

15.09 Approve Minutes of March 4, 2010, Regular Board Meeting

Meeting: 04/15/2010 ESUHSD REGULAR BOARD MEETING - 4:00 P.M.
Category: 15. 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: Dan Moser, Interim Superintendent
SUBJECT: Approve Minutes of March 4, 2010, Regular Board Meeting

Attached are the minutes of the March 4, 2010, 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 March 4, 2010, 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 04/07/2010 at 09:37:49 PM by Mary Cullen. Last update on 04/09/2010 by Mary Cullen.

East Side Union High School District

Approved

Board of Trustees

April 15, 2010 *M. D. Suite*



**EAST SIDE UNION HIGH SCHOOL DISTRICT
REGULAR MEETING
OF THE
BOARD OF TRUSTEES
Meeting Held at the Education Center -- Board Room
March 4, 2010
5:00 p.m.**

1. CALL TO ORDER/ROLL CALL

1.01 Roll Call

The Regular Meeting of the Board of Trustees was called to order at 5:00 p.m. by President Garcia. Vice President Nguyen, Clerk Martinez-Roach, Member Biehl and Member Herrera were present.

1.02 Announcement and Public Comment regarding Items to be discussed in Closed Session (Government Code 54957.7)

President Garcia extended a welcome to everyone, explained the format of the meeting, noted that all Board Meetings are recorded and offered the public to comment on item(s) to be discussed in Closed Session.

There were no public speakers regarding Closed Session items.

1.03 Recess to Closed Session (Open Session will resume at the end of Closed Session in the Board Room at approximately 6:30 p.m.) See item 2 on agenda (Closed Session).

The Board of Trustees recessed to Closed Session.

2. CLOSED SESSION

2.01 Expulsion(s): Students A-C

Student A:

Motion by Member Biehl, second by Vice President Nguyen, to approve the expulsion of Student A as modified.

Vote: 4/0, Clerk Martinez-Roach abstained from vote

Student B:

Motion by Clerk Martinez-Roach, second by Vice President Nguyen, to approve the expulsion of Student B as modified.

Vote: 5/0

Student C:

Motion by Clerk Martinez-Roach, second by Vice President Nguyen, to approve the expulsion of Student C.

Vote: 5/0

- 2.02 Public Employee Discipline/Dismissal/Release (Government Code Section 54957)**
- 2.03 Public Employee Performance Evaluation (Government Code Section 54957)**
- 2.04 Public Employment/Public Employee Appointment (Government Code Section 54957)**
- 2.05 Conference with Labor Negotiators (Government Code Section 54957.6)**

Agency Designated Representatives:

Dan Moser, Interim Superintendent

Jerry Kurr, Associate Superintendent of Administration and Business Services

Cathy Giammona, Interim Associate Superintendent of Human Resources and Instruction

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)

- 2.06a Conference with Legal Counsel – Existing Litigation**
Subdivision (a) of Section 54956.9 of the Government Code: One (1) Case
 - Kinetics Mechanical Services, Inc. vs. East Side Union High School District, Santa Clara County Superior Court, Case No. 109CV141312
- 2.06b 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

2.07 Conference with Real Property Negotiators

<i>Property:</i>	<i>ESUHSD Educational Center, or portion thereof 830 N. Capitol Avenue San Jose, CA 95133</i>
<i>District Negotiators:</i>	<i>Dan Moser, Interim Superintendent Jerry Kurr, Associate Superintendent of Administration and Business Services Rogelio Ruiz, Legal Counsel Real Estate Representatives Sam Swan, Bob Hunt and Andre Hunt</i>
<i>Negotiating Parties:</i>	<i>ESUHSD, Santa Clara Valley Water District, and Other Parties To Be Determined</i>
<i>Under Negotiation:</i>	<i>Price and Terms</i>

OPEN SESSION AT APPROXIMATELY 6:30 P.M. – EDUCATION CENTER BOARD ROOM

3. PLEDGE OF ALLEGIANCE

4. WELCOME AND EXPLANATION TO AUDIENCE

Information explaining Board meeting procedures and how citizens can address the Board will be read. Written information is located near the entrance to the Board Room.

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

5. CONSIDERATION OF PROPOSED AMENDMENTS TO AGENDA

For consideration by the Board of Trustees.

There were no amendments to the agenda.

6. BOARD SPECIAL RECOGNITION(S)

6.01 African American Student Achievement

7. STUDENT BOARD LIAISONS

None

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

Persons wishing to address the Board must fill out a gold request form, which is located at the entrance of the Multipurpose Room.

