EAST SIDE UNION HIGH SCHOOL DISTRICT

TO: Board of Trustees
FROM: Dan Moser, Interim Superintendent
SUBJECT: Approve Minutes of May 6, 2010, Special Board Meeting

Attached are the minutes of the May 6, 2010, 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 May 6, 2010, Board meeting minutes as presented.

BA_20100506 Special Minutes.pdf

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.

Motion:

Approved
Board of Trustees
June 22, 2010
EAST SIDE UNION HIGH SCHOOL DISTRICT
SPECIAL MEETING
OF THE
BOARD OF TRUSTEES
Meeting Held at Evergreen Valley High School – Cougar Hall
May 6, 2010
3:00 p.m.

1. **CALL TO ORDER/ROLL CALL**

1.01 Roll Call

The Special Meeting of the Board of Trustees was called to order at 3:05 p.m. by President Garcia. Clerk Martinez-Roach, Member Herrera and Member Biehl were present. Vice President Nguyen arrived at 3:06 p.m.

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

President Garcia 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 Room D104 at approximately 6:00 p.m.) See item 2 on agenda (Closed Session).

The Board of Trustees recessed to Closed Session.

2. **CLOSED SESSION**

2.01 Expulsion(s): Student A-B

   Student A:
   Motion by Member Biehl, second by Clerk Martinez-Roach, to approve the expulsion of Student A.

   Vote: 5/0

   Student B:
   Motion by Member Biehl, second by Vice President Nguyen, to approve the expulsion of Student B.

   Vote: 5/0
2.02 Public Employee Discipline/Dismissal/Release  (Government Code Section 54957)

Motion by Vice President Nguyen, second by Member Herrera, to revoke the non-reelection of a probationary employee.

Vote:  5/0

2.03 Public Employee Performance Evaluation  (Government Code Section 54957)

• Associate Superintendent of Student Services and Facilities
• Associate Superintendent of Administration and Business Services

2.04 Public Employment/Public Employee Appointment  (Government Code Section 54957)

2.05 Conference with Labor Negotiators (Government Code Section 54957.6)

Agency Designated Representatives:
Dan Moser, Interim Superintendent
Jerry Kurr, Associate Superintendent of Administration and Business Services
Cathy Giammona, Interim Associate Superintendent of Human Resources and Instruction
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)

2.06a Conference with Legal Counsel – Existing Litigation
Subdivision (a) of Section 54956.9 of the Government Code:  One (1) Case

• 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

2.06b Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code:  One (1) potential case

2.06c Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code:  One (1) potential case
2.07 Conference with Real Property Negotiators

| Property: | ESUHSD Educational Center, or portion thereof  
| | 830 N. Capitol Avenue  
| | San Jose, CA 95133 |
| District Negotiators: | Dan Moser, Interim Superintendent  
| | Jerry Kurr, Associate Superintendent of Administration and Business Services  
| | Rogelio Ruiz, Legal Counsel  
| | Patti McKernan, Legal Counsel  
| | Real Estate Representatives Sam Swan, Bob Hunt and Andre Hunt |
| Negotiating Parties: | ESUHSD, Santa Clara Valley Water District, and Other Parties To Be Determined |
| Under Negotiation: | Price and Terms |

OPEN SESSION AT APPROXIMATELY 6:00 P.M. – EVERGREEN VALLEY HIGH SCHOOL – COUGAR HALL

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 Cougar Hall.

   President Garcia 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.

   Interim Superintendent Moser requested that items 10.04 and 10.05 be pulled from the agenda.

   Motion by Clerk Martinez-Roach, second by Vice President Nguyen, to pull items 10.04 and 10.05.

   Vote: 5/0

6. BOARD SPECIAL RECOGNITION(S)

   None

7. STUDENT BOARD LIAISONS

   None
8. **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 Cougar Hall.

