



East Side Union High School District

830 North Capitol Avenue • San José, California 95133-1316 • 408-347-5000

Academic, personal and social success for each and every student.

Bob Nuñez, Superintendent

October 2, 2006

NOTICE OF SPECIAL MEETING OF THE BOARD OF TRUSTEES

In compliance with the Americans with Disabilities Act, if you need special assistance, disability-related modifications or accommodations, including auxiliary aids or services, in order to participate in the public meeting of the Board of Trustees, please contact the office of the District Superintendent at (408) 347-5010. Notification 24 hours prior to the special meeting will enable the District to make reasonable arrangements to ensure accommodation and accessibility to this meeting. Upon request, the District shall also make available this agenda and all other public records associated with this meeting in appropriate alternative formats for persons with a disability.

To: Board of Trustees

Written notice is hereby given in accordance with Government Code Section 54956 that a Special Meeting of the Governing Board of the East Side Union High School District shall be held:

Date: Tuesday, October 3, 2006
Time: 5:30 p.m.
Place: East Side Union High School District - Board Room

Members of the public shall have an opportunity to address the Board of Trustees on the agenda item identified below. (Government Code §Section 54954.3)

The business to be transacted at the Special Board Meeting shall be limited to the following:

Closed Session 5:30 P.M.

The Board Meeting will begin at 5:30 p.m. in the Board Room. Anyone wishing to address the Board regarding Closed Session items may speak at this time. The Board will then adjourn to Closed Session in the Board's Conference Room.

1. Call to Order/ Roll Call

- 1.1 Roll Call
- 1.2 Announcement and Public Comment Regarding items to be discussed in Closed Session.
[Government Code §54957.7]
- 1.3 Recess to Closed Session (Open Session will resume at the end of Closed Session in the Board Room.)

BOARD OF TRUSTEES: J. Manuel Herrera, George Shirakawa, Patricia Martinez-Roach, Craig Mann, Lan Nguyen
It is the policy of the East Side Union High School District not to discriminate on the basis of sex, age, religion, race or national origin, sexual orientation, or handicapping condition in its educational programs and activities or in the recruitment and employment of personnel.

SEE ITEM 7 ON AGENDA (CLOSED SESSION)

Open Session 5:30 P.M. – Board Room

2. **Pledge of Allegiance**
3. **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.
4. **Consideration of Proposed Amendments to Agenda**
5. **Public Members Who Wish to Address the Board of Trustees**
6. **Operational Items/Board Discussion and/or Action**
 - 6.1 Consideration of proposed Resolution 2006/2007-06 – Censure of Board Member Patricia Martinez-Roach; Board Action to Approve or Not Approve; Report of Hanson Bridgett Law Firm Regarding Investigation of May 25, 2006, Special Board Meeting
7. **Closed Session**
 - 7.1 Public Employee Discipline/Dismissal/Release (*Government Code §Section 54957*)
8. **Report Closed Session Action(s)**
9. **Adjournment**

J. Manuel Herrera
President, Board of Trustees
East Side Union High School District

EAST SIDE UNION HIGH SCHOOL DISTRICT
Special Meeting of the Board of Trustees
830 N. Capitol Ave, San Jose, CA 95133

Agenda
October 3, 2006

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7. Closed Session

- 7.1 Public Employee Discipline/Dismissal/Release (*Government Code §Section 54957*)

8. Report Closed Session Action(s)

9. Adjournment

BOARD RESOLUTION #2006/2007-06
CENSURE OF BOARD MEMBER PATRICIA MARTINEZ-ROACH

WHEREAS, East Side Union High School District Board Bylaw 9005 states that the Board Members are expected to govern responsibly, to recognize and respect differences of perspective and style on the Board and among staff, students, parents and the community, to act with dignity and understand the implications of demeanor and behavior, and to govern in a dignified and professional manner, treating everyone with civility; and

WHEREAS, during and immediately after the May 25, 2006, Board Meeting, Board Member Patricia Martinez-Roach made offensive comments and gestures to Board Vice-President Lan Nguyen in the presence of Board Members, district staff and members of the community, that included singling out Board Vice-President Nguyen on the basis of his heritage and his English language skills to admonish him to change his vote on a matter of district business, and she further accosted Board Vice-President Nguyen in a physical and aggressive manner in the presence of members of the community and district staff; and

WHEREAS, members of the community and other persons present consider Board Member Patricia Martinez-Roach's statements and conduct to be inappropriate, disrespectful, hateful and offensive to members of the East Side community; and

WHEREAS, East Side Union High School District's core values are respect, patience and fairness; commitment to excellence; communication; responsibility; partnerships; innovation; diversity; equity; and

WHEREAS, the Board of Trustees finds that Board Member Patricia Martinez-Roach statements and actions were not consistent with the spirit or words of Board Bylaw 9005 or the District's core values and are a poor example to the students of this District on positive, effective and responsible leadership.

THEREFORE BE IT RESOLVED, that the Board of Trustees hereby censures Board Member Patricia Martinez-Roach for her inappropriate conduct at the May 25, 2006, Board Meeting, and directs that a copy of the September 22, 2006 Independent Investigation Report prepared by Hanson, Bridgett, Marcus, Vlahos & Rudy LLP and a copy of this Resolution shall be placed immediately on the District's website for a period of 45 calendar days.

PASSED AND ADOPTED by the Board of Trustees of the East Side Union High School District, this 3rd day of October, 2006, by the following vote:

AYES _____

NOES _____

ABSENT _____

ABSTAIN _____

I, J. Manuel Herrera, President of the Board of Trustees of the East Side Union High School District of Santa Clara County, California, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the Board at a Special Meeting thereof held at its regular place of meeting on the date shown above and by the vote above stated, which Resolution is on file in the office of said Board.

East Side Union High School District
President, Board of Trustees