EAST SIDE UNION HIGH SCHOOL DISTRICT

Item: 15.08

TO: Board of Trustees

FROM: Dan Moser, Interim Superintendent

SUBJECT: Approve Minutes of June 17, 2010, Regular Board Meeting

Attached are the minutes of the June 17, 2010, 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 June 17, 2010, Board meeting minutes as presented.

Administrative Content

Approved
Board of Trustees
September 16, 2010
1. **CALL TO ORDER/ROLL CALL**

1.01 Roll Call

The Regular Meeting of the Board of Trustees was called to order at 4:04 p.m. by Vice President Nguyen. Clerk Martinez-Roach, Member Biehl and Member Herrera were present. President Garcia was absent.

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

Vice President Nguyen 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 the Board Room 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): Students A-C

**Student A:**
Motion by Member Herrera, second by Member Biehl, to approve the expulsion of Student A as modified.

Vote: 4/0, President Garcia was absent

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

Vote: 4/0, President Garcia was absent
Student C:
Motion by Member Biehl, second by Herrera, to approve the expulsion of Student C

Vote: 4/0, President Garcia was absent

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

2.03 Public Employee Performance Evaluation  (Government Code Section 54957)

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

- Associate Superintendent of Human Resources and Instructional Services
- Director 2 – Instructional Services
- Principal – Oak Grove High School
- Associate Principal – Oak Grove High School

Motion by Member Biehl, second by Member Herrera approved the employment actions by a vote of 4/0 as follows:

- Cathy Giammona, Associate Superintendent of Human Resources and Instructional Services
- Kirsten King, Director 2 – Instructional Services
- Martha Brazil, Principal – Oak Grove High School
- Jennifer Casel, Associate Principal – Oak Grove High School

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:  Two (2) Cases

- 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 claim and claim for damages of M. Olivera and M. Miranda

  Motion by Clerk Martinez-Roach, second by Member Biehl to reject the claim of M. Olivera.

  Vote: 4/0, President Garcia was absent

  Motion by Clerk Martinez-Roach, second by Member Biehl to reject the claim of M. Miranda.

  Vote: 4/0, President Garcia was absent

2.07 Conference with Real Property Negotiators

<table>
<thead>
<tr>
<th>Property:</th>
<th>ESUHSD Educational Center, or portion thereof</th>
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<tbody>
<tr>
<td></td>
<td>830 N. Capitol Avenue</td>
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<tr>
<td></td>
<td>San Jose, CA 95133</td>
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</tbody>
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| District Negotiators: | Dan Moser, Interim Superintendent            |
|                      | Jerry Kurr, Associate Superintendent of Administration and Business Services |
|                      | Rogelio Ruiz, Legal Counsel                 |
|                      | Real Estate Representatives Sam Swan, Bob Hunt and Andre Hunt |

<table>
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<tr>
<th>Negotiating Parties:</th>
<th>ESUHSD, Santa Clara Valley Water District, and Other Parties To Be Determined</th>
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Under Negotiation: Price and Terms

**OPEN SESSION AT APPROXIMATELY 6:00 P.M. – EDUCATION CENTER BOARD ROOM**

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 the Board Room.

   Vice President Nguyen 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.
6. **Board Special Recognition(s)**

6.01 Goodwill of Silicon Valley

6.02 National Merit Scholarship Recipients
   - Josh W. Chen – Evergreen Valley High School
   - Jefferson Lai – Piedmont Hills High School

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 the Board Room.

**Speakers:**
- Trent McLane – Cuts to Counselors & MSTs
- Bryan Rosewar
- Bob Nuñez
- John Moore

9. **Superintendent/Board of Trustees - Operational Items/Board Discussion and/or Action**

9.01 Hispanic Youth Institute Presentation - Kathryn Grady, Hispanic College Fund Director for Corporate and Foundation Relations for the Western States, and Ray Ruiz, President of Community Development Resources, Inc., and NHU Board Member

*Presentation by Kathryn Grady, Hispanic College Fund Director for Corporate and Foundation Relations for the Western States and Ray Ruiz, President of Community Development Resources, Inc. and NHU Board Member.*

