11.12 Approve Minutes of October 23, 2008 Special Board Meeting

Meeting: 12/11/2008 ESUHSD SPECIAL BOARD MEETING - 4:00 P.M.
Category: 11, 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: Bob Nuñez, Superintendent
SUBJECT: Approve Minutes of October 23, 2008 Special Board Meeting

Attached are the minutes of the October 23, 2008, Special 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 October 23, 2008, 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 Today at 09:22 AM by Betty Banderas. Last update on 12/08/2008 by Betty Banderas.
1. **CALL TO ORDER/ROLL CALL**  
The Regular Meeting of the Board of Trustees was called to order at 5:04 p.m. by Vice President Garcia. Clerk Shirakawa, Member Biehl and Member Herrera were present. President Nguyen arrived at 5:24 p.m.

2. **PLEDGE OF ALLEGIANCE**

3. **WELCOME AND EXPLANATION TO AUDIENCE**  
President Nguyen extended a welcome to everyone, explained the format of the meeting and noted that all Board Meetings are recorded.

4. **CONSIDERATION OF PROPOSED AMENDMENTS TO AGENDA**

   None

5. **BOARD SPECIAL RECOGNITION(S)**

   5.01 Recipients of the 100 Black Men of Silicon Valley 2009 Scholarship Awards  
   - Henri M. Battiste, Evergreen Valley High School  
   - Sifon U. Ndon, Piedmont Hills High School  
   5.02 Third Place in the 2008 International Batball Competition  
   - Evergreen Valley High School Robotics Team  
   5.03 Gold Medal Award from the Columbia Scholastic Press Association  
   - Evergreen Valley High School Yearbook “Wired”  
   5.04 Student Athlete of the Week  
   - Samantha McCloskey, Mt. Pleasant High School  
   5.05 49ers Coach of the Month  
   - Jeff Borges, Andrew Hill High School Varsity Football Coach  
   5.06 Recognition by Association of California School Administrators (ACSA) for Program Improvement  
   - Foothill High School  
   5.07 Recognition by the ING Group for Excellence in Cultural Diversity in Education  
   - Elizabeth Dinh

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

   - Brenda Koehler – Medical Concern for Students  
   - Vincent Bontian – Independence High School Booster Club  
   - Wm. Derek Grasty – Math Teaching Accountability Materials  
   - Marisa Hanson – Budget  
   - Cindy Bega – Career Technical Education
7. **STUDENT BOARD LIAISONS**

Vivian Nguyen, ASB President – Andrew Hill High School
Samanta Luu, ASB President – Piedmont Hills High School

8. **OPERATIONAL ITEMS/BORAD DISCUSSION AND/OR ACTION**

8.01 Presentation on Latino Leadership Alliance – Andres Quintero on Behalf of Councilmember Forrest Williams

*Presentation made by Andres Quintero, Latino Leadership Alliance regarding a partnership with Latinos in the Latino Youth Leadership Project.*

8.02 State Budget Update – Jerry Kurr, Associate Superintendent of Administration and Business Services

*State budget update presented by Associate Superintendent Kurr.*

*No action on this item.*

8.03 District’s Plan to Address Potential Impact of Resolution #2008/2009-40 Declaring Intention to Reimburse Certain Expenditures from Proposed Tax Exempt Financing – Alan Garofalo, Associate Superintendent of Student Services and Facilities and Lance Jackson, SGI Construction Management

*Presentation by Lance Jackson, SGI Construction Management, Inc.*

8.04 Academic Master Plan Next Steps – Bob Nuñez, Superintendent, Linda Gubman, Consultant, Carol Blackerby, Consultant and Eric Hall, Eric Hall & Associates

*Superintendent Nuñez*

*In the interest of time, if there is something to hand out, what we are really trying to say is that we are coming back in November. We are going through a process in getting more input from both team members and the school sites and community. I watched Cindy stand back there for the longest time and even though we did not move her item up, I would like to get to her quickly. If you don’t mind, Mary can hand out the written report. If there aren’t any questions, we can bring back a full report with recommendations in November.*
8.05 Compensation of Staff not Represented by a Bargaining Unit – Bob Nuñez, Superintendent

Superintendent Nuñez
I know that there have been at least conversation, if not direct negotiations, because there are, in fact roll over contracts in place. I wanted to make sure one of the things we indicated is that the group that is not represented, which are administrators, managers and confidential employees, we are not doing anything at this point. We are waiting until the mid year cuts are announced and taking a look at what the real impact is. I think at a meeting that both Jerry and Bruce Berg presented, Jerry indicated there is a COLA, there was a deficit. So, in essence, this District received less than what they have in years past. We are all in sort of a wait mode.

