

**Agenda Item Details**

---

Meeting May 10, 2011 - ESUHSD REGULAR BOARD MEETING - 4:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category 14. ATTACHMENT A - CONSENT CALENDAR

Subject 14.14 Approve Minutes of March 10, 2011, Regular Board Meeting

Access Public

Type Action (Consent)

Recommended Action It is recommended that the Board of Trustees approve the March 10, 2011, Regular Board Meeting minutes as presented.

**Public Content**

---

**EAST SIDE UNION HIGH SCHOOL DISTRICT**

**Item: 14.14**

**TO:** Board of Trustees

**FROM:** Dan Moser, Superintendent

**SUBJECT:** Approve Minutes of March 10, 2011, Regular Board Meeting

Attached are the minutes of the March 10, 2011, 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 10, 2011, Regular Board Meeting minutes as presented.

**EAST SIDE UNION HIGH SCHOOL DISTRICT**  
**BOARD OF TRUSTEES**  
**APPROVED** May 10, 2011  


**EAST SIDE UNION HIGH SCHOOL DISTRICT  
REGULAR MEETING  
OF THE  
BOARD OF TRUSTEES**  
Meeting Held at Independence High School – Large Gymnasium  
March 10, 2011  
4:00 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 4:02 p.m. by President Nguyen. Vice President Biehl, Clerk Le, Member Martinez-Roach and Member Herrera were present.*

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

*President Nguyen 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 Large Gymnasium at approximately 6:00 p.m.) See item 2 on agenda (Closed Session).**

*The Board of Trustees recessed to Closed Session in the C-05 Conference Room.*

**2. CLOSED SESSION**

**2.01 Expulsion(s): A-C**

*Motion by Member Herrera, second by Clerk Le, to approve the expulsion of Student A.*

*Vote: 5/0*

*Motion by Clerk Le, second by Vice President Biehl, to approve the expulsion of Student B.*

*Vote: 5/0*

*Motion by Member Martinez-Roach, second by Member Herrera, to approve the expulsion of Student C.*

*Vote: 5/0*

**2.02 Public Employment/Public Employee Appointment (Government Code Section 54957)**

- *Associate Superintendent of Business Services*
- *Associate Superintendent of Human Resources and Instruction*

**2.03 Public Employee Discipline/Dismissal/Release (Government Code Section 54957)**

*The Board, by a vote of 5/0, approved Resolution #2010/2011-30, Notice of Release of a Certificated Temporary Employee.*

*The Board, by a vote of 5/0, approved Resolution #2010/2011-31, Notice of Release of an Administrator.*

**2.04 Public Employee Performance Evaluation (Government Code Section 54957)**

**2.05 Conference with Labor Negotiators (Government Code Section 54957.6)**

Agency Designated Representatives:

*Dan Moser, Superintendent*

*Cathy Giammona, Associate Superintendent of Human Resources and Instruction*

*Vida Branner, Director of Compensation and Classified Employee Relations*

Employee Organizations:

*American Federation of Teachers (AFT)*

*California School Employees Association (CSEA)*

*East Side Teachers Association (ESTA)*

**2.06 Conference with Legal Counsel – Existing Litigation**

**Subdivision (a) of Section 54956.9 of the Government Code: Two (2) Cases**

- *Kinetics Mechanical Services, Inc. vs. East Side Union High School District, Santa Clara County Superior Court, Case No. 109CV141312*
- *Geraldine Forte vs. East Side Union High School District, U.S. District Court for the Northern District of California, San Jose Division, Case Number CV 10-01368 HRL*

**2.07 Conference with Legal Counsel – Anticipated Litigation**

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

- *Claim of Bruce Flynn Associates, Inc. and Bruce Flynn and One (1) Other Potential Case*

*The Board, by a vote of 4/0/1, approved the rejection of the claim of Bruce Flynn Associates, Inc. and Bruce Tyson Flynn. Clerk Le abstained from vote*

**OPEN SESSION AT APPROXIMATELY 6:00 P.M. – INDEPENDENCE HIGH SCHOOL LARGE GYMNASIUM**

**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 large gymnasium.

*President Nguyen 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. **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 large gymnasium.

