTS**

Superintendent Nuñez

*If we meet on the 7<sup>th</sup>, what we are waiting for is the Board to approve the priorities and all of those will be coming. In there is embedded the priorities that the Board sets for the projects for Measure E.*

Vice President Herrera

*I've been hearing about this issue close to a decade.*

Superintendent Nuñez

*I know it is a concern. If the Board gives us direction, then we will take steps on all of those.*

Vice President Herrera

*That is one item. The other is a construction-related sign; a bond-related sign at Evergreen Valley High School that is consistently tagged by graffiti, which some citizens are attempting to keep clean. I am completely exasperated that they cannot stay ahead of the aggressive tagging/graffiti that is going on there and that the sign really serves no purpose at this point other than as a continuing blight. I am wondering if action can be taken to remedy the situation even if it were to require moving the sign.*

Associate Superintendent Garofalo

*Associate Superintendent Garofalo indicated that it would take two weeks to remedy the situation with the sign.*

Vice President Herrera

*For future purposes when there is an item coming on to the agenda, a member who is involved to a certain area or issue or be in the loop of something coming to the Board on our agenda, because it might have been helpful in this instance and the discussions to have occurred all around, including our representative to MetroED on the issue for today. Just a comment in terms of our own protocol and process.*

▪ Frank Biehl, Member

*The organizational meeting of the 21<sup>st</sup>, they will be electing the officers for MetroED that night.*

• Lan Nguyen, Member

*This was an interesting meeting. I am glad that my Board colleagues are able to agree on things and have their opinions and express it freely.*

• Eddie Garcia, Member

*I want to commend you Madam President for the way you handled the appointment process. During the appointment process when we were interviewed by the Board, I made a point in my comments to thank Dr. Harriett Arnold for the way she handled the community portion and I thought she did a great job. I think that*



because the final stage of that appointment is, by definition a political process, it could have become a politically charged situation, but with your leadership I thought, just one person's opinion, your handling of the whole three hours was great. It was with dignity. Whether I was the person appointed or not, the East Side Union High School District looked great that night. I just want to say "thank you" Madam President. With that said, Mr. William Grasty is here tonight. I am glad to see him here and I look forward to working with him as well. I look forward to the next two years.

- **Patricia Martinez- Roach, President**

I had requested at the last meeting, but I was so tired. I wanted the Board to consider bringing back a revolving door policy, which I believe will be very appropriate for us to consider. I have no idea what it would say or what it would look like, but I think it is important for us to have. When we leave our positions as Board Members, that we do have some guidance on how we do business with the district that we served. The City of San Jose has it. The County has it. I think we are a pretty big district that we should have it as well. I don't know if anybody has researched this, but I know that I have spoken to a lot of people privately and they all welcome that this Board have such a policy. If there are not objections, I would like to ask the Superintendent to research such language. I don't even know what the title should be and I am sure we have to get some legal opinion and the Ed Code.

Clerk Biehl

Are you dealing with employees or Board Members?

President Martinez-Roach  
Board Members.

Clerk Biehl

You are looking at a policy that would prevent Board Members from coming back and working for the district for a certain period of time when they leave the district?

President Martinez-Roach

Whatever the governance is. For example, the City of San Jose has an ordinance that you cannot come back. It is called the "revolving door policy." You cannot come back and do work for the district or something. I am not sure what the title should be, but that is the intent.

Vice President Herrera

I think it is going to fix something that isn't broken, but I will be happy to review it when it comes back.

President Martinez-Roach

The next item has to do with our Board Retreat. I am

happy to announce that tomorrow we do have an appointment with a consultant. Her name is Maria Hernandez and Manuel you might remember her. She did a Board Retreat for us several years ago. She did an exceptional job and she is very interested in working with East Side again. She is local; she is from Oakland. If the Board doesn't have any objections, I would like to, with the Superintendent's input, enter into an agreement so that we can hire her to be our consultant on the 23<sup>rd</sup> and 24<sup>th</sup>, which we had already set for our retreat and I am happy to report that the Silver Creek Country Club are going to let us use their facility free of charge. All we have to do is buy their food.

Superintendent Nuñez

I would like to thank Rich Frias for arranging that for us.

President Martinez-Roach

I would like to pass on a suggestion agenda. I know this is not really an action item. I really want you to be part of this agenda. If you have anything you really don't like or you really want to have added. I just noticed that the safety piece component was not included in this policy and just for the record, the Academic Master Plan we are going to take that one out because we are going to set a special day for that one. The topic will be Board relations, Superintendent and Board goals. We are going to deal obviously with instruction, safety, fiscal matters, student services, facilities and school site. That is pretty much covering everything. I am not sure how much of this will really be feasible tomorrow when we meet with her, but if there is something that you really want to see happen at the retreat, please let us know ASAP.