Speakers:
- **Hieu Nguyen** – Vietnamese Counselors & Bilingual Program
- **Thu Bui** – Community School & Counselors
- **Maria Quinones** – Public Comment
- **Gabriel Rodriguez** – Public Comment
- **Berta Aguilar** – Public Comment
- **Cindy Vu** – Vietnamese Counselors
- **Vui Nguyen** – Vietnamese Counselors
- **Tran To** – Public Comment
- **Camanh Chung** – Layoffs
- **Louis Morrone** – Message to State Governor from Students
- **Robert Patrick Dias** – Calculus Program at Mt. Pleasant
- **Glady Palko** – Spanish Counselors & Teachers
- **Amy Dinh** – Importance of Services for ELL Students
- **Irma Maron** – Bilingual Counselors & Teachers
- **Isabel Baltierra** – Public Comment
- **Angie Nunn** – Public Comment
- **Megan Gage** – Public Comment
- **Mark Anthony** – Budget Cuts

9. **INSTRUCTIONAL SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION**

None

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

10.01 Discussion/Action regarding Proposed 10% Reduction in Board Monthly Stipend and Contribution to Benefits Package – Eddie Garcia, Board President

*Speakers:*
- **John Ambrose**
- **Julio Pardo**
- **Ricardo Reyes**

*Motion by President Garcia, second by Vice President Nguyen, to approve a 10% reduction in the Board’s $750 monthly stipend for the 2010-2011 school year, direct administration to determine feasibility of the Board of Trustees making a contribution to benefits within the current group package the Board has, and to encourage members of the administrative Cabinet to consider a voluntary 3% reduction in their salaries in the 2010-2011 school year.*

*Vote: 5/0*
10.02 Discussion and/or Action regarding the Comparison of Educational Models on Calero Presentation - Cathy Giammona, Interim Associate Superintendent, Human Resource and Instruction, and Kirsten King, Interim Director of Instructional Services

Motion by Clerk Martinez-Roach, second by Vice President Nguyen, to approve the multi-school model for the Calero property.

Vote: 5/0

10.03 Approve Proposed Modernization Plan for Calero High School - Alan Garofalo, Associate Superintendent of Student Services and Facilities, and June Francis Rono, Ph.D., Director of Facilities and Planning

Speaker:
- Bob Nuñez

Motion by Clerk Martinez-Roach, second by Member Biehl, to approve the proposed modernization plan for Calero High School.

Vote: 5/0

10.04 Contract for Associate Superintendent of Student Services and Facilities – Dan Moser, Interim Superintendent

Item pulled

10.05 Contract for Associate Superintendent of Administration and Business Services – Dan Moser, Interim Superintendent

Item pulled

10.06 Adopt Resolution #2009/2010-43 Request for and Consideration to Consolidation of Elections and Approve the Specifications of the Election Order – Dan Moser, Interim Superintendent

Motion by Vice President Nguyen, second by Member Herrera to adopt Resolution #2009/2010-43 Request for and Consideration to Consolidation of Elections and Approve the Specifications of the Election Order.

Vote: 5/0
11. **STUDENT SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION**

11.01 Approve Carl D. Perkins 131 Grant 2010-2011 Grant Application for East Side Union High School District - Alan Garofalo, Associate Superintendent of Student Services and Facilities, and Cari Vaeth, Director of Adult Education and Career Services

    Motion by Clerk Martinez-Roach, second by Member Herrera, to approve the Carl D. Perkins 131 Grant, 2010 Grant Application, for East Side Union High School District.

    Vote:  5/0

11.02 Approve Carl D. Perkins 132 Grant 2010-2011 Grant Application for East Side Adult Education Program - Alan Garofalo, Associate Superintendent of Student Services and Facilities, and Cari Vaeth, Director of Adult Education and Career Services

    Motion by Clerk Martinez-Roach, second by Member Biehl, to approve the Carl D. Perkins 132 Grant, 2010 Grant Application, for East Side Adult Education Program.

    Vote:  5/0

12. **HUMAN RESOURCES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION**

    None

**BUSINESS SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION**

13.01 Approve Contracts for Professional Services over $50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services

    Motion by Vice President Nguyen, second by Member Biehl, to approve as amended/corrected the contracts for professional services over $50,000 (copy attached).

    Amendment:
    Item #1: Facilities Management Planning and Operations, Inc.
    10.02 should read as 10.03.
    The change is due to the amendment to the agenda, which caused a renumbering of agenda items.

    Item #2: Sugimura Finney Architects
    10.02 should read as 10.03.
    The change is due to the amendment to the agenda, which caused a renumbering of agenda items.

    Vote:  5/0
13.02 Approve Change Orders to Purchase Orders Presented May 6, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Clerk Martinez-Roach, second by Member Biehl, to approve the change order to purchase orders presented May 6, 2010, as amended to correct Plywood and Lumber Sales under the Business Services section to the amount of $4,040.23.

Vote: 5/0

13.03 Approve Bid Awards - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Herrera, second by Vice President Nguyen, to approve the bid awards.

