EAST SIDE UNION HIGH SCHOOL DISTRICT

TO:        Board of Trustees
FROM:      Dan Moser, Interim Superintendent
SUBJECT:   Approve Minutes of December 10, 2009, Annual Organizational Meeting and Regular Board Meeting

Attached are the minutes of the December 10, 2009, Annual Organizational Meeting and 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 December 10, 2009, Annual Organizational Meeting and Regular 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.

Approved as Amended
Board of Trustees
February 18, 2010
1. CALL TO ORDER/ROLL CALL

   1.01 Roll Call

   The Regular Meeting of the Board of Trustees was called to order at 4:03 p.m. by President Martinez-Roach. Clerk Biehl and Member Garcia were present. Vice President Herrera arrived at 4:06 p.m. and Member Nguyen arrived at 4:10 p.m.

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

   President Martinez-Roach 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 Expulsions: A-G

   Student A:
   Motion by Vice President Herrera, second by Member Garcia, the Board approved the expulsion of Student A.

   Vote: 5/0
Student B:
Motion by Vice President Herrera, second by Member Garcia, the Board approved the expulsion of Student B.
Vote: 5/0

Student C:
Motion by Clerk Biehl, second by Member Nguyen, the Board approved the expulsion of Student A.
Vote: 5/0

Student D:
Motion by Member Garcia, second by Member Nguyen, the Board approved the expulsion of Student A.
Vote: 5/0

Student E:
Motion by Member Nguyen, second by Clerk Biehl, the Board approved the expulsion of Student A.
Vote: 5/0

Student F:
Motion by Clerk Biehl, second by Member Nguyen, the Board approved the expulsion of Student A.
Vote: 5/0

Student G:
Motion by Member Garcia, second by Clerk Biehl, the Board approved the expulsion of Student A.
Vote: 5/0

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

2.03 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, 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)
2.04a Conference with Legal Counsel – EXISTING LITIGATION
Subdivision (b) of Section 54956.9 of the Government Code

  Santa Clara County Superior Court Case No. 107CV085424

- Kinetics Mechanical Services, Inc. vs. East Side Union High School District,
  Santa Clara County Superior Court

2.04b 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

2.05 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                  |
|                                 | Real Estate Representatives Sam Swan, Bob Hunt and Andre Hunt |

| Negotiating Parties:            | ESUHSD and Party To Be Determined            |

| Under Negotiation:             | Price and Terms                              |

2.06 Public Employee Performance Evaluation (Government Code Section 54957)

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

- Interim Superintendent
- Interim Associate Superintendent of Instruction and Human Relations
- Interim Director 2 – Instructional Services

**OPEN SESSION 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.

*President Martinez-Roach extended a welcome to everyone, explained the format of the meeting and noted that all Board Meetings are recorded.*

5. **Annual Organizational Meeting**

5.01 Nomination and Election of Board Officers

5.01.01 President

*Motion by Member Nguyen, second by Member Martinez-Roach, to nominate and elect Member Garcia as Board President.*

Vote: 5/0

5.01.02 Vice President

*Motion by Member Biehl, second by Member Martinez-Roach, to nominate and elect Member Nguyen as Board Vice President.*

Vote: 5/0

5.01.03 Clerk

*Motion by Member Biehl, second by Member Nguyen, to nominate and elect Member Martinez-Roach as Board Clerk.*

Vote: 5/0

5.02 Appointment of Board Secretary

*Motion by Member Martinez-Roach, second by Member Biehl, to nominate and appoint Interim Superintendent Dan Moser as Board Secretary.*

Vote: 5/0

5.03 Nomination and Election of Representative to MetroED Board

*Motion by Member Nguyen to nominate and elect Member Biehl as representative to MetroED Board.*

Vote 4/1, Member Martinez-Roach voting No

*Motion by Member Martinez-Roach to nominate and elect Member Martinez-Roach as representative to MetroED Board.*

*Motion failed*
5.04 Nomination and Election of Alternate Representative to MetroED Board

Motion by Member Biehl to nominate and elect Member Herrera as alternate representative to MetroED Board.

Member Herrera declined the nomination. Motion failed.

Motion by Member Biehl to nominate and elect Member Martinez-Roach as alternate representative to MetroED Board.