8.06 Approve Job Description and Salary Range for Low Voltage Systems Technician – Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion to approve job description and salary range for Low Voltage Systems Technician made by Member Herrera, second by Member Biehl.
Vote : 5/0


Presentation/summary report by Coordinator King.

No action on this item.

8.08 ESUHSD Education Foundation Update; Appoint Board Member to Serve as Representative to Foundation – Cindy Chavez, California Leadership Services, LLC and Rogelio Ruiz, Legal Counsel

Cindy Chavez
Just a quick update. The draft Master Plan is what we are going to use to guide us to identify key Foundations. The second thing we are doing is dry runs on some of our campuses with people who can give us money or with people who are already with Foundations and letting us practice. What we are trying to learn is how do we bring someone on the campus, focus our ask, and do all the processes. I want to acknowledge the folks at James Lick and Independence. We are going to do three more; two with Foundations and one with a potential individual donor. The feedback I got from the person I took out is that it was very good. It was more strategic like he was really excited and really bought in. He loved the kids. I got a chance to
sit with that person and get more recommendations in people who would make large donations and who he could help us ask. It went really well. The only other thing I wanted to mention is that we are working right now on the collateral materials because what we are going to have to do is go out and ask our initial Board Members, now that I have a Liaison. These are people who really love the school aren't going to care what the logo is and all of that, but fairly soon we are going to need professional materials to deal with our big asks and also with the Foundation. We've begun that work as well. I'm excited. I'm ready to go. Bob, I also want to compliment your office staff. They've been helpful.

Motion to appoint Vice President Eddie Garcia to serve as representative to the ESUHSD Education Foundation made by Member Herrera, second by Member Biehl.
Vote: 5/0

8.09 Approve Carl D. Perkins 2008-2012 Local Plan for Career Technical Education – Alan Garofalo, Associate Superintendent of Student Services and Facilities

Motion to approve the Carl D. Perkins 2008-2012 Local Plan for Career Technical Education made by Clerk Shirakawa, second by Member Biehl.
Vote: 5/0

8.10 Hold Public Hearing at Approximately 7:30 p.m. to Approve Plan for Implementation of Course Sequencing as required by AB 2448 – Alan Garofalo, Associate Superintendent of Student Services and Facilities

Public hearing to approve plan for implementation of course sequencing as required by AB 2448 held.

8.11 Approve Plan for Implementation of Course Sequencing as required by AB 2448 – Alan Garofalo, Associate Superintendent of Student Services and Facilities

No action necessary on this item; only public hearing as identified in item 8.10.

8.12 Adopt Resolution #2008/2009-05 to Authorize Adjustments of Expenditures and Adopt Resolution #2008/2009-06 to Authorize Adjustments of Revenues between Undistributed Reserve – Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion to adopt Resolution #2008/2009-05 to authorize adjustments of expenditures and adopt Resolution #2008/2009-06 to authorize adjustments of revenues
between undistributed reserve made by Member Herrera, second by Vice President Garcia.
Vote: 5/0

8.13 Adopt Resolution #2008/2009-09 Requesting the Board of Supervisors of Santa Clara County to Issue and Sell General Obligation Bonds, 2002 Election, Series H, in the Aggregate Principal Amount not to Exceed $18,002,731.80 in the Name and on Behalf of the District - Jerry Kurr, Associate Superintendent of Administration and Business

Motion to adopt Resolution #2008/2009-09 requesting the Board of Supervisors of Santa Clara County to issue and sell General Obligation Bonds, 2002 Election, Series H, in the aggregate principal amount not to exceed $18,002,731.80 in the name and on behalf of the District made by Member Herrera, second by Member Biehl.
Vote: 5/0

8.14 Adopt Resolution #2008/2009-10 to the Contract Between the Department of Rehabilitation and East Side Union High School District – Dan Moser, Associate Superintendent of Instruction and Human Relations

