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Agenda Item Details

Meeting Apr 13, 2017 - ESUHSD REGULAR BOARD MEETING - 4:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category 16. BOARD OF TRUSTEES/SUPERINTENDENT - CONSENT/ACTION CALENDAR

Subject 16.03 Approve Minutes of March 9, 2017, Regular Board Meeting

Access Public

Type Action

Recommended Action It is recommended that the Board of Trustees approve the March 9, 2017, Regular Board Meeting minutes as presented.

Public Content

EAST SIDE UNION HIGH SCHOOL DISTRICT

TO: Board of Trustees

FROM: Chris D. Funk, Superintendent

SUBJECT: Approve Minutes of March 9, 2017, Regular Board Meeting

Attached are the minutes of the March 9, 2017, Regular Board Meeting for review and approval by the Board of Trustees.

FISCAL IMPACT:

None

FUNDING SOURCE:

None

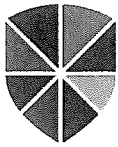
RECOMMENDATION:

It is recommended that the Board of Trustees approve the March 9, 2017, Regular Board Meeting minutes as presented.

BA_2017_03_09_Regular_Minutes.pdf (291 KB)

Executive Content

East Side Union High School District
APPROVED
 Board of Trustees
M. Quillen 4-13-17



EAST SIDE UNION HIGH SCHOOL DISTRICT
REGULAR MEETING
OF THE
BOARD OF TRUSTEES
Meeting Held at
East Side Union High School District
Board Room
830 N. Capitol Avenue, San Jose, CA 95133
March 9, 2017
4:30 p.m.

1. CALL TO ORDER/ROLL CALL

1.01 Roll Call

The Regular Board meeting was called to order at 4:37 PM by Board President Frank Biehl.

Present for roll call:

- *President Frank Biehl*
- *Vice President J. Manuel Herrera*
- *Clerk Pattie Cortese*
- *Member Lan Nguyen*
- *Member Van Le*

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

President Frank Biehl 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.

The following statement was entered into the record for an emergency amendment to the agenda:

On January 25, 2017, President Donald J. Trump signed an executive order titled "ENHANCING PUBLIC SAFETY IN THE INTERIOR OF THE UNITED STATES" that gives the President and his subordinate executive officers, including the Attorney General and the Secretary of Homeland Security, the power to declare any "sanctuary jurisdiction" ineligible to receive federal funds.

On February 3, 2017, the County of Santa Clara filed a lawsuit against the President and other officials for declaratory and injunctive relief from the Executive Order. If enforced, the Executive Order could harm undocumented students, their parents, and ultimately, the District community. On Wednesday, March 8, 2017, after the posting of the agenda for this Board meeting, the District was informed that the County has filed a motion for a preliminary injunction to stay the enforcement of the Executive Order and the withholding or conditioning of federal funds under the Executive Order, and that the court has ordered that any amicus curiae briefs in support of the County motion must be filed no later than March 22. The Orrick law firm in San Francisco has offered to prepare and file an amicus brief in the County lawsuit on behalf of the District and other school districts in the state on a pro bono basis (ie, at no cost to the District). Because of the court deadlines there is a need to consider and take immediate action on whether the Board should authorize the District to join in an amicus curiae brief to the court in support of the County's complaint and motion and to present information to the court regarding the impact of the Executive Order on schools.

Pursuant to section 54954.2(b)(2) of the Brown Act, the Administration and Legal Counsel are recommending that the Board consider this item in closed session as a matter of anticipated litigation under the Brown Act, and that the Board consider and take action on this item in open session as follows:

“Discussion and/or Action to Adopt Resolution 2016/2017-28 Approving The Filing Of A Legal Brief With Other School Districts As Amici Curiae In Support Of The County Of Santa Clara’s Complaint Challenging The Executive Order Directing Reprisals Against Sanctuary Jurisdictions And Authorizing The Execution Of Necessary Documents And Related Actions”

Pursuant to the Brown Act, consideration of this matter by the Board in closed and open session as recommended requires an affirmative vote by two-thirds of the Board Members present, or a unanimous vote if not all 5 Board Members are present.

Motion by President Frank Biehl, second by Board Vice President J. Manuel Herrera, to accept the item as an emergency item to the March 9, 2017, Regular Board Meeting agenda, Closed Session and Open Session agenda items.

Yea: President Frank Biehl, Vice President J Manuel Herrera, Clerk Pattie Cortese, Member Lan Nguyen, Member Van Le

Vote: 5/0; Motion carries

There were no public speakers.

1.03 Recess to Closed Session in the Superintendent's Conference Room (Open Session will resume at the end of Closed Session at approximately 4:50 p.m.) See item 2 on agenda (Closed Session).

The Board of Trustees recessed to Closed Session in the Superintendent's Conference Room.

2. CLOSED SESSION

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

Motion #1

Motion by Vice President J. Manuel Herrera, second by Member Van Le, to adopt Resolution #2016/2017-22 Authorizing the Issuance of Non-Reelection of One (1) District Intern and directing the Superintendent to serve the affected employee with written notice of their non-re-election no later than March 15, 2017.

Yea: President Frank Biehl, Vice President J Manuel Herrera, Clerk Pattie Cortese, Member Lan Nguyen, Member Van Le

Vote: 5/0; Motion carries

Motion #2

Motion by Clerk Pattie Cortese, second by Member Lan Nguyen, to adopt Resolution #2016/2017-23 Authorizing the Non-Reelection of Twenty-Three (23) Certificated Probationary Employees and directing the Superintendent to serve the affected employees with written notice of their non-re-election no later than March 15, 2017.