Vote: 5/0

5.05 Appoint Two Board Members to Board’s Standing Audit Committee

Chairperson
Motion by Member Garcia, second by Member Nguyen, to nominate and appoint Member Biehl as Chairperson to the Board’s Standing Audit Committee.

Vote: 5/0

Vice Chairperson
Motion by Member Biehl to nominate and appoint Member Herrera as Vice Chairperson to the Board’s Standing Audit Committee.

Member Herrera declined the nomination. Motion failed.

Motion by Member Biehl, second by Member Garcia, to nominate and appoint Member Nguyen as Vice Chairperson to the Board’s Standing Audit Committee.

Vote: 5/0

5.06 Nomination of One Member of the Board of Trustees to Vote in the Election for Members of the Santa Clara County Committee of School District Organization

Motion by Member Biehl to nominate and appoint Member Herrera as the Board of Trustee representative to vote in the election for Members of the Santa Clara County Committee on School District Organization.

Member Herrera declined the nomination. Motion failed.

Motion by Member Garcia to nominate and appoint Member Biehl as the Board of Trustee representative to vote in the election for Members of the Santa Clara County Committee on School District Organization.

Vote: 5/0
5.07 **Nomination and Election of Representative to California School Boards Association Delegate Assembly**

Motion by Member Herrera, second by Member Biehl, to nominate Member Martinez-Roach to stand for election as representative to California School Boards Association Delegate Assembly.

Vote: 5/0

5.08 **Nomination and Election of Representative to Santa Clara County School Boards Association**

Motion by Member Biehl to nominate and elect Member Martinez-Roach as representative to Santa Clara County School Boards Association.

Vote: 5/0

5.09 **Adopt Resolution #2009/2010-21 Approving Authorized Signatures**

Motion by Member Herrera, second by Member Garcia, to adopt Resolution #2009/2010-21 Approving Authorized Signatures.

Vote: 5/0

5.10 **Develop and Approve Schedule of Regular Board Meetings and Annual Organizational Meeting for 2010**

Motion by Member Biehl, second by Member Nguyen, to approve the amended Schedule of Regular Board Meetings and Annual Organizational Meeting for 2010.

Amendment is as follows:
Change June 24, 2010, to June 22, 2010

Vote: 5/0

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

For consideration by the Board of Trustees.

Request for consideration by Interim Superintendent Moser to pull items 11.01 and 11.02 from the agenda.

Motion by Member Biehl, second by Vice President Nguyen, to pull items 11.01 and 11.02 from the agenda.

Vote: 5/0

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

7.01 **Girls’ Golf – Evergreen Valley High School**
8. **STUDENT BOARD LIAISONS**

8.01 Johnson Taing, ASB President – Piedmont Hills High School

8.02 Daniel Zaragoza, ASB President – Yerba Buena High School

9. **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.

*Speaker:*
- Julio Pardo – Valdes Program

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

10.01 Santa Teresa High School Presentation – Dan Moser, Interim Superintendent and John Duran, Principal

*Presentation by Principal John Duran of Santa Teresa High School.*

10.02 Silver Creek High School Presentation – Dan Moser, Interim Superintendent and Thelma Boac, Principal

*Presentation by Principal Thelma Boac, Principal, Associate Principal Hector Laguna, and Head Counselor Allan Roberts.*

10.03 Adopt Resolution #2009/2010-20 California State Department of Child Development Grant for 2009-2012 Contract – CRPM-9132 for Facilities Renovation and Repair – Dan Moser, Interim Superintendent and Deborah Barnes, Coordinator of Child Development

*Motion by Member Herrera, second by Member Biehl, to adopt Resolution #2009-2010 State Department of Child Development Grant for 2009-2012 Contract – CRPM-9132 for Facilities Renovation and Repair.*

*Vote: 5/0*

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

11.01 Receive Third Reading and Adopt Amended Board By Law #9250 Remuneration, Reimbursement and Other Benefits – Dan Moser, Interim Superintendent

*Item pulled.*

11.02 Proposed Contract and Compensation for Interim Superintendent Position – Patricia Martinez-Roach, Board Member

*Item pulled.*
11.03 Election of Governing Board Members by District – Patricia Martinez-Roach, Board Member

Patricia Martinez-Roach, Clerk
This is a request on behalf of Marisa Hanson, ESTA and I yield the floor to her.

