EAST SIDE UNION HIGH SCHOOL DISTRICT
Minutes of the Regular Meeting of the Board of Trustees
Meeting Held at Education Center
March 9, 2006

1) The Regular Meeting of the Board of Trustees was called to order at
4:05 p.m. by President Herrera. Vice President Nguyen, Member Martinez-
Roach and Member Shirakawa were present.
Clerk Mann arrived at 4:15 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

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

BOARD SPECIAL RECOGNITION (S)

4.1 Students were honored at the 5th Annual African American
Achievement Awards on the month of February to Recognize “Black
History Month”.

African American Achiever Award Winners 2006 were:
• Jalecia Olden, student Evergreen Valley High School
• Jamila Beck, student Piedmont High School
• Rahsanna Sessions, student Santa Teresa High School
• Michele Davis, student Evergreen Valley High School
• Adjoni Parker, student Independence High School
• Shawn Wright, student James Lick High School

CONSIDERATION OF PROPOSED AMENDMENTS TO THE
AGENDA
None.

PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD OF
TRUSTEES
Sheryl Driskell – Mt. Pleasant High School Concerns
• Joel Herrera – Open/Public ACSA Resolution
• Leon Beuchman – Black Student Union Leaders, Student Empowerment
  Conference on March 18, 2006 at Oak Grove High School
• Annie Sulaiman – Black Student Empowerment Conference Results
• Derrick Glasgow – Black Student Empowerment Conference Results
• Albert Luiz-Paap – Black Student Empowerment Conference Results
• Shevalau Gpson – Black Student Empowerment Conference Results

ORAL COMMUNICATIONS
7) STUDENT ACHIEVEMENT/BOARD DISCUSSION AND/OR ACTION
   1. Eduardo Sabando, Associated Student Body President from Yerba Buena High School, reported on events and activities.

8) OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION
   8.1 Cari Vaeth, Director of Adult Education made a presentation on 150 years of Adult Education in California and Adult Education Week, March 13-17, 2006.

   Unlike the comprehensive high school, there is a cap on Adult Education enrollment. The maximum student enrollment may be claimed is 2929. Each year this number is increased by a 2.5%, growth factor. Some districts do not meet their enrollment cap. There is a new bill that would allow for districts to receive unused money that is not claimed by other districts.

   There are many programs offered by the Adult Education including, ESL, Community Ed, High School Diploma Program, Study at Home, Vocational, Adults with Disabilities Program, and Adult Basic.
There is site-specific education for over 1000 students in the Adult with Disabilities Program. These participants are in residential placements, including “lock down” facilities.

Adult Education is not exempt from the California High School Exit Exam. CAHSEE classes are being offered. Adult Education will serve the district for those students who have credit, but need to pass the exam. The next opportunity is November 06’.

Cari Vaeth thanked the Board for their support.

Superintendent Bob Nuñez
This is the best Adult Education Program I have ever seen. I would like to thank everyone who helps support this program.

8.2 San Jose Acuerdo Presentation by David Coon, President of Evergreen Valley College

Item pulled. Presenter not present.

8.3 Recommendations for Boundary Changes – Alan Garofalo, Assistant Superintendent of Operations and Tom Williams, Enrollment Projection Consultants

Alan Garofalo, Assistant Superintendent of Operations
At the last Board meeting the administration was asked to come back with recommendations. There is a “grandfathering” clause that has been recommended. This means students who are in the 8th grade would be eliminated and allowed to attend Evergreen Valley High School. “Grandfathering” would also include students who have siblings following within three years.

Tom Williams, Enrollment Projection Consultant Company
Evergreen Valley was funded because there was a lot of pupil growth in this area. This new school was necessary, because the growth was impacting Silver Creek and Mt. Pleasant High Schools. The original plan was to house 1600 students at Evergreen Valley High School. There were 1600 students enrolled at the time the school open. One hundred percent of 9th and 10th graders have chose to attend Evergreen Valley High, not using the option clause. Within a decade there could have over 3,000 students on this site.

President Herrera
My understanding is we would engage in public hearings, in our neighborhoods. There would be broader presentations. The community would be able to give us input.
Member Martinez-Roach
I think it was very clear to me the Board would have to bring back recommendations. I don't understand why there was no press releases letting the community know we would be discussing this topic tonight.

Alan Garofalo, Assistant Superintendent of Operations
We need to look at Evergreen Valley High School. It is the Board's decision to let us know if they want to go in this direction.

Member Mann
I would like to commend Tom Williams, Demographer. I trust him and his data. I do support the recommendations. I will not be supporting any action that does not address the district holistically. Yes, we are going to have public meetings. We have 3 more Board meetings scheduled in this school year, and we need to take action before we adjourn this school year.

