

APPROVED
Board of Trustees
11-10-05

Board Meeting November 10, 2005
Agenda Item 9.25
Attachment A

**EAST SIDE UNION HIGH SCHOOL DISTRICT
Minutes of the Special Meeting of the Board of Trustees
Meeting Held at Education Center
October 6, 2005**

1) The Special Meeting of the Board of Trustees was called to order at 4:04 p.m. by Clerk Martinez-Roach. Member Mann and Member Nguyen were present. (President Herrera arrived at 4:08 p.m., Vice President Shirakawa arrived at 4:11 p.m.)

2) **PLEDGE OF ALLEGIANCE**

3) **WELCOME AND EXPLANATION TO AUDIENCE**

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

4) **BOARD SPECIAL RECOGNITION(S)**

4.1 Gene Dorsa – Teacher Recognition (7:15 p.m.)

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

None

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

- Mike Deussen – Special Education
- Lucille Moyer
- Debby Kantorik – Dances at Santa Teresa High School
- Joyce Koeplin – Dances at Santa Teresa High School
- Gene Dawson – Andrew Hill Baseball Field
- John Moore – Andrew Hill Charter
- Esau Herrera – Andrew Hill Charter
- Bill Mustanich – Andrew Hill Charter
- Michael Winsatt – Andrew Hill Charter
- John T. Moore – Academic Achievement
- Clarissa L. Abram Moore – Camp Anytown
- Hannah Thrasher – Camp Anytown
- Ash Redhill – Camp Anytown
- Don McKell – Camp Anytown
- Derek Caplan – Camp Anytown
- Rubi Welch – Military Recruitment
- Ruben A. Dominguez – Military Recruitment
- Lucille Moyer – Military Recruitment

CALL TO ORDER

PLEDGE OF ALLEGIANCE

WELCOME AND EXPLANATION

RECOGNITIONS

CONSIDERATION OF AMENDMENTS

ORAL COMMUNICATIONS

- Craig Rodine – Military Recruitment
- Lennox Sweeney – Military Recruitment
- David Wald – Military Recruitment
- Brittany Welch-Chenier -- Military Recruitment
- John Moore – Military Recruitment
- Bill Ferguson -- Student Privacy

7) **STUDENT ACHIEVEMENT/BOARD DISCUSSION AND/OR ACTION**
None.

STUDENT ACHIEVEMENT

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

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

8.1 Adopt Resolution #2005-2006-09 for a Finding of Insufficient Materials
Motion to approve by Clerk Martinez-Roach, second by Member Mann. Vote: 5/0

8.2 Adopt Resolution #2005-2006-10. Gann Spending Limit.
Motion to approve by Member Mann, second by Clerk Martinez-Roach. Vote: 5/0.

8.3 Andrew Hill Charter School Petition/Presentation by Julie Pratico, Marilyn Bliss, and Joe VanSambeek
Letters of support by San Jose MACSA, Council Member, 8th District, David Cortese, and Representative Zoe Lofgren, 16th District, San Jose, were presented to the Board.
Presenters indicated if the Board did not approval the proposal, they will petition the Santa Clara County Board of Education.

8.4 Camp Anytown – USA Leadership Program Contract Renewal – Video Presentation – General Discussion

Clerk Martinez-Roach had concerns with this expense coming out of the General Fund. Clerk Martinez-Roach expressed a concern with an employment affiliation between President Herrera and the organization.

Vice President Shirakawa expressed he is convinced President Herrera has not interfered himself in anyway.

Motion to approve by Member Mann, second by Member Nguyen. Vote: 3/0, Abstentions President Herrera, Clerk Martinez-Roach

8.5 Approve Variable Term Waiver Request for Certificated Employee
Motion to approve by Member Mann, second by Member Nguyen. Vote: 5/0

8.6 Military Recruitment at East Side Union High School District/Privacy Policy/Student Access – General Discussion

President Herrera requested the administration review this issue. Bring back an adoption and recommendations of any possible adaptation of policy and legal implications. President Herrera would like to know what kind of funds would be at risk. This could be a broader issue for public policy. The broader policy is to have protocols that are consistent; policies that are uniform consistent and fair.

Clerk Martinez-Roach is concerned students are not being informed of the "Opt Out Option." This option was sent out at the beginning of the school year in the ESUHSD Student/Parent Handbook. Labels for the mailing were sent out by an outside agency. Clerk Martinez-Roach is concerned that students may have not been notified of their option. Clerk Martinez-Roach recommended "Opt Out Option" be published in all languages. "There is not one ounce of proof that funding is at risk," said Clerk Martinez-Roach. "We want our students to be safe. We are looking for parental consent." She asked the Board not to delay the "Opt Out Option" provision to extend the release date to give more people a chance to know we have this option."

Board Member Nguyen would like clarification from Legal Counsel. We must make sure there are no conflicts with the No Child Left Behind Act. Conflicts could put Title 1 funding at risk. The district needs to establish a policy.

Rogelio M. Ruiz, Legal Counsel, will research the proposal and the impact it would have on special funding sources. General Counsel Ruiz feels fairly confident these ideas can be used to make a new policy.

Member Mann stated, "We need to get our students prepared to make these kinds of choices." We should be very careful. Do nothing that will cause the district to be out of compliance in the law, federal, state or otherwise and do no harm to access to federal funding.

Vice President Shirakawa, stated he is not convinced the Board needs to send a message. He would like the Board to focus on three things, give parents opportunity, cost recovery, and finally to understand what is going on in our community. We should make an appropriate policy in our district.