Vice President Herrera

Board relations and Superintendent and Board goals are at the heart at what would be the purpose of the retreat. Everything under that is pretty much subsumed; we will get into those issues as we set priorities. If we also review the process that we did at our last retreat where we came up with our values and our goals and our priorities, we could have some continuity from the last time we had our retreat.

President Martinez-Roach

The only item that I really want us to include and give the time because of the deficit we are fiscal is the fiscal. We need to have a discussion among the Board and Superintendent on the fiscal implications. What is the Board's pleasure?

Member Garcia

We are talking about the structure of an agenda and we are going to talk about those issues anyway. I am okay with whatever way the will of the Board is.

Member Nguyen

*I agree with Member Herrera because all of the issues can be part of that. It is more of the detailed level and the Board should not dedicate too much time talking about those issues.*

President Martinez-Roach

*I don't think it is a detail. He is right; they are part of the goals. Okay, it looks like we have two topics which will evolve into different things.*

*The Board agenda format, I guess you noticed the hot pink paper. I just wanted to have colored paper so that we could separate the agenda. I hope that you don't mind it.*

*The Superintendent and I have discussed the format of the agenda. I wanted to divide the agenda into the major areas and get your input. They would be instruction, fiscal, HR and Adult Education. It is the same agenda. It is just going to be broken down into subject areas.*

Member Nguyen

*I want to mention that the 23<sup>rd</sup>, I may not be able to make for the retreat. I had something scheduled way ahead of time.*

President Martinez-Roach

*Can you do it on Sunday? Can we do Saturday and Sunday?*

Clerk Biehl

*I can if you need to.*

Member Nguyen

*I can.*

President Martinez-Roach

*I am okay with having it Saturday and Sunday. Is that okay? So, it will be the 24<sup>th</sup> and 25<sup>th</sup>.*

*I did want to congratulate the Latino Parent Coalition. The other night I had the great pleasure to see the dynamic group of parents that we have working in our schools. I wanted to commend our staff working with our parents. I was just so impressed. We have parents who are volunteering their time. As guardians, I know that the model school is at Silver Creek High School and there are others schools that have it also. This is a model that we need to look at throughout the entire district. It was just phenomenal. I am hoping that we can have that with our other groups of parents as well.*

*I wanted to ask the Board if they are interested in having a parcel tax sometime in May. There is a strong*

*possibility that we might be getting strong support from our bargaining unit. There has been informal dialogue with them and they are very interested. May is the idea before we do our budget. Is it alright if we bring this back for discussion?*

*The other issue is that I would like to organize with the Superintendent and other interested parties a trip to Sacramento to go over there and tell them, literally, how angry we are and how dissatisfied with this fiasco. Our intent is to see if we can get on the floor and speak before the legislature and just tell them how angry we are and how dare they put us through this kind of situation. Every year it gets worse and worse. That is something we are working on and we are hoping that this Board is going to join this effort.*

Superintendent Nuñez

*In talking to both bargaining units, they are interested in going to Sacramento. I know that both ESTA and CSEA have very specific political coordinators, Roland Smith from CSEA and Marisa Hanson from ESTA, I would see what they could do.*

Clerk Biehl

*I would suggest that we coordinate with the Education Coalition that we are part of. We need to be united with a much larger group to have an impact.*

**12.02 Superintendent**

Bob Nuñez, Superintendent

*At a public meeting, three weeks ago, Alum Rock had a discussion with regard to what they were going to do with Pala Middle School. It was read into the record there that East Side is not talking or looking into that property at all. My understanding is that the outcome of that meeting is that Pala Middle School will be operating as a middle school when it opens in the fall, but I also know they are scheduling numerous meetings as to what to do with that school and a number of other schools because of their enrollment. For the record, we are not engaged in conversations with Alum Rock with regard to Pala Middle School.*

*The last thing is that I just want to make sure that I believe the discussions about MetroED are really not that different from those discussions that we had with other groups. We talked about where this district was going and Julio standing up and talking about conversations with CSEA and the impact that the budget is going to have on them. The conversations we continue to have with ESTA about where we could go. There is going to be a lot of difficult conversations and, at the end, this Board is going to have to make a determination with regard to what programs, what positions, what services we are still going to provide.*

*I fully suspect this will not be the last time we might get overheated and anxious, but at the end I have seen this Board come back together, set a direction and we follow it. I just think this is a continuation of that. I think that everything that costs money is going to get looked at very closely for the impact on this district because every district is going to be doing this.*

**13. REPORT CLOSED SESSION ACTION(S)**

**REPORT CLOSED  
SESSION ACTION(S)**

**14. ADJOURNMENT**

**ADJOURNMENT**

*Meeting adjourned at 9:06 p.m. by President Martinez-Roach.*

*Respectfully submitted,*



Board Clerk