Alan Garofalo, Assistant Superintendent of Operations
If we could figure who the 6th and 7th grades are today we could "grandfather" them. We are talking about 150 more students for Evergreen Valley High School.

Tom Williams, Enrollment Projection Consultant Company
You need to define what a family is. Where do you draw the line?

Member Mann
I was on the Evergreen Valley High School New School Committee back in the mid 1990's. The original boundaries for Evergreen Valley High School never included the Mt. Pleasant High School option or Silver Creek High School option. This was foisted upon us about six months before the school opened due to caving in to public pressure.

Tom Williams, Enrollment Projection Consultant Company
The only school that needs immediate attention is Evergreen Valley High School. There are other schools in this District where the boundaries are not rational.

Vice President Nguyen
I would like to have a timeline to address this issue quickly.

Member Shirakawa
I want to thank the parents for coming out tonight and speaking. We need input from the community to have these discussions. I totally understand your concerns and emotions.

Member Martinez-Roach
In looking at the Board Policy 5116, In the inter-district and open
enrollment section there is a very specific clause that talks about some of the schools that were built with community facility district funds have priority over open enrollment. I was wondering if you could look at this issue. I don’t expect an answer tonight, but we do need to know how this policy will effect the boundary changes.

Superintendent Bob Nuñez
We will get back.

Rogelio Ruiz, General Counsel
There is no Education Code provision that indicated there is a meeting requirement. There is a Board Policy that includes there be community input. Proposition 209 indicates race should not be a part of these discussions. The definition of family becomes a problem area in terms of defining what family is legally and how it can be effective in a Board Policy and the setting of new attendance boundaries. The holistic approach I’ve discussed with the administration in implementing boundary realignment in one area carries with it certain domino effects. One issue we will have to focus on is the situation at James Lick High School. The academic situation in No Child Left Behind it’s transfer rights from this school may affect how this Board any boundary realignments would affect James Lick High School.

President Herrera
This is an issue that cannot be avoided. The choice is to proceed and understand what the options are and get educated by our own communities. We need to have a public hearing process, and problem solving discussions.

Member Martinez-Roach
I would like a motion that we direct the Superintendent Bob Nuñez to bring back a recommendation that it would include all the comments we had this evening. The recommendation should be at the next available Board meeting so we can get things done before the end of the school year. These issues are clear; we have safety issues and impacted schools.

Clerk Mann
Seconded

President Herrera
So outside of the regular meeting, there would be public hearings. Member Martinez-Roach you made a motion that the Superintendent would bring back recommendation taken to account tonight’s input and discussion. I would rather have a directive that the administration present it’s entire framework of recommendation and prepare the hearing that will be held in the community. Also have the administration present a timeline.
Rogelio Ruiz, General Counsel
I don’t think a motion is appropriate yet. This is more a directive to administration.

President Herrera
Ideally, we would be in a position in May or June based on the administration’s sense that they have appropriate engaged the community in a process of public education and public dialogue. Now if the administration comes back in May or June and says this process still needs development then the Board needs to decide to move ahead or not.

Superintendent Bob Nuñez
A component that was not addressed was James Lick High School. By the April meeting we can be moving along gathering the information from the community and sharing the information to the Board as a whole.

President Herrera
So on March 16, 2006, you will update the Board on a Plan of Action with regards to the Boundary Changes. The intent is to bring back on the record community dialogue process was you are presenting to the Board.

Superintendent Bob Nuñez
I see no reason we can’t come back with a plan that would allow us to have a recommendation to you before the end of this school year. This is our goal.

President Herrera
You can sense the Board wants to proceed and address the community. We will see what is presented by the administration at the Board meeting next week.


Superintendent Bob Nuñez stated there are two charter schools up for renewal this year. The administration will be recommending renewals for both schools. Guidelines for charter school renewal are designed to ensure that a charter school complies with all California laws and regulations. The District's review includes a comprehensive evaluation of 1) cumulative school programs and processes, 2) student achievement, services and needs, 3) stakeholder participation and satisfaction, 4) legal compliance, and
5) financial stability. Charter schools will be responsible for explaining any proposed charter modification and the rational for such changes, and how the charter school will address inconsistencies and/or other deficits in the present programs.

Linda Gubman, Interim Assistant Superintendent of Curriculum explained the matrix that will be used to evaluate the renewal of charter schools.

✓ Motion to approve Guidelines for Charter Renewal by Clerk Mann, seconded by Member Shirakawa.

Vote: 5/0

8.5 California High School Exit Exam (CAHSEE) Guidelines - Linda Gubman, Interim Assistant Superintendent of Instructional Services

The senior class of 2006 is the first class affected by the State requirement to pass the California High School Exit Exam (CAHSEE) in order to receive their diploma in addition to the local regular requirements. The District is watching the State to see if there will be any alternative models of testing. The State Superintendent of Schools held a forum in October of 2005. The requirement would stand as such.