Speaker:

- *Vince Cana – Census and Schools*

9. **INSTRUCTIONAL SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION**

- 9.01 **SB1802 Procedures Presentation - Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction, Kirsten King, Interim Director of Instructional Services, and Kathleen Jackson, Counseling Subject Area Coordinator**

Presentation item only.

- 9.02 **Approve ARRA Title I Waiver and Plan - Cathy Giammona, Interim Superintendent, Human Resources and Instruction, and Tim Nguyen, Coordinator of English Language Learners Supplementary Education**

Motion by Vice President Nguyen, second by Member Biehl to approve ARRA Title I Waiver application and plan.

Vote: 5/0

Board Clerk Maritnez-Roach requested that the intent for the waiver be put on the record.

Dan Moser, Interim Superintendent

There are several possibilities for this particular funding. When it initially came out, it was intended or one of the possible uses was one-time monies for prevention of layoffs in terms of this past year. Also, it allows for other supplemental services that normally we would not be providing. Acting in the spirit of reform, those are, what I would say, the two basic areas. As we recall, the SES, Supplemental Education Services, that money would eventually go out to vendors, private vendors, who would provide after school services and this is one-time monies, so it would be in my mind, my words, in essence, a one-time boost in their particular income. We believe we have better alternative uses of that particular one-time monies for this year.

Tim Nguyen, Coordinator

I just wanted to add that the intent of the one-time ARRA monies is to create or save jobs.

Eddie Garcia, Board President

Let me understand that, Mr. Moser, because the Clerk, I think, has a valid question. Twenty percent of this set aside was to use on outside vendors to provide services.

Dan Moser, Interim Superintendent

That is correct.

Eddie Garcia, Board President

What you are saying is that, "We want the waiver so that we could use this internally to save jobs here at the East Side rather than use it for outside vendors." Is that correct?

Dan Moser, Interim Superintendent

That is correct.

Patricia Martinez-Roach, Board Clerk

Okay it is on the record. Thank you.

10. SUPERINTENDENT/BOARD OF TRUSTEES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

**10.01 Discussion/Report/Action on Potential Parcel Tax Ballot Measure –
Eddie Garcia, Board President, and Dan Moser, Interim Superintendent**

Speakers:

- *Jon Reinke*
- *Marisa Hanson*

Dan Moser, Interim Superintendent

Just a very brief report that we are following our new edicts of the FCMAT report and that we are getting minimally three, soliciting three bids, to finding a provider to bring back the process and breakdown the tasks on the potential parcel tax measure.

Eddie Garcia, Board President

When do you plan to come back to this Board?

Dan Moser, Interim Superintendent

At the next regular Board meeting.

Patricia Martinez-Roach, Board Clerk

I just want to go on record saying that I want to make sure that if this Board is going to go through with this, that first of all, we understand what this poll is going to cost because this is a big district. There needs to be some parameters around the poll and the consultants.

Eddie Garcia, Board President

Madame Clerk, your comments are duly noted. In fact, I think they are the same comments used when you voted against this two weeks ago. I think they are on the record twice now and we are right there with you. We want to make sure this is done correctly and that we are in the loop.

Frank Biehl, Board Member

I just wanted to make a few quick clarifications. There was a poll done of 900 participants, registered voters throughout Santa Clara County. This was done last October. It was done with some help from CTA and it was sponsored by the Education Coalition county wide. There were 290 of those 900 people that were polled from the East Side. It did indicate, at that time last October, that there was a 72% yes vote in the East Side. Now, the problem with that is that it was only 290 people polled and that really isn't a large enough sample from the East Side to make a definitive decision. The other thing was is that you have a poll that was based without an amount specified to the potential amount of the parcel tax. They

went further and they asked questions down from \$100 to \$200 to \$50, etc. and basically what they found is that under \$100 you tended to be successful. If you were above that, you weren't, but the problem is that you get too small of a sample. So, the question here is that is it really worth the investment to invest between \$25,000 and \$35,000 in a poll to make sure that we have a reasonable chance of succeeding before we commit to \$500,000 to put the item on the ballot. For me, as a past businessman, I think it is a reasonable investment. Before we make the decision to go further, that we hire a firm that has experience with parcel taxes in the State of California. I am sure there are several and that we elicit from them a proposal as to what recommendations they would make to us and how much it would cost to take the steps we think would initially take to make up our mind to whether we want to do this or not. I think it would be folly just to put something on the back of the ballot without checking back with our community to find out what they are willing to support. We also need to find out what areas they are willing to fund. So that means we need to develop a poll and talking about the poll, that is something that needs to be developed with this company, but approved by this Board. We would like to ask that our partners that are going to support this, as well participate in that process and that would certainly include ESTA and CSEA. That is essentially what the thinking is. The problem is that you have to get to the two-thirds. In order to get to two-thirds, you have to go through a process and you have got to listen to everybody because if you don't listen to everybody, you won't be successful. Then somehow you have to come together to make a decision as to whether you want to move forward or not. In general, I am glad that the administration is following our procedures in going through an informal bid process, which was recommended in the FCMAT report. You are going to come back on the 19th with three alternatives to us and then we will make a decision at that time whether we want to select one of those alternatives or if we don't want to select one of those alternatives or if we want to refine one of those alternatives, but I think, in general, we have a timeline if we are interested in doing this in November. We are going to have to make a decision by the end of June.