Speakers:
- Jon Reinke
- Marisa Hanson
- Wendy Stegeman
- Diego Barragan

Motion by Clerk Martinez-Roach to adopt a resolution requesting the Santa Clara County Office of Education to move forward with the process.

Motion failed.

Motion by Member Herrera that the Board endorse a goal in transitioning the governing structure of the East Side Union High School District to district elections at the earliest possible opportunity consistent with community input and fully studied set of options in terms of how it is implemented.

Motion failed.

The Board agreed to bring this item back at a future date.

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

None

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

13.01 Approve Provisional Internship Permit Request for Certificated Employee – Dan Moser, Interim Superintendent, and Cathy Giammona, Director of Human Resources

Motion by Clerk Martinez-Roach, second by Member Herrera, to approve the provisional internship permit request for certificated employee.

Vote: 5/0

13.02 Approve Request for Use of Education Code Section 44258.3 – Teachers on Special Assignment Authorizations for the 2009-2010 School Year - Dan Moser, Interim Superintendent, and Cathy Giammona, Director of Human Resources

Motion by Member Biehl, second by Clerk Martinez-Roach, to approve the request for use of Education Code section 44258.3 Teachers on Special Assignment authorizations for the 2009-2010 school year.

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

14.01 Approve First Interim Financial Report - Jerry Kurr, Associate Superintendent of Administration and Business Services

*Motion by Member Herrera, second by Member Biehl, to approve the qualified certification First Interim Financial Report.*

Vote: 5/0

*Clerk Martinez-Roach requested that a Special Study Session be held by the Board of Trustees, which will include developer fees in the presentation.*

14.02 Approve Developer Fees Report for 2008-2009 – Jerry Kurr, Associate Superintendent of Administration and Business Services

*Motion by Member Biehl, second by Vice President Nguyen, to approve the Developer Fees Report for 2008-2009.*

Vote: 5/0

14.03 Acceptance of Donations, Grants and Awards - Jerry Kurr, Associate Superintendent of Administration and Business Services

*Motion by Clerk Martinez-Roach, second by Member Biehl, to accept the donations, grants and awards.*

Vote: 5/0

14.04 Accept Warrant Register for the Month of November 2009 - Jerry Kurr, Associate Superintendent of Administration and Business Services

*Motion by Clerk Martinez-Roach, second by Vice President Nguyen to accept the warrant register for the month of November 2009.*

Vote: 5/0

14.05 Approve Budget Transfers Presented December 10, 2009 - Jerry Kurr, Associate Superintendent of Administration and Business Services

*Motion by Clerk Martinez-Roach, second by Member Herrera, to approve the budget transfers presented on December 10, 2009.*

Vote: 5/0
14.06 Approve Purchase Orders Presented on December 10, 2009 - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Herrera, second by Vice President Nguyen to approve the purchase orders presented on December 10, 2009.

Vote: 5/0

14.07 Approve Contracts for Professional Services at or below $50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Vice President Nguyen, second by Member Biehl, to approve the Contracts for Professional Services at or below $50,000.

Vote: 5/0

14.08 Approve Contracts for Professional Services over $50,001 - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Vice President Nguyen, second by Member Herrera, to approve the Contracts for Professional Services over $50,001.

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

14.09 Approve Memoranda of Understanding - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Herrera, second by Vice President Nguyen, to approve the Memoranda of Understanding.

Vote: 5/0

15. Facilities - Operational Items/Board Discussion and/OR Action

15.01 Approve Project Scope Change to Provide for the Design of an Enhanced Performance Environment to Accommodate Visiting Theatrical Performances as part of the Board Approved Scope of Work for the New Multipurpose/Classroom Building Project at Silver Creek High School – Alan Garofalo, Associate Superintendent of Student Services and Facilities

Motion by Member Herrera, second by Vice President Nguyen, to approve project scope change to provide for the design of an enhanced performance environment to accommodate visiting theatrical performances as part of the Board approved scope of work for the new multipurpose/classroom building project at Silver Creek High School.