*Speaker:*

- *Angie Nunn - CSEA*

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

**7.01 Review, Consideration and Adoption of Resolution #2010/2011-28 Authorizing Reduction in Classified Workforce – Dan Moser, Superintendent**

*Speakers:*

- *Deborah Sanchez*
- *Dorothy Hines*
- *Rey Llaban*

*Motion by Vice President Biehl, second by Member Herrera, to adopt Resolution #2010/2011-28 Authorizing Reduction in Classified Workforce.*

*Vote: 3/2; Clerk Le and Member Martinez-Roach voted No*

**7.02 Review, Consideration and Adoption of Resolution #2010/2011-29 Authorizing Reduction in Certificated Workforce – Dan Moser, Superintendent**

*Speakers:*

- *Tim Mestaz*
- *Debbie Sordello*
- *Adriana Rangel*
- *Gary Berg*
- *Tricia Bolster*
- *Marisa Hanson*
- *Marla V. Bressani*
- *Hannah Haynes*

*Motion by Member Herrera, second by Vice President Biehl, to adopt Resolution #2010/2011-29 Authorizing Reduction in Certificated Workforce.*

*Vote: 3/2; Clerk Le and Member Martinez-Roach voted No*

- 7.03 Hold Public Hearing at Approximately 6:15 p.m. – Proposed Adoption of the Initial Proposal for Successor Contract: From East Side Union High School District to San Jose Federation of Teachers Local 975, AFT, AFL-CIO – Dan Moser, Superintendent; and Cathy Giammona, Associate Superintendent, Human Resources and Instruction**

*Public hearing held.*

*There were no public speakers.*

- 7.04 Hold Public Hearing at Approximately 6:20 p.m. – Proposed Adoption of the Initial Proposal for Successor Contract: From East Side Union High School District to East Side Teachers Association – Dan Moser, Superintendent; and Cathy Giammona, Associate Superintendent, Human Resources and Instruction**

*Public hearing held.*

*Speaker:*

- *Rosalind Taylor*

- 7.05 Hold Public Hearing at Approximately 6:30 p.m. – Receive and Sunshine the Initial Proposal for Successor Contract: From East Side Teachers Association to East Side Union High School District - Dan Moser, Superintendent; and Cathy Giammona, Associate Superintendent, Human Resources and Instruction**

*Public hearing held.*

*There were no public speakers.*

- 7.06 Approve Employment Contract for Interim Associate Superintendent of Business Services – Dan Moser, Superintendent**

*Motion by Member Martinez-Roach, second by Vice President Biehl, to approve the employment contract for Interim Associate Superintendent of Business Services Hardy Childers as presented.*

*Vote: 5/0*

- 7.07 Approve Second Interim Financial Report for 2010/2011 – Dan Moser, Superintendent, and Hardy Childers, Interim Associate Superintendent of Business Services**

*Motion by Member Herrera, second by Vice President Biehl, to approve the Second Interim Financial Report for 2010-2011.*

*Vote: 5/0*

**7.08 Board Audit Committee Update, Discussion and/or Action - Frank Biehl, Audit Committee Chair and Patricia Martinez-Roach, Audit Committee Vice Chair**

*Audit Committee Chair Frank Biehl*

*I just wanted to let you know that at our next meeting on the 24<sup>th</sup> we will review the applicants that we have for appointment to the Audit Committee and make a decision at that point so that should be included in our Board packet. Our next Audit Committee meeting is scheduled for April 16. I will be conferring with Ms. Martinez-Roach, the Vice Chair, as we put together an agenda for that meeting.*

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

**8.01 Board of Trustees**

**Frank Biehl, Board Vice President**

**MetroED:**

*MetroED met last night and adopted their Second Interim. It was a positive certification.*

*We have moved into the cafeteria and, essentially, are there to hold our Board meetings because reconstruction is being done in the other building that we used to meet in.*

*There are still remaining issues that relate to the large reduction in adult education funding from San Jose Unified. MetroED provides adult education programs to San Jose Unified and they've reduced their budget by two-thirds. We had to put together the layoff notices because of the decision by San Jose Unified.*

*The last thing, MetroED, every year, reviews all of their programs and they take the programs that don't meet the criteria of having at least 20 students in the class. If this is a trend that continues over a number of years, then they put the teachers on notice that these classes may, in fact, be dropped. There are about five classes that are noted and they will be advertised one more time and there will be an attempt to get sign-ups. If we do not get appropriate sign-ups for those classes, they will be dropped next semester, next year. However, we have had demands for additional classes in other types of classes. That is one thing that is good about MetroED -- is that they take a look at their classes and, if they are no longer relevant because students aren't attending them or there is no market for the particular job that people are being trained for, they are dropped and new classes are added.*

*I've been visiting schools and Van Le has joined me at Silver Creek. I will be visiting the last three schools in the next two weeks. At the end of that, I will have visited each school in the district at least once this year.*

**Van Le, Board Clerk**

*I would like to report that I attended a conference in Bakersfield. It was the first 100 days of a new school board member. I am learning a lot.*