Eddie Garcia, Board Member

I want to support those comments as well. This is something that I know that we've all given a lot of thought and we definitely don't take lightly. We, this State, are at a critical moment right now. Every indication says to help us get over this hump. The community is going to have to take their destiny in their own hands. The word tax is not a very popular word with voters. We have to think hard and long and we have to think pretty thorough. We have to make sure we have, as Mr. Reinke said, an honest to goodness chance to win this and, as Mr. Biehl clearly described, our community wants to do this. We need to save jobs for our employees because our employees are providing the services to our students who we are obligated to educate. This is a very important thing and I think that we need to continue slowly moving it through to make sure we do it right. I really appreciate ESTA moving together on this President Hanson. We are moving in the right direction and we will take the next step when Mr. Moser comes back to us on the 18th.

10.02 Response to Santa Clara County Office of Education regarding FCMAT Extraordinary Audit of ESUHSD – Dan Moser, Interim Superintendent

Speakers:

- *Jon Reinke*
- *John Moore*

Motion by Clerk Martinez-Roach, second by Vice President Nguyen to approve the response by the Administration to the Santa Clara County Office of Education regarding the FCMAT report, which includes the Internal Auditor job description position with all the requirements necessary and that subsequent to that, the Interim Superintendent bring back to the Board of Trustees a policy that is specific for the Board to sunshine, including the draft job description for the Board's review for additions and/or deletions.

Vote: 5/0

10.03 Discussion and/or Action regarding FCMAT Fiscal Health Risk Analysis Tool of ESUHSD – Dan Moser, Interim Superintendent

Motion by Clerk Martinez-Roach, second by Member Biehl to approve the Interim Superintendent's recommendation that the FCMAT Fiscal Health Risk Analysis Tool of ESUHSD, specifically the progress report on the eight components that were identified as areas to be monitored, be brought back to the Board at their May Board meeting.

Vote: 5/0

10.04 Adopt Resolution #2009/2010-32 Re: Governor Schwarzenegger's Proposed Budget – Frank Biehl, Board Member

Motion by Member Biehl, second by Vice President Nguyen, to adopt Resolution #2009/2010-32 regarding Governor Schwarzenegger's Proposed Budget.

Vote: 5/0

10.05 Adopt Resolution #2009/2010-33 Endorsing March 4, 2010 Day of Action -- Stand Up for Schools - Frank Biehl, Board Member

Motion by Member Biehl, second by Member Herrera, to adopt Resolution #2009/2010-33 Endorsing March 4, 2010, as Day of Action – Stand Up for Schools.

Vote: 5/0

10.06 Approve Board Members' Attendance and Lawful Expenses to the CSBA Delegate Assembly and CSBA 2010 Legislative Action Conference - Dan Moser, Interim Superintendent

Motion by Clerk Martinez-Roach, second by Member Herrera, to approve Board Members' attendance at lawful expenses to the CSBA Delegate Assembly and CSBA 2010 Legislative Action Conference.

Vote: 5/0

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

None

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

12.01 **Hold Public Hearing at Approximately 6:30 p.m.**

Accept the Initial Proposal for Successor Contract: From East Side Union High School District to San Jose Federation of Teachers Local 957, AFT, AFL-CIO – Dan Moser, Interim Superintendent, and Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction

Public hearing held.

There were no speakers.

12.02 **Hold Public Hearing at Approximately 6:30 p.m.**

Accept the Initial Proposal for Successor Contract: From East Side Union High School District to California School Employees Association, Chapter 187 - Dan Moser, Interim Superintendent, and Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction

Public hearing held.

There were no speakers.

12.03 **Hold Public Hearing at Approximately 6:30 p.m.**

Accept the Initial Proposal for Successor Contract: From East Side Union High School District to East Side Teachers Association - Dan Moser, Interim Superintendent, and Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction

Public hearing held.

Speakers:

- *Marisa Hanson*
- *Wendy Stegeman (relinquished time to Marisa Hanson)*

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

13.01 **ADA Recovery Presentation - Jerry Kurr, Associate Superintendent of Administration and Business Services, Dennis Barbata, Director of Information Technology Services, and George Sanchez, Coordinator of Student Services**

Presentation item only.