Vote: 5/0
16. **ADULT EDUCATION - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION**

None

17. **CONSENT CALENDAR ITEMS - ATTACHMENT A**

Item 17.01 and 17.02 were pulled from the consent calendar. Motion to approve the remainder of the consent calendar made by Member Herrera, second by Member Biehl.

Vote: 5/0

17.03 Ratify/Approve Student Aide Personnel Actions Presented December 10, 2009

17.04 Approve School Field Trips

17.05 Approve Notice of Completion for Andrew Hill High School, Eight (8) Portables Project (Lopes Electric)

17.06 Approve Minutes of October 24, 2009, Special Board Meeting

17.07 Approve Minutes of October 29, 2009, Special Board Meeting

17.08 Approve Minutes of October 31, 2009, Special Board Meeting

Items pulled for discussion/consideration:

17.01 Ratify/Approve Classified Personnel Actions Presented December 10, 2009

Motion by Member Biehl, second by Member Herrera, to ratify/approve the Classified Personnel Actions presented December 10, 2009.

Vote: 4/1, Clerk Martinez-Roach voting No for reasons stated as follows:

“I feel uncomfortable with the change of status for recommendation of bus drivers that have an effective date of April 1 and May 15. These positions were part of the elimination process when cuts were made. Why would we reinstate someone and approve something that happened in April and May? This gives me an uneasy feeling and I cannot support this.”

17.02 Ratify/Approve Certificated Personnel Actions Presented December 10, 2009

Motion by Member Biehl, second by Vice President Nguyen, to ratify/approve the Certificated Personnel Actions presented December 10, 2009.

Vote: 4/1, Clerk Martinez-Roach voting No for reasons stated as follows:

“For the same reasons as stated before. We are approving certified athletic coaches that started in August and December.”
18. **WRITTEN REPORTS/RECOMMENDATIONS**

18.01 Receive Quarterly Report on Santa Clara County Treasury Investment Portfolio Status as a September 30, 2009

*Report received.*

18.02 Receive Williams Settlement Annual Report for 2009

*Report received.*

19. **BOARD OF TRUSTEES/SUPERINTENDENT COMMUNICATIONS/COMMENTS**

19.01 Board of Trustees

*Frank Biehl, Member*

MetroED:

*Their First Interim Report was passed last night with a positive certification. The Campbell High School District is considering dropping out of the Adult Education Program. At their meeting in December, they did consider it, but they did not take action at their meeting. Los Gatos is considering dropping out of the MetroED Program for the CCOC. They only have eight to ten students in the program. It wouldn’t create a significant burden on the program if they were to drop out. The same is true of Campbell. It only affects the adult education side. The question would be is if Campbell dropped out of the adult education side, would San Jose Unified decide to do the same. That is something that I will have to monitor next year.*

*I have two reports to file with the Board as part of the record of my activities. The CSBA Delegate Assembly meeting that is just written — you can put that in the record. I also have a report on my activities at the conference. I am just asking that it be placed into the record.*

*Lan Nguyen, Vice President*

*I support what Madam Clerk said earlier about having a budget study session so that all stakeholders can participate because I know we have to submit another Interim Report in March. We need to start talking about it in January, if not early, probably mid January so that community members and stakeholders can have an opportunity to provide input as far as our budget and look at our budget priorities.*

*A few weeks ago I ran into District Attorney Dolores Carr at a community function. She mentioned an issue that is important because it helps with the ADA generating issues. Apparently, there is a high truancy rate with students in our school district. Addressing the truancy problem would also help the ADA, but there’s an issue of with working with DA’s Office and sending letters out to truant students. By doing that, it will not only help us, but also get us additional revenue by sending out that letter. Anything that helps with the budget so that we don’t have to trim programs or staff will be worth looking into. I hope that at our January or February meeting we can look at those things.*
Patricia Martinez- Roach, Clerk
I have had very successful meetings with parents. I met with the Latino Parent Coalition, Vietnamese Parent Coalition and the African American Parent Coalition. I am also planning on meeting with PTA and School Site Council. As a result of all these meetings, some good things have come out. We are going to begin some training with the parents. Hopefully, all of it will be free of charge because parents want to be trained in safety issues and identifying symptoms for gangs. Not all the parents, but the majority requested it. I am very pleased to report that. Students continue to meet and they have requested as their priorities discussing alcohol and drug abuse. We are continuing to address that with the Student/Board Relations.