9.02 Presentation, Discussion and/or Action regarding Polling Results of Potential Parcel Tax Measure for November 2010 – Dan Moser, Interim Superintendent

*Presentation by Ruth Bernstein, EMC Research, Inc., on the results and analysis of the polling of the potential parcel tax measure for the November 2010 General Election ballot.*

**Speakers:**
- Marisa Hanson
- Cathy Sarto
- Angie Nunn
- Ricardo Reyes
- John Ambrose
Motion by Clerk Martinez-Roach, second by Member Biehl to direct administration to poll the Board to set a date for a Special Board meeting, hold a public hearing on the proposed parcel tax measure at the Special Board meeting and place an item for action on the agenda for the Board to determine if they will be moving forward with a parcel tax measure in November 2010. Administration will work with bargaining unit representatives and community members to develop recommended language for the proposed ballot.

Vote: 4/0, President Garcia was absent

9.03 Discussion and Receive Response to Santa Clara County Civil Grand Jury regarding Human Resources Practices and Procedures – Dan Moser, Interim Superintendent, and Cathy Giammona, Associate Superintendent of Human Resources and Instruction

Patricia Martinez-Roach, Board Clerk
For the record, can you state what the summary findings are and how it applied to East Side?

Dan Moser, Interim Superintendent
In terms of summary findings, I would say it would be a little challenging because the questions were general. They had many specific areas as you look at it. One were the hiring practices, we have their examples of the questionnaires and applications that are completed by perspective employees. Also, there were questions on how postings are made; in that realm, very general in nature. They asked if we had specific policies and, if we did, we certainly provided the particular request on that.

Patricia Martinez-Roach, Board Clerk
The questions is, "Were we out of compliance with anything?"

Dan Moser, Interim Superintendent
I don't believe that this particular survey really asked you to do that. We were certainly not notified on any issues that we were out of compliance with. I believe it was the Grand Jury's task to get a general sense of how matters are conducted throughout school districts.

Patricia Martinez-Roach, Board Clerk
I believe we need to respond.

Dan Moser, Interim Superintendent
We have. This is the response that we sent in. It was due in mid April and we met the timeline. This particular request was different from the three other Grand Jury requests. Previously, the requests were made to the Board President. This request was sent to the Superintendents of each District.
9.04 Discussion and/or Action to Amend Board Policies:

- 6155.1 Grades/Evaluation of Student Achievement
- 6154 Homework/Makeup Work
- 6146.2 Certificate of High School Equivalency Achievement
- 5121 Grades/Evaluation of Student Achievement
- 5121.1 Examinations, Finals
- 5113 Absences and Excuses

- Patricia Martinez-Roach, Board Clerk - Patricia Martinez-Roach, Board Clerk

Speakers:
- Marisa Hanson

Motion by Member Biehl, second by Member Herrera to direct the Instructional Services Division to consolidate, clarify and create one cohesive Board policy on grading that combines all of the Board approved grading policies, #6155.1, #6154, #6146.2, #5121, #5121.1 and #5113, into one policy and be brought back upon completion to the Board for reading and adoption. Administration will also include an opportunity for a workshops and input from all stakeholders.

Vote: 4/0, President Garcia was absent

9.05 Receive First Reading to Amend Board Policies #6020 Parent Involvement and #6171 Title I Programs - Patricia Martinez-Roach, Board Clerk

The Interim Superintendent will meet with stakeholders to develop and bring back to the Board of Trustees a proposed policy regarding parent involvement.

No action necessary on this item.

9.06 Board Audit Committee Update – Frank Biehl, Board Audit Committee Chair, and Lan Nguyen, Board Audit Committee Vice Chair

Board Member Biehl
The Board Audit Committee will be meeting this Saturday at 9:00 a.m. in the Superintendent’s Conference Room. It is a public meeting. It is publicly noticed; anyone is welcomed to attend. We try to keep our meetings fairly informal and allow anyone who is there to actively participate in our discussions as appropriate. It was requested at our last meeting that we include our agendas and, in the future when we have approved minutes, we will includes those as well in the public packet so that it is available for review. There are a number of questions that we are dealing with and they are all listed here.