The Board will present a recommendation at a future meeting. The Board will seek advice of Legal Counsel, to ensure there are no

legal challenges in the law and will come up with a policy. The Board will find ways to inform students of this option. The Board will make and enforce a protocol and consistency for agencies on campus. Board will present a policy that is uniform and fair and not favoring any particular agency. The Board is requesting a notice is sent to all parents, plus posting it in the district's web site.

Clerk Martinez-Roach made a motion the Superintendent be directed to send out a modified vision with the legal requirements of the "Opt Out" provision and the information be in all the dominant languages. The notice will go on report cards.

Motion to approve by Clerk Martinez-Roach, second by Member Mann.

Vote: 5/0

It was recommended that a policy be presented to the Board no later than November 10, 2005.

8.7 Academic Achievement –

Presentation by Evergreen Valley High School

Presentation by Principal Tim McDonough, Associate Principal, Lynn Murray, Associate and Coordinator of Professional Development Valerie Arbizu.

Board Member Mann recommended that in the future, presentations regarding student achievement be placed first on the agenda, under discussion items.

Presentation on Academic Performance Index (API) and Adequate Yearly Progress (AYP)

Item carried to Board Meeting of 10/20/05.

8.8 Presentation on Student Health & Nutrition Services

Item carried to Board Meeting of 10/20/05.

9) Attachment A – Consent Calendar Approval of Agenda

Items: (9.3), (9.4), and (9.13) was pulled for discussion/approval.

Motion to approve by Member Mann, seconded by Vice President Shirakawa to approve the remainder of the Consent Items as amended.

Vote: 4/0

Clerk Martinez-Roach not present for vote (left the room).

(Agenda items in parentheses)

- Approved purchase orders presented October 6, 2005 (9.1)

- Approved Student Aide Personnel Actions Presented October 6, 2005. (9.5)
- Approved Minutes of August 25, 2005 Regular Board Meeting (9.6)
- Approved Acceptance of Gifts/Grants/Donations. (9.7)
- Approved Contracts for Professional Services. (9.8)
- Approved Award of Bid (9.9)
- Approved Memorandums of Understanding (9.10)
- Approved School Field Trips (9.11)
- Adopted Resolution #2005/2006-11 an Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546. (9.12)
- Adopted/Approved Classified/Classified Management and Certificated Administration Holiday Schedule for the 2005/2006 School Calendar (9.14)
- Approved CAHSEE Waivers for Special Education Students (9.15)
- Approved Notice of Completion for Oak Grove HVAC Replacement Project (9.16)
- Approved Change Order #7 for Piedmont Hills High School Modernization Project – Wings C, D and E (Dow Diversified) (9.17)

✓ Motion to approve as amended by Member Mann, seconded by Vice President Shirakawa item (9.3) add Tom Galante .75 paraeducator

Vote: 4/0 Clerk Martinez-Roach not present for vote (left the room).

✓ Motion to approve as amended by Member Mann, seconded by Vice President Shirakawa item (9.4) remove Victor Maestas

Vote: 4/0 Clerk Martinez-Roach not present for vote (left the room).

✓ Motion to approve by Member Mann, seconded by Vice President Shirakawa item (9.13) Vote: 4/0, Clerk Martinez-Roach not present for vote (left the room).

10) Written Reports/Recommendations

11) BOARD OF TRUSTEES/SUPERINTENDENT'S COMMUNICATIONS/COMMENTS

11.1 Board of Trustees

President Herrera - Announcement

The Latino Role Model Conference is scheduled for October 15, 2005, at James Lick High School, from 8:30 a.m. to 2:30 p.m.

11.2 Interim Superintendent

Bob Nunez Announcement

**BOARD/
SUPERINTENDENT'S
COMMUNICATIONS/
COMMENTS**

"I would like to advise the Board that our facilities department is preparing an application for State funding of the alterations to the Student Services Building at James Lick High School. State approval and apportionment is anticipated after the first of the year."

12) **CLOSED SESSION**

CLOSED SESSION

- 12.1 Expulsions - NONE
- 12.2 Public Employee Discipline/Dismissal/Release (*Government Code §Section 54957*)
- 12.3 Conference with Labor Negotiators (*Government Code §Section 54957.6*)
Agency Designated Representative:
Interim Superintendent Bob Nuñez
Employee Organizations: East Side Teachers Association (ESTA)
California School Employees Association (CSEA)
American Federation of Teachers (AFT)
- 12.4 Public Employee Performance Evaluation (*Government Code §Section 54957*)
- 12.5 Public Employment/Public Employee Appointment (*Government Code §Section 54957*):

Appointment of Director of Career Services (1 position)

Dr. Geraldine Forte

Motion to approve by Member Mann, seconded by Member Nguyen. Vote: 5/0

Appointment of Associate Principal (2 Positions)

Marlow Viehweg, Mt. Pleasant High School

Motion to approve by Member Mann, seconded by Vice President Shirakawa. Vote: 5/0

Marla Bressani, Andrew Hill High School

Motion to approve by Member Mann, seconded by Member Nguyen. Vote: 5/0

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

14) **ADJOURNMENT**

ADJOURNMENT

On motion that was made to adjourn by Member Mann, seconded by Vice President Shirakawa at 9:40 p.m.

Respectfully submitted,


Clerk of the Board of Trustees

APPROVED
Board of Trustees
11-10-05 *OC*

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Board of