Motion to adopt Resolution #2008/2009-10 to the contract between the Department of Rehabilitation and East Side Union High School District made by Member Biehl, second by Member Herrera.
Vote: 5/0

8.15 Adopt Resolution #2008/2009-11 Approving Authorization to Enter Into Services to Accommodate Emergency Remediation on School Facilities at Andrew Hill High School for Health and Safety Reasons - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion to adopt Resolution #2008/2009-11 approving authorization to enter into services to accommodate emergency remediation on school facilities at Andrew Hill High School for health and safety reasons made by Member Herrera, second by Member Biehl.
Vote: 5/0

8.16 Approve Variable Term Waiver Request for Certificated Employee - Dan Moser, Associate Superintendent of Instruction and Human Relations - ATTACHMENT D

Motion to approve the variable term waiver request for certificated employee made by Vice President Garcia, second by Clerk Shirakawa.
Vote: 5/0
8.17 Approve Provisional Internship Permit Requests for
Certificated Employees - Dan Moser, Associate
Superintendent of Instruction and Human Relations -
ATTACHMENT E

Motion to approve the provisional internship permit
requests for certificated employees made by Vice
President Garcia, second by Member Herrera.
Vote: 5/0

8.18 Contracts for Professional Services - Jerry Kurr,
Associate Superintendent of Administration and
Business Services - ATTACHMENT B

Motion to approve the contracts for professional services
made by Member Biehl, second by Clerk Shirakawa.
Vote: 5/0

8.19 Memoranda of Understanding - Jerry Kurr, Associate
Superintendent of Administration and Business
Services - ATTACHMENT C

Motion to approve the memoranda of understanding made
by Vice President Garcia, second by Member Biehl.
Vote: 5/0

9. ATTACHMENT A – CONSENT CALENDAR ITEMS

Item 9.01 was pulled. Motion to approve the remainder of the
consent calendar made by Vice President Garcia, second by
Member Herrera.
Vote: 5/0

(Agenda items in parenthesis)
- Ratify and Approve Certificated Personnel Actions
  Presented October 23, 2008 (9.02)
- Ratify and Approve Student Aide Personnel Actions
  Presented October 23, 2008 (9.03)
- Purchase Orders Presented October 23, 2008 (9.04)
- Award of Bids (9.05)
- Approve School Field Trips (9.06)
- Approve Change Order #1 for Phase III Additions and
  Modernizations at Andrew Hill High School – Electrical
  (Cupertino Electric, Inc.) (9.07)
- Approve Change Order #1 for Phase III Additions and
  Modernizations at Andrew Hill High School – Electrical
  (Cupertino Electric, Inc) (9.08)
- Approve Change Order #1 for Phase III Additions and
  Modernizations at Andrew Hill High School – Metal Framing
  and Drywall (D & R Paquette) (9.09)
- Approve Change Order #1 for Phase III Additions and
  Modernizations at Andrew Hill High School – Sitework,
  Utilities and Demo (Joseph J. Albanese, Inc.) (9.10)
- Approve Change Order #1 for Phase III Additions and
  Modernizations at Andrew Hill High School – Structural
  Steel (Concord Iron Works) (9.11)
• Approve Change Order #1 for Santa Teresa High School – HVAC Replacement Project (Foothill Air Conditioning and Heating, Inc.) (9.12)
• Approve Minutes of Regular Board Meeting dated August 21, 2008 (9.13)

• Motion to approve item 9.01 Ratify and Approve Classified Personnel Actions Presented October 23, 2008, by Clerk Shirakawa, second by Vice President Garcia.
  Vote: 5/0

10. WRITTEN REPORTS/RECOMMENDATIONS
10.01 Budget Adjustments

  Report received.

11. BOARD OF TRUSTEES/SUPERINTENDENT COMMUNICATIONS/COMMENTS
11.01 Board of Trustees

  Eddie Garcia, Vice President
  I've had an opportunity to visit some of our Back-to-School Nights. Every time I get to go back and visit one of our schools it just gives me more faith that we are all on the right track and that we've got a great District. I just want to say thank you to everyone and keep up the great job you are doing.