Motion by Member Herrera, second by Clerk Martinez-Roach to adopt Resolution #2009/2010-49 in Support of Robles-Wong v. California, Litigation Challenging the State's School Finance System

Vote: 4/0, President Garcia was absent

9.08 Receive Report of Board Members Expenses from July 2009 through May 2010 – Jerry Kurr, Associate Superintendent of Administration and Business Services

Received report of Board Members expenses from July 2009 through May 2010.

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

10.01 Adult Education Master Plan Présentation - Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction, and Cari Vaeth, Director of Adult Education and Career Services

Presentation by Cari Vaeth, Director of Adult Education.

10.02 Approve 2010 Single Plan for Student Achievement - Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction

Motion by Clerk Martinez-Roach, second by Member Biehl to approve the 2010 Single Plan for Student Achievement and that the Superintendent be authorized to make modifications as needed.

Vote: 4/0, President Garcia was absent

10.03 Approve Applications for Title I School-wide Program Status - Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction, and Tim Nguyen, Coordinator of English Language Learners Supplementary Education

Motion by Member Herrera, second by Member Biehl to approve the application for Tier I school-wide program status and that the Superintendent be authorized to make modifications as needed.

Vote: 4/0, President Garcia was absent
10.04 Approve New Courses:
   - Marine Biology
   - Multimedia Arts III

- Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction

Motion by Clerk Martinez-Roach, second by Member Herrera to approve the new courses:

- Marine Biology
- Multimedia Arts III

Vote: 4/0, President Garcia was absent

11. STUDENT SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

11.01 Presentation of ESTA Safety Survey Results - Alan Garofalo, Associate Superintendent of Student Services and Facilities, and Marisa Vera Hanson, East Side Teachers Association President

Presentation by Marisa Hanson, ESTA President

11.02 Adopt Santa Clara County Office of Education / East Side Union High School District's Plan for Expelled Youth - Alan Garofalo, Associate Superintendent of Student Services and Facilities

Motion by Clerk Martinez-Roach, second by Member Herrera to adopt the Santa Clara County Office of Education/East Side Union High School District's plan for expelled youth.

Vote: 4/0, President Garcia was absent

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

12.01 Approve Variable Term Waiver Request for Certificated Employee - Dan Moser, Interim Superintendent; and Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction

Speakers:
Motion by Clerk Martinez-Roach, second by Member Biehl to approve the variable term waiver request for certificated employee.

Vote: 4/0, President Garcia was absent

Public hearing held.

Speaker:
  • Marisa Hanson

12.03 Ratify and Approve Tentative Agreement with East Side Teachers Association/CTA/NEA, August 31, 2010 – August 31, 2011 – Dan Moser, Interim Superintendent, and Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction

Speakers:
  • Gue Kim
  • Romi Phadte

Motion by Clerk Martinez-Roach, second by Member Herrera to ratify and approve the tentative agreement with East Side Teachers Association/CTA/NEA, August 31, 2010 – August 31, 2011.

Vote: 4/0, President Garcia was absent

12.04 Approve Amended Student/Certificated Calendar for the 2010-2011 School Year – Dan Moser, Interim Superintendent, and Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction

Motion by Clerk Martinez-Roach, second by Member Biehl to approve the amended student/certificated calendar for the 2010-2011 school year.

Vote: 4/0, President Garcia was absent

12.05 Declaration of Need for Fully Qualified Educators as Needed - Dan Moser, Interim Superintendent; and Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction

Motion by Member Herrera, second by Clerk Martinez-Roach to approve the declaration of need for fully qualified educators as needed.

Vote: 4/0, President Garcia was absent

12.06 Approve 2010-2011 Administrative, Management, and Confidential Reduced Salary Schedules – Dan Moser, Interim Superintendent, and Cathy Giammona, Interim Associate Superintendent of Human Resources and Instruction

Motion by Clerk Martinez-Roach, second by Member Biehl to approve the 2010-2011 Administrative, Management and Confidential Reduced Salary Schedules.

Vote: 4/0, President Garcia was absent
13. **BUSINESS SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION**

13.01 Hold Public Hearing at Approximately 7:00 p.m. Regarding the 2010-2011 Proposed Budget Adoption - Jerry Kurr, Associate Superintendent of Administration and Business Services

The proposed budget is available for inspection at the District Office (Business Services Department).