*I did have the opportunity to visit sites with Board Member Biehl and I am planning to visit more sites. I also attended last Tuesday night the Silver Creek School Site Council meeting.*

**Patricia Martinez-Roach, Board Member**

*The students had for the first time, a night assembly at Independence High School. I was very proud of the students. They did a wonderful job organizing the event. It was full of students. It was very orderly and I was very impressed. I was concerned about the bleachers. There are some broken bleachers and I did share that with the Superintendent. I took a picture because it is certainly not safe.*

*I wanted to thank the Independence Principal for having us here.*

**J. Manuel Herrera, Board Member**

*I have two items. The first is that I am holding a liaison role regarding the matter of Chinese language instruction. A few months ago we visited the issue. What I am requesting is that we have a public discussion again at the next meeting. I say that because I have been contacted by more than one member of the community who is still keenly interested in this issue. I think they deserve a public opportunity to where we are at, where we are not. I am asking that it be on the next agenda.*

*The second item is that we are finally at a point of launching into \$40+ million in projects, about 20 construction projects, in our Bond Program. I believe we will be receiving recommendations for initiating that with the hiring of architects for the design phase to be started, which I fully support. I am mentioning it because I have some concern about not fully understanding if there is a substantial shift occurring, especially since the departure of former Associate Superintendent Alan Garofalo.*

*In the years that I have been on the Board, and I am talking about the first Bond Program that I had exposure to, was in 1990; more than 20 years ago with Measure A. Over the years, there has been more than one discussion on how we use construction management firms, what we do internally, what we contract out. Without going into too much detail, a basic model initially was adopted using what is called a “design bid build” approach, which was implicated pretty strongly in problems that developed with the construction of Evergreen Valley High School and the cost overruns and so on. What came out of that was a lot of lessons learned and we evolved to a multiple prime model. My concern is to know whether we are going to go back to “design bid build” – what we did before – with these \$40+ million in 20 projects coming online and, if we are, I as a policy maker feel it is important for the Board to understand how we are balancing cost on one hand and risk management on the other. I would like that on the agenda. It is going to be on the agenda anyway because of the approval of architects, but the delivery method is what is at issue here and to hear from a policy perspective. I believe it is worth our time to have a little discussion on that. Personally, I am going to be making some inquiries with the Administration between now and the next meeting and would really welcome another Board Member who might have a similar interest in this level of just asking questions – to join me on that. My focus is really on the delivery method because there is going to be bidding on whichever approach we follow.*

**Lan Nguyen, Board President**

*I agree with Member Herrera, especially on the Measure E projects that we will be continuing with. Forty million dollars is a lot of taxpayer dollars, but more than a program or project update, I think that sometime in the near future, if the Superintendent can instruct Facilities or the Business Office to reserve a day or a half day, a Saturday morning, to fully educate the Board about where the projects are and the full debrief or explanation of the*

*RFP process and how it works, how the projects will be bid and where do we go from there. I believe that it will be very helpful.*

*I also want to mention the Board Retreat. We had two sessions. The Board Retreat was helpful. It is important that the public know that the Board did not spend a lot of money on the Retreat. We used the Oak Grove High School Library to hold the Retreat. We did not spend a lot of money on food. I believe it was helpful and we need to have an ongoing check-in either on a quarterly basis or every six months to see where we are with the goals and priorities and the mission we developed for the Board and the District. We need to sunshine the Board developed priorities and goals. After the Board takes action on those priorities and goals, we need to think about checking-in as to where we are with those priorities and goals.*

**8.02 Dan Moser, Superintendent**

*I would like to congratulate all the staff and students that participated in two major activities this past Saturday and that was the sciencepalooza! at the Fairgrounds. Over a thousand students participated in that and to make that happen requires scores of teachers to help the youngsters throughout the year to develop their science projects. Congratulations to those youngsters!*

*Also that day at San Jose State University, there was MESA, the local chapter, which promotes mathematics, engineering science achievement. Our schools had a major part of the 700 plus student audience there. That was Yerba Buena, Independence, Mt. Pleasant, James Lick and Overfelt. They had the entire day in competition and then the awards ceremony at the end. Congratulations again to the staff and students!*

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

**Attorney will report on Closed Session action item(s).**

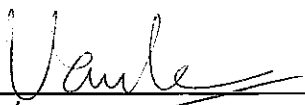
*See section 2.0 for reporting out of Closed Session items.*

**10. ADJOURNMENT**

**President adjourns the meeting.**

*President Nguyen adjourned the meeting at 9:45 p.m.*

*Respectfully submitted,*

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