Vote: 5/0

14. Facilities - Operational Items/Board Discussion and/or Action

14.01 Approve the Request for Additional Facilities of KIPP San Jose Collegiate Charter School for the 2010-2011 School Year - Alan Garofalo, Associate Superintendent of Student Services and Facilities, and June Francis Rono, Ph.D., Director of Facilities and Planning

Speakers:
- Julio Pardo
- Emily Rummo

Motion by Member Biehl, second by Vice President Nguyen, to approve the request for additional facilities of KIPP San Jose Collegiate Charter School for the 2010-2011 school year.

Vote: 4/1, Member Martinez-Roach voting No

Patricia Martinez-Roach, Clerk
For the record, I am concerned that East Side Union High School District is losing so many student to charter schools and that nothing is being done to recruit them back to the District.

15. Attachment A – Consent Calendar Items

None

16. Written Reports/Recommendations

None
17. BOARD OF TRUSTEES/SUPERINTENDENT COMMUNICATIONS/COMMENTS

17.01 Board of Trustees

Clerk Martinez-Roach, Clerk
The Superintendent, Mr. Garofalo and I met with a representative from the Oakland Raiders and we are pleased to announce that we have a better and sweeter deal this year. We are hoping to have effective fundraising for the Sports Program.

J. Manuel Herrera, Member
Kudos to our Save Our Sports Team for a fabulous 5K event. I am really happy that it is getting anchored as an annual event. I was happy to sweat a little on that date with a little running.

Frank Biehl, Member
The Santa Clara County School Board Association held their Legislative Brunch on the 28th. As you know, I am currently President of the School Boards Association. At that meeting, we invited State Legislators to participate. We asked each of the Legislators there to sign a commitment card that very simply asked them to agree to protect public education funding and further cuts, to restore the $11.2 billion dollars that are owed to the schools and community colleges since this was an agreement with the Governor and Legislature last year to oppose any attempts to undermine Proposition 98. Assemblymembers Beahl and Coto signed, Senator Simitian – we had a discussion and he told us he does not sign pledges for anyone and the other Legislators that were present or who were unable to make it are considering to sign it. This is all part of the effort that is being done by the statewide Educational Coalition. I've written a column in the Santa Clara County School Boards Association Newsletter (attached), which I am passing out to you now, which talks about the issue, “When Do You Talk to Your Friends.” We all have friends who are in the legislature, we all have people that we know, people that we work with and people that we like. I wrote an article that talks about sometimes you have to confront your friends and sometimes you have to ask them to make a commitment.

My term as the Santa Clara County School Boards President ends at the end of May. Dana Tom from Palo Alto will be the new President. I will be attending the CSBA Delegate Assembly on May 23 and 24 in Sacramento. There is also a CSBA Action Legislative Conference on the 24th and 25th in Sacramento, which any Board Member here is welcome to attend and participate in. I am not going to be participating in that this year, but, instead, I am going to be participating, once again, in the Cortese Sacramento bus trip, which this year is scheduled for May 17. Bob Nuñez is going to join me on the trip, along with 66 students and chaperones from seven schools in our district. Last year, I chaperoned 12 students and it has really grown this year. Board Members are welcome the join. Other community members and parents are welcome to join. There’s room for them to attend. Although, the student sign-up has been limited to the 66 that we currently have, let me tell you, we could fill six busses if we did not put a cap on it. In that process, we go to Sacramento, we go to a conference room, we sit in a conference room and the Cortese staff have made arrangements for all of our local Legislators to come in 15-20 minutes at a time, along with a representatives from the Governor’s office, State Superintendent of Instruction’s office, CTA’s office joins us as well. It was a very interesting experiencing, but because we are in a conference room and they come to us, we can only take about 150 altogether.
In combination with this, Cortese’s Office is sponsoring an educational summit, from 6 to 8 p.m. on May 13 at the Isaac Newton Auditorium at the County Offices, 70 W. Hedding. The purpose here is for the people going on the trip and anyone else who is interested to come down there and get briefed on the issues, arrive at some sort of general consensus as to the type of questions we want to ask the Legislators and then to carry that forward on the trip on the 17th.

MetroED:
MetroED is meeting next Wednesday. Negotiations regarding Campbell’s separation from the Adult Education Program are winding down. Everything should be completed by the July 1 date.

Eddie Garcia, President
Some time ago, we had some public speakers talk about the E-Rate and the possibility of dollars from E-Rate. I would like to see a follow-up on that.