Public hearing held.

Speakers:
- Catherine Sarto
- Marisa Hanson
- Adrianna Rangel

13.02 Hold Public Hearing at Approximately 7:30 p.m. Regarding the Proposed Use of Tier III Categorical Program Funds as Unrestricted Funds (Education Code Section 42605(c2)) - Jerry Kurr, Associate Superintendent of Administration and Business Services and Cathy Giammona, Interim, Associate Superintendent of Human Resources and Instruction

Public hearing held.

There were no speakers under this item.

13.03 Approve Use of Tier III Categorical Program Funds as Unrestricted Funds (Education Code Section 42605(c2)) - Jerry Kurr, Associate Superintendent of Administration and Business Services and Cathy Giammona, Interim Associate Superintendent of Human Resources and Instruction

Motion by Board Clerk Martinez-Roach, second by Member Herrera to approve the use of Tier III Categorical Program funds as unrestricted funds (as per Education Code Section 42605(c2)).

Vote: 4/0, President Garcia was absent

13.04 Presentation of Comparative Analysis of Health and Welfare Benefits and Total Compensation - Jerry Kurr, Associate Superintendent of Administration and Business Services

Presentation by Jerry Kurr, Associate Superintendent of Administration and Business Services.

13.05 Receive Second Reading and Adopt New Board Policy # 3519 Alterations, Modifications, Repairs and Improvements - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Clerk Martinez-Roach, second by Member Biehl to receive the second reading and adopt new Board Policy #3519 Alterations, Modifications, Repairs and Improvements.

Vote: 3/0, Member Herrera out of room; President Garcia was absent
13.06 Adopt Resolution #2009/2010-50 Intention to Lease District Property for Cellular and Wireless Communication Antenna Purposes - Jerry Kurr, Associate Superintendent of Administration & Business Services, and Rogelio Ruiz, Legal Counsel

Motion by Member Herrera to adopt Resolution #2009/2010-50 Intention to Lease District Property for Cellular and Wireless Communication Antenna Purposes.

Motion withdrawn by Member Herrera

Motion by Clerk Biehl, second by Vice President Nguyen to adopt Resolution #2009/2010-50 Intention to Lease District Property for Cellular and Wireless Communication Antenna Purposes, except for number 12 -- potential leasing 1,200 square feet leasing of the Educational Center.

Vote: 2/1/1, Clerk Martinez-Roach voting No; Member Herrera abstained; President Garcia was absent

Motion failed

13.07 Approve the Tax Exempt Master Equipment Lease Purchase Agreement with Bank of America – Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Biehl, second by Member Herrera to accept and approve the Bank of America proposal for a tax exempt master equipment lease purchase agreement in the amount of $14,619,998 at an interest rate not to exceed 4.51%.

Vote: 3/1, Clerk Martinez-Roach voting No; President Garcia was absent

Frank Biehl, Board Member
Statement for the record:
I would like to just point out that there’s $2.7 million in next year’s budget; $2.7 million worth of positions that are not going to be cut because of the financing of the solar. Solar has been secured with a 15-year guarantee from Chevron Energy Solutions.

13.08 Approve Authorization for the Interim Superintendent or Designee to Authorize Summer Projects - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Biehl, second by Member Herrera to approve authorization for the Interim Superintendent or designee to authorize summer projects as specified below:

- Food/Goods For Child Nutrition Bid
- Warehouse Inventory Replenishment Bid
- Fuel Bid
- Moving Services Request for Proposals for District Wide use.
- Specialty Services Request for Proposals for Facilities and Maintenance
- Negotiate and Execute a Contract for the SLC Grants at W.C. Overfelt and Andrew Hill High Schools
• Negotiate and Execute a Contract or MOU with the College Connection Academy (CCA). CCA is an Early College program designed to develop a pipeline of underrepresented students to be college ready. The program identifies students entering grade 7 from the Franklin McKinley School District to become part of the cohort of students that will transition to the Yerba Buena campus, then to the Evergreen Valley College campus for grades 11 and 12. Yerba Buena will house 120 students from the Franklin McKinley School District, grades 7 and 8, as part of the CCA.