Yea: President Frank Biehl, Vice President J Manuel Herrera, Clerk Pattie Cortese, Member Lan Nguyen, Member Van Le

Vote: 5/0; Motion carries

Motion #3

Motion by President Frank Biehl, second by Member Van Le, to adopt Resolution #2016/2017-24 Authorizing the Release of Thirteen (13) Temporary Certificated Employees and directing the Superintendent to serve the affected employees with written notice of their release no later than March 15, 2017.

Yea: President Frank Biehl, Vice President J Manuel Herrera, Clerk Pattie Cortese, Member Lan Nguyen, Member Van Le

Vote: 5/0; Motion carries

Motion #4

Motion by Member Van Le, second by Vice President J. Manuel Herrera, to adopt Resolution #2016/2017-25 Authorizing the Notice of Release and Non-Reelection of One (1) Probationary Certificated Administrator and directing the Superintendent to serve the affected employee with written notice of their release and non- reelection no later than March 15, 2017.

Yea: President Frank Biehl, Vice President J Manuel Herrera, Clerk Pattie Cortese, Member Lan Nguyen, Member Van Le

Vote: 5/0; Motion carries

Motion #5

Motion by Member Van Le, second by Member Nguyen, to adopt Resolution #2016/2017-26 Authorizing the Notice of Release of One (1) Certificated Administrator and directing the Superintendent to serve the affected employee with written notice of their release and no later than March 15, 2017.

Yea: Vice President J Manuel Herrera, Clerk Pattie Cortese, Member Lan Nguyen, Member Van Le

Nay: President Frank Biehl

Vote: 4/1; President Frank Biehl Voting No; Motion carries

**2.02 Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (d)(2) of
Government Code Section 54956.9**

• One (1) Potential Case

3. RESUME OPEN SESSION AT APPROXIMATELY 4:50 P.M. – EDUCATION CENTER - BOARD ROOM

Any person may address the Board on any item on the meeting agenda. Information explaining Board meeting procedures and how citizens can address the Board will be read. Persons wishing to address the Board must fill out a speaker request form, which is located at the entrance of the Board Room.

3.01 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 of the Board Room.

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

5. ADOPTION OF AGENDA

5.01 The Superintendent and/or Board Member(s) may request that items be removed from the agenda for consideration and/or carried to a future Board meeting for consideration and/or action, and/or that the Board take action in a regular meeting on a subject not listed on the published agenda on an emergency basis or other basis allowed by law. (Gov. Code 54954.2)

6. Special Order of Business - Operational Items/Board Discussion and/or Action

6.01 Discussion and/or Action to Adopt Resolution #2016/2017-28 Approving The Filing Of A Legal Brief With Other School Districts As Amici Curiae In Support Of The County Of Santa Clara's Complaint Challenging The Executive Order Directing Reprisals Against Sanctuary Jurisdictions And Authorizing The Execution Of Necessary Documents And Related Actions – Rogelio M. Ruiz, Esq. - Legal Counsel

Motion by President Frank Biehl, second by Clerk Pattie Cortese, to adopt Resolution #2016/2017-28 Approving The Filing Of A Legal Brief With Other School Districts As Amici Curiae In Support Of The County Of Santa Clara's Complaint Challenging The Executive Order Directing Reprisals Against Sanctuary Jurisdictions And Authorizing The Execution Of Necessary Documents And Related Actions.

Yea: President Frank Biehl, Vice President J Manuel Herrera, Clerk Pattie Cortese, Member Lan Nguyen, Member Van Le

Vote: 5/0; Motion carries

Consent / Action Calendar Section 7

All items listed under the Consent/Action Calendar are considered by the Board to be routine and will be enacted in one motion. There will be no discussion of these items prior to the time the Board considers the motion, unless members of the Board or the Superintendent request specific items to be discussed and/or removed from the Consent/Action Calendar.

Superintendent asserts that the following Business Transactions, Personnel Actions, Maintenance of Records, Approvals and Recommendations requiring Board Action have been carried out to the best of his knowledge in accordance with the law.

Motion by Member Van Le, second by Vice President J. Manuel Herrera, to approve the entire consent calendar as presented.

Yea: President Frank Biehl, Vice President J Manuel Herrera, Clerk Pattie Cortese, Member Lan Nguyen, Member Van Le

Vote: 5/0; Motion carries

7. **Board of Trustees / Superintendent - Consent / Action Calendar**

7.01 Ratify/Approve Board Member(s) Lawful Expenses/Mileage to Conferences / Workshops / Meetings

Facilities - Consent / Action Calendar

8.01 Approve Award of Bids and Request for Proposals for Bond/Capital Projects

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

Legal Counsel will report on Closed Session action item(s).

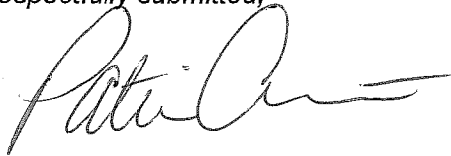
See section 2.0 for reporting out of Closed Session items.

10. **ADJOURNMENT**

President adjourns the meeting.

President Frank Biehl adjourned the meeting at 5:36 PM.

Respectfully submitted,



Board Clerk