I went to the Mt. Pleasant High School Puente Project Poetry Slam. It was incredible. The young woman who won was only a sophomore. She is absolutely incredible. It was a completely student-lead and produced event. Principal Marquez, you ought to be proud of your students.

I also went with Mr. Biehl to the James Lick Environmental Club. They have their own mini solar project that they’ve done on their own. Being a grad of James Lick, I am very proud of those students. It was a great event. Mr. VanderZee, kudos to you as well.

I also went with Mr. Biehl to the ribbon cutting for the new Piedmont Hills softball field. The girls were excited. It is a beautiful field. It is exactly the kinds of facilities we need to provide for our communities. Kudos to everyone! Principal Traci Williams threw the first pitch. It wasn’t a strike, but it got to home plate.

The last thing is that I was really moved by the MST Coordinators a couple of meetings ago. I went out to the Student Center at Santa Teresa High School. I was very impressed by the services that we provide. Again, with Mr. Duran’s leadership, it is an outstanding service out there.

For the record, the 5K Run, I did beat my 12-year old daughter. She says she beat me and I claim to have beaten her, but for the record, I beat her.

Thank you all. This is a difficult time. We are all doing our best. Again, thanks to the staff, classified, certified, everybody. We are going through some difficult times and we need to keep working together. I appreciate it.
17.02 Dan Moser, Interim Superintendent

In regards to Race to the Top Part 2, the grant is due June 1. Similar to the last one, we know as much detail today as we did then, which means literally zero. We do know that six districts are writing the grant and districts throughout the State will have the option of opting in or going a different direction. It is Fresno, San Francisco, Los Angeles, and Clovis that are the primary writers for this particular grant. As soon as we get details, we will share it with our bargaining unit, because I am sure this one will ask again for a collaborative affair and, hopefully, we will have sufficient detail to present it to the Board at the meeting later this May.

18. **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.

19. **ADJOURNMENT**

President adjourns the meeting.

President Garcia adjourned the meeting at 8:55 p.m.

Respectfully submitted,

[Signature]

Board Clerk
EAST SIDE UNION HIGH SCHOOL DISTRICT

TO:
Board of Trustees

FROM:
Dan Moser, Interim Superintendent

PREPARED BY:
Jerry Kurr, Associate Superintendent of Administration and Business Services

SUBJECT:
Approve Contracts for Professional Services over $50,000

The following Contracts for Professional Services over $50,000 is being recommended for Board approval.

1. Facilities Management Planning and Operations, Inc.

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<thead>
<tr>
<th>Reviewed by</th>
<th>Contract Period</th>
<th>Cost/Fund Source</th>
<th>School/Dept. Manager</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Garofalo</td>
<td>May 6, 2010 through</td>
<td>$427,500.00</td>
<td>Education Center/Calero School</td>
</tr>
<tr>
<td>J. Rono, PhD.</td>
<td>and including May 5, 2013</td>
<td>Measure E</td>
<td>Alan Garofalo</td>
</tr>
<tr>
<td>D. Bertrand</td>
<td></td>
<td></td>
<td>June Rono, PhD.</td>
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</tbody>
</table>

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to enter into a Contract for Construction Management Services for Facilities Management Planning and Operations, Inc. for the Calero High School Modernization Project. This approval is contingent upon the Board authorizing Facilities to move forward with the Calero project as defined in item 10.02.

Reason for the Purchase of Outside Services.
N/A

Selection Process
The District completed a formal Request for Qualifications (RFQ), RFQ-02-08-09 which went to the Board for approval of the recommended "Measure E & G Pre-Approved Construction Management Firms (CM) List" on March 10, 2009. With this list in place, the District then requests from all four of the pre-approved to submit a "Construction Management Selection Questionnaire (CMSQ)" which will include the cost and project team being proposed. In this case, back on June 9, 2009 Facilities requested CMSQ from three of the four firms. At that time Facilities Management Planning and Operations, Inc. was selected to be recommended to the Board for approval. However, at that time and at subsequent meetings this project was removed from the Board agenda.

For this Board meeting, purchasing requested that new proposals be obtained due to the age of the old proposals and the fact that the hard cost had increased significantly which would affect the cost proposals previously
submitted. Facilities was able to secure two new proposals but the third vendor was not able to provide a new proposal "given the timeframe in which it is required".

**RECOMMENDATION:** It is recommended that the Board of Trustees enter into an Agreement with Facilities Management Planning and Operations, Inc., for the Term May 6, 2010 through and including May 5, 2013 for the Provision of Construction Management Services for the Calero High School Modernization Project contingent upon contingent upon the Board authorizing Facilities to move forward with the Calero project as defined in item 10.02.