Vote: 3/1, Clerk Martinez-Roach voting No; President Garcia was absent

13.09 Approve Authorization for the Interim Superintendent to Award Emergency Projects during the Summer - Jerry Kurr, Associate Superintendent of Administration and Business Services

 Rogelio Ruiz, Legal Counsel

Under the Public Contract Code, emergencies have a very specific meaning. Just to be clear, this would not include authorization to award construction contracts because that would require a unanimous vote of the Board.

Motion by Clerk Martinez-Roach, second by Member Biehl to authorize the Interim Superintendent, after conferring with the Board President, to award emergency projects for unforeseen needs during the summer, except those items requiring public bidding and to include the modification as stated by Counsel:

"Under the Public Contract Code, emergencies have a very specific meaning. Just to be clear, this would not include authorization to award construction contracts because that would require a unanimous vote of the Board."

Vote: 4/0, President Garcia was absent

13.10 Approve Change Orders to Purchase Orders Presented June 17, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Herrera, second by Member Biehl to approve the change orders to purchase orders presented June 17, 2010.

Vote: 4/0, President Garcia was absent

14. FACILITIES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

None
15. ATTACHMENT A – CONSENT CALENDAR ITEMS

Motion by Member Herrera, second by Member Biehl, to approve the entire consent calendar.

Vote: 4/0, President Garcia was absent

15.01 Ratify/Approve Classified Personnel Actions Presented June 17, 2010
15.02 Ratify/Approve Certificated Personnel Actions Presented June 17, 2010
15.03 Ratify/Approve Student Aide Personnel Actions Presented June 17, 2010
15.04 Approve School Field Trips
15.05 Approve CAHSEE Local Waivers for Special Education Students
15.06 Approve Award of Bids
15.07 Approve Minutes of March 6, 2010, Special Board Meeting
15.08 Approve Minutes of March 18, 2010, Regular Board Meeting
15.09 Approve Minutes of March 18, 2010, Special Board Meeting

16. WRITTEN REPORTS/RECOMMENDATIONS

None

17. BOARD OF TRUSTEES/SUPERINTENDENT COMMUNICATIONS/COMMENTS

17.01 Board of Trustees

Patricia Martinez-Roach, Clerk
I just want to wish everyone a happy summer. I know that it is not going to be a happy summer for some of you. I just want to share my joy in going to all the graduations that I went to and profusely apologize to Adult Education. I did not see it on the second page and I apologize for that.

Frank Biehl, Member

MetroED:
I attended their Adult Education graduation last night in my capacity as President. They showed graduates from Campbell and San Jose Unified. They had 80 graduates. It went really well.

The Campbell issue, on them withdrawing their Adult Education Program, has newly been completely resolved with a well-written memorandum of understanding drafted by the two attorneys between the two districts and I think that’s just about done. We expect on the 30th it will be ratified and that issue will be set aside.
The MetroED’s budget has been proposed. They will be in their second year of deficit spending. They have enough reserves to do that. They are actually projecting that out, the deficit spending, the next two years. There was some criticism in the past about the amount of reserves that they have, but I think it is really good that they did. They also reduced a number of administrative positions over there and some reorganization as well.

The last thing is that I had the opportunity to tour the construction work that is going on at one of their buildings over there. They are creating a sustainable building center, which is going to combine their carpentry, electrical and their solar energy. They actually have it set up that the solar goes up the steps on up to the roof and it is being done very well. They are doing a good job of keeping the facilities up to date with what’s available and happening in the market.

I miss Eddie, wish him a speedy recovery, and hope he is back with us very soon.

17.02 Dan Moser, Interim Superintendent

I would like to speak to the partnership that we have been engaging with in Silicon Valley Education Foundation. They have opened some great doors to bring in industry to many of our schools. We look forward to that continued partnership and we are looking also forward, I won’t speak prematurely, to their support on the parcel, but they are engaged with us. They will be assisting us in providing some community discussions at five of our high schools in late July or early August. We are very pleased that they have opened the doors to the rest of Silicon Valley to us.

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.

Vice President Nguyen adjourned the meeting at 11:12 p.m.

Respectfully submitted,

[Signature]

Board Clerk