I want to wish everyone happy holidays.

Eddie Garcia, President
I wanted to thank Clerk Patricia Martinez-Roach for her leadership this year. One thing that has gone through my mind, and I will talk a little more about it in January, I believe that James Lick High School opened its doors in September 1950, which means the East Side Union High School District opened its doors 60 years ago. It is a milestone. I am honored by my colleagues in providing you this opportunity to lead these Board meetings during the next twelve months. I am honored by the opportunity.

Happy holidays and thank you for all the work that you do. None of this would work without you.

19.02 Dan Moser, Interim Superintendent

Dan Moser, Interim Superintendent

I would like to speak to what is going on between the state, government and our districts. It is a program that is being promoted through Sacramento. It is called “Race to the Top.” It is a competition amongst the state. The California application is due imid January. Part of this is being developed as we speak and the legislation associated with this particular plan. At the same time, the state is asking districts to sign an MOU to which we have not seen the draft. Within the next week, I would expect that we see the state’s final version of what the MOU consists of. We have shared the information with Principals and also with the Teachers’ Association. We will need to get together and discuss it further. It has many elements and what the final will look like, even next week, are very “mysterious,” and I say that in quotes because that has been the viewpoint of the majority of districts throughout California as they look at this “opportunity” for students.

20. 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.
21. **ADJOURNMENT**

President adjourns the meeting.

*Meeting adjourned at 9:28 p.m. by President Garcia.*

Respectfully submitted,

[Signature]

Board Clerk
Date: December 10, 2008

To: East Side Union High School District Board

From: Frank Biehl, Board Member

Sub: California School Board Association Annual Conference, December 3 - 5, 2009

Annual Education Conference activities included attending the following:

1. California Suburban School District Luncheon, encounter with Paul Navarro, Governor’s Deputy Legislative Secretary for Education
2. First General Session: Soledad O’ Brien, Special Correspondent for CNN
3. Surviving the School Fiscal Crash of 2009/10, Kevin Gordon
4. Achieving Success with Mail-in Parcel Tax Elections
5. California Latino School Board Association Breakfast & meeting, Esau Herrera elected to board
6. Negotiating When You Have Nothing to Give
7. CSBA Legislative Network Luncheon
8. Second General Session: Daniel Pink, “A Whole New Mind” Right and Left Brain Education
10. Coaching the Board Through a Superintendent Search” It’s All About the Match!”
11. Ten Innovative Ideas to Generate Revenue
12. Revenue Generating Strategies to Avoid
13. Third General Session: State of the State
Date 12/10/09

To: East Side Union High School District Board of Trustees

From: Frank Biehl, Trustee

Subject: CSBA Delegate Assembly Meeting, San Diego December 2-3, 2009

Meeting highlights:

Nomination and election of President-Elect and Vice President
President-Elect: Martha Fluor, Newport-Mesa Unified School District*
Vice President: Mary Boger, Glendale Unified School District*
Vice President: Susan Heredia, Natomas Unified School District, and Director at Large, Hispanic
*elected

President’s Report
State of Our Schools (SOS) Campaign
Collected summaries of how the budget cuts affected students in all school districts.
These letters will be delivered to the Governor when he makes his “State of the State” address on
January 10, 2010

Legislative Report
Midyear cuts unlikely as Prop 98 requirements were underfunded by $1 billion last year.
However, funding prospects for 2010-11 looks bad.

State Superintendent of Public Instruction Candidates Forum
Former Superintendent Larry Acevas (administrative perspective)
Assemblyman Tom Torlakson (legislative perspective)
Senator Gloria Romero did not participate due to scheduling issues

Executive Director’s Report
Scott Plotkin
Worst funding cuts to education since the Great Depression

Education Legal Alliance Report
Adequacy/School Funding Litigation moving forward

Nomination Committee
Kathy Sullivan from Morgan Hill Unified elected to six member committee

Annual Meeting Chair
Jo Lucey, Cupertino Elementary School District, agreed to serve again. Next meeting will be in
San Francisco in December of 2010