2. Sugimura Finney Architects

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<td>A. Garofalo</td>
<td>May 6, 2010 through and including May 5, 2013</td>
<td>$641,250.00</td>
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<tr>
<td>J. Rono, Ph.D.</td>
<td></td>
<td>Measure E</td>
<td>Alan Garofalo</td>
</tr>
<tr>
<td>D. Bertrand</td>
<td></td>
<td></td>
<td>June Rono, Ph.D.</td>
</tr>
</tbody>
</table>

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to enter into a Work Authorization Agreement for Architectural Design Services with Sugimura Finney Architects for the Calero High School Modernization Project. This approval is contingent upon the Board authorizing Facilities to move forward with the Calero project as defined in item 10.02.

Reason for the Purchase of Outside Services.
N/A

**Selection Process**
The District completed a formal Request for Qualifications (RFQ), RFQ-03-07-08 which went to the Board for approval of the recommended pool of District Architects on June 19, 2008. With this list in place, the District requested three Architectural firms to provide an "Architect Selection Questionnaire (ASQ)" which includes a cost and project team proposal.

In this case, back on June 9, 2009 Facilities requested ASQ's from three firms. At that time Sugimura Finney Architects was selected to be recommended to the Board for approval. However, at that time and at subsequent meetings this project was removed from the Board agenda.

For this Board meeting, purchasing requested that new proposals be obtained due to the age of the old proposals and the fact that the hard cost had increased significantly which would affect the cost proposals previously submitted. New proposals were obtained and Sugimura Finney Architects is still the recommended Architect based on the new proposals obtained.

**RECOMMENDATION:** It is recommended that the Board of Trustees enter into a Work Authorization Agreement for Architectural Design Services with Sugimura Finney Architects for the Calero High School Modernization Project for the term of May 6, 2010 through and including May 5, 2013. This approval is contingent upon the Board authorizing Facilities to move forward with the Calero project as defined in item 10.02.

Additional Executive Content

**Action Agenda Details**
Motion:

Created on 04/20/2010 at 03:14 PM by Betty Banderas. Last update on 04/29/2010 by Betty Banderas.
It's time for school board members to demand that our friends in the legislature stand firm to stop further cuts to education!

Collaboration is the fundamental culture of education, useful in governance but a disaster when negotiating with those who provide state funding. We've learned that playing hardball with major political interests will take more than making nice. When it comes to seeking rightful resources for our students we must take a stand.

We respect the challenges our friends in the legislature face. We know many personally. Their backgrounds are similar to ours. Many are former school board members, teachers, and superintendents. They assure us they share our values. We believe they do.

We don't want to offend but our friends need to know that these cuts are having a devastating effect upon our students. A whole California generation is being handicapped before entering the world economy. Our advocacy helps provide backbone for legislators to do the right thing.

The Education Coalition that includes board members, superintendents, administrators, teachers and classified staff are asking legislators to sign a card committing to the following:

1. Protect public education funding from further cuts.
2. Restore the $11.2 billion owed to schools and community colleges.
3. Oppose any attempts to suspend or undermine Prop 98.

At this time we have mixed results. Assembly Members Beall and Coto have signed. Others in the Santa Clara County delegation are reviewing the commitment. One Senator doesn’t sign pledges.

Protect our students by attending the CSBA Legislative Action Conference in Sacramento on May 23-24. Contact your legislators to urge them to make a commitment to education or thank them if they have already signed. They will be judged by their actions.

I wish to express my thanks to the leadership team that helped me through this challenging year.

Dana Tom, Vice President organized our dinner events. Pam Parker, Treasurer has been steady in keeping our books. Nancy Newton and Esau Herrera, Hoffmann Awards Co-Chairs, revitalized this important recognition. Michele van Zuiden provided us with an excellent Legislative Brunch. Jo Lucey, District Director, continues to represent our interests with CSBA. Leslie Reynolds, the Immediate Past President often offered me kind words of encouragement. Rose Filicetti, Executive Director, kept me on track to meet all deadlines.

I've been proud to be President of this organization. I've made many friends as we've worked together in common purpose. It has been a privilege to serve. I thank each of you for the support you have provided.

My best wishes to our new officers, Dana Tom President, Pam Parker, Vice President, Michael Gipe, Treasurer, as they guide our organization next year.

Sincerely,

Frank Biehl,
Santa Clara County School Boards Association President, 2009/10