13.02 Adopt Resolution #2009/2010-34 Authorizing the Issuance and Sale of General Obligation Bonds, 2008 Election, Series B, in the Principal Amount not to Exceed \$100,000,000 – Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Herrera, second by Vice President Nguyen, to adopt Resolution #2009/2010-34 Authorizing the Issuance and sale of General Obligation Bonds, 2008 Election, Series B, in the Principal Amount not to Exceed \$100,000,000.

Vote: 5/0

14. FACILITIES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

14.01 Approve the Update to the District Facility Design Guidelines - Alan Garofalo, Associate Superintendent of Student Services and Facilities, and June Francis Rono, Ph.D., Director of Facilities and Planning

None

15. ATTACHMENT A – CONSENT CALENDAR ITEMS

None

16. WRITTEN REPORTS/RECOMMENDATIONS

None

17. BOARD OF TRUSTEES/SUPERINTENDENT COMMUNICATIONS/COMMENTS

17.01 Board of Trustees

Patricia Martinez- Roach, Clerk

I have been meeting with the parents groups and the committees. I just wanted to bring something to the Board's attention that the Latino Parent Coalition brought to my attention, which I had asked them why they had not had their awards ceremony like they did last year. The reason was because they did not have the money to pay for the certificates. I understand that for other groups, we pay for their certificates. I wanted to go on record expressing my concern that we should be treating all students equally as far as the certificates. If there was an oversight, we need to reimburse the Latino Parent Coalition for any expenses they have incurred in the past regarding the certificates.

J. Manuel Herrera

I just want to bring again to the Board's attention regarding our public speaker on the census. The census form will be arriving in a couple of weeks and things are moving quickly. There was a handout, Mr. Superintendent, and I assume our liaison will facilitate the speaking to all the parent groups.

Frank Biehl, Member

I would like to comment that I think it is important that all Board Members participate on a rotating basis on meeting with the parent groups that we have. I certainly appreciate the work that Patricia Martinez-Roach has done, but I would like to have the opportunity to meet with some of these groups, as well, and I have in the past done that. I also agree that we have to have this equity issue and make sure that we are treating all groups equally.

In terms of my report, I did have the opportunity this Sunday to go Silver Creek High School and attend their WASC reception. There was a very good group of people there and I was glad to be there to support that.

On Tuesday, I went to James Lick and was present at their read out of their WASC recommendations. It was an excellent read out. Basically, it said they are on the right track and are heading in the right direction.

We won't know what the actual number of years. We won't receive the WASC accreditation for a couple of months. Both schools have been working very hard and I was very impressed with their group presentations.

Eddie Garcia, President

I want to take a couple of minutes to make sure that the community, Board, administration and everybody here is not lost on some of the actions we have taken in the last couple of months. We heard the County Superintendent talk about issues that have been festering in this District from a fiscal side for over a decade. We received a report in late January. The County Superintendent came to us on February 18 and physically made the report here. For those of you that are here, he had, and I would be putting it lightly, concern in his voice. We moved forward two weeks and now we've got him commending this organization and I believe he used the word commendable four times. I want to thank the administration for having the courage to move on this. I am very proud of this organization. The community should be proud of this organization. Now we have to do it. Now we have to send a strong message to this community that we are serious about their money and we are going to take care of their money because we need to save every dime so that we have the teachers we need and that we have the CSEA classified staff to deliver the services. Once we let the community know we are serious about this, we move that way and we start doing what we need to do. The best way to describe it is that we are serious about cleaning house here and making sure we do things right. I am proud of this organization tonight. Tonight we did the right thing again and I just want to say thank you to everybody.

Lan Nguyen, Vice President

This is something that I have thought about for some time and I don't know how other Board Members feel about it because we used to as a Board have a Board Retreat once a year to go over our mission, goals and priorities. After we met as a Board, we prioritized our goals and objectives and then met with the Superintendent and Cabinet to figure out what are our roles and priorities for the year. It is time for us to do another one. It does not need to be a full day. It could be just a few hours.

17.02 Dan Moser, Interim Superintendent

Early next week, the State will be formerly releasing what is classified as schools persistently low performing in the 5% category. I am pleased to announce that none of our high schools will fit into that particular category. We did have one of our charter schools that did fall into that category.

18. REPORT CLOSED SESSION ACTION(S)

Attorney will report on closed session action item(s).


See section 2.0 for reporting out of Closed Session items.

19. ADJOURNMENT

President adjourns the meeting.

President Garcia adjourned the meeting at 9:22 p.m.

Respectfully submitted,


Board Clerk