  Frank Biehl, Member
  The Santa Clara County School Boards Association had their fall dinner on Wednesday night. It was held over at MetroED on the CCOC campus. All the food was prepared by the students at CCOC. There were displays from each of the student areas in the social area we have out in front. The President of the California School Boards Association speaking and we also had the County Superintendent of Schools present as well. It was a good meeting. Half the students preparing the catering and cooking were East Side students. They did a great job. They had only been in those classes for seven weeks. It was a big challenge for them and they did a great job. The food was better than what you get at most catering events.

  George Shirakawa, Clerk
  I'm in the middle of a campaign as you know and have been making many phone calls. Many are happy with East Side. They have many anecdotal concerns with their children obviously, but for the most part, they are a positive response about East Side Union High School District. I just wanted everybody to know that because it is a reflection on our district. Literally, I’ve talked to hundreds of voters and it’s pretty much universal because part of my contact is introducing myself and who I am.
J. Manuel Herrera, Member  
I wanted to put some comments on the record about Camp Everytown. Simply because it was referenced more than once tonight. There is a strong constituency in this community for Camp Everytown. Most strongly among the students. If they were to know it was at risk, they would march 2:1, 3:1, any staff member who would think differently. There is similarly a strong constituency among staff members. This program has been going on for about 10-12 years now every year. There is research that was conducted by our own faculty during a Masters Program that a number of staff members did their thesis on the Camp Everytown Program. If you read that it goes beyond opinion, deep research, that the impact on these students lives. The California Foundation has designated a wellness foundation that has designated just one of the model programs of the State for addressing diversity and safe campuses and non-violence. It is a transformative program and if you read even just the last report submitted for the end of the 07-08 school year, you’ll see in the words of staff and students what is happening through this program which is extraordinary. For a cost of approximately $300 per participant, four days, three nights at a residential camp it is a super bargain. To frame it as a $150,000 and put it against everything is valuable in our school system. Nothing deserves to be cut back and I don’t think it is appropriate or fair or correct to frame it in that kind of fashion. Should that ever come for any public consideration, I guarantee you that this place will be full, including parents. We’ve had kids who have been gang-banging and in their own words they “turned around” through the power and impact of this program. It is not just a recreation camp that kids go to; it’s an amazingly powerful program. I am always going to be an advocate for it because I have directly experienced it. Thank you.

11.02 Superintendent

This is the fourth district I have been in. I thank those persons that stayed that did not have to and also those that stayed because you had to. George, when you are out in the community, what is reflected is, I think, is the commitment of you folks. The time you spend on some of the topics here tell me that you are interested in what is good for students at the same time caring about the adults that are providing the services to those students. I am thankful that I have Board Members that provide that kind of service for this community.
12. CLOSED SESSION

12.01 EXPULSIONS – STUDENT A - B

Student A
On a vote of 4/0, the Board voted to approve the expulsion of Student A. President Nguyen was not present for the vote.

Student B
On a vote of 4/0, the Board voted to approve the expulsion of Student B. President Nguyen was not present for the vote.

12.02 PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

(Government Code §Section 54957)

12.03 CONFERENCE WITH LABOR NEGOTIATORS
(Government Code §Section 54957.6)

Agency Designated Representatives:
Bob Nuñez, Superintendent
Jerry Kurr, Associate Superintendent of Administration and Business Services
Dan Moser, Associate Superintendent of Instructional Services and Human Relations
Cathy Giannmo, Director of Human Resources
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)

12.04 CONFERENCE WITH LEGAL COUNSEL

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of Section 54969.9 of the Government Code:
One (1) potential case
**12.05 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Property: A portion (approximately eight acres) of Assessor’s Parcel Number 484-17-031.

District: Bob Nuñez, Superintendent

Negotiators: Jerry Kurr, Associate Superintendent of Administration and Business Services

Rogelio Ruiz, Legal Counsel

Negotiating Parties: ESUHSD and Alum Rock Union Elementary School District

Under Negotiation: Property Exchange Terms

**12.06 PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code § Section 54957)**

- Superintendent

**12.07 PUBLIC EMPLOYMENT/PUBLIC EMPLOYEE APPOINTMENT (Government Code § Section 54957)**

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

**14. ADJOURNMENT**

Meeting adjourned at 10:08 p.m. by President Nguyen.

Respectfully submitted,

[Signature]

Board Clerk