Representatives of the East Side Union High School District, including administrators, classified, union representatives and certificated personnel attended the Santa Clara County Office of Education sponsored forum on the ramifications of the CAHSEE on February 7, 2006. District representatives joined attorneys and personnel for ACSA and CSBA in discussions regarding the differences between the high school diploma and certificate of completion.

The East Side Union High School District stakeholder representatives were recognize for their participation.

Linda Gubman, Interim Assistant Superintendent of Curriculum
There were two issues presented to the Board:
  • Certification of Completion
  • Participation in Graduation

The recommendation this evening is for 2006 class only. We will soon be working on long-term recommendations. The long-term issue is how are we going to help all our students pass the CAHSEE exam. Which students need the most help and how we can make our intervention successful with these students? The representatives did
reach consensus on three items, but was unable to make a consensus on the participation of graduation. This item was turned over to Cabinet.

**Member Martinez-Roach**
We have a graduation policy. We need to look at our Board Policy for graduation. The minimum requirement for many jobs is a high school diploma. If our students have met the state guidelines and standards and have received the grades with certification that they have completed the course work, why should they be punished? I don't agree with giving students a certificate. What about special education students, limited English speaking students, and students who just don't know how to take tests.

I ask the Board to consider a diploma with some kind of disclaimer.

**Member Shirakawa**
How many times do students take the test?

**Lynda Remley, Coordinator of Testing**
Six times. Once as a sophomore, twice as a junior, and three times as a senior. Fifth year seniors can take it three more times.

**Linda Gubman, Interim Assistant Superintendent of Curriculum**
We do have an intervention program at every school sites.

**Dan Moser, Principal, Piedmont Hills High School**
We want to send a clear message to our students; we are not giving up on them. We want to provide a clear road leading towards graduation. Many schools for the last several years have offered CAHSEE classes in language arts, and math. We have made sure there are resources.

**Vice President Nguyen**
We need to do everything we can to make sure every student succeeds, including passing the exit exam. We keep compromising our own educational standards. We keep lowering the bar. I am concerned. Are we going in the right direction by compromising rather than using our resources and energy in making sure our students succeed?

**George Shirakawa**
I don't know if I can support a student who has not passed the CAHSEE to walk. I think we should have an alternative. Create a non-CAHSEE graduation and those students could walk across the stage, but with a footnote, a non-CAHSEE graduate. I feel for the limited English students.
Clerk Mann
I'm wondering what kind of success the charter schools are having matriculating ELL students through CAHSEE. Is there something you are doing there?

Superintendent Bob Nuñez
In talking to other school district. If the student has been with the district for four years and has earned 220 credits there would be a ceremony and the student would not receive a diploma. We need to find methods to prepare our students beginning at the freshmen year.

Rogelio Ruiz, General Counsel
Lawyers up and down the state have tried to help districts avoid a "two track system" for its students. One of the reasons is the CAHSEE provision in the Ed. Code requires each districts to make sure affirmative efforts and use of its resources assist students in passing the CAHSEE. The CAHSEE statute is clear; if the student has not passed CAHSEE then the student will not receive a diploma. There is a Board Policy that states there shall be no participation by non-graduates in graduation exercises. So if there is a Board action there needs to be a waiver included in the action.

President Herrera
Students have been given opportunities. I realize there is injustices in a less then an ideal world. There is a strong case that can be made for those students who are falling through the cracks that implicates the system more then the student. We need to air on the side of rigor and standards of accountabilities, because its been looking and staring at us and every student for some time. The standard is a low bar of 8th grade English and math proficiency. My position is that student cannot walk.

Member Martinez-Roach
I think this would be such a tragedy. We are going to have a huge drop out rate. We will lose our students. You are going to be punishing students who have given four years of their lives because this one test.

√ Motion to uphold the Board Policy that states there shall be no participation by non-graduates in graduation exercises which includes students who have not passed the California High School Exit Exam by Clerk Mann. Seconded by Member Shirakawa.

Vote: 4/1 (Member Martinez-Roach voting no.)

8.6 Status of Measure G - Alan Garofalo, Assistant Superintendent of Operations and John Moore, Measure G, Chairperson Citizen
Oversight Committee

**John Moore, Measure G, Chairperson**

I have read the original ballot. The money is being spent in the terms the bond set down.

Not everything that the voters wanted is going to happen. For example at Independence High School. A series of villa modernizations and rebuilding has been done. Since the beginning of construction cost has risen 28%. This is one reason the District will not be able to do everything the voters originally wanted the District to do. What happened? Katrina happened, massive building in China happened. Worldwide commodity has risen 100%.

Another issue that is impacting the bond is the State Department of Architecture. SDA have to review each and every contact and building plan. For a twenty million dollar school project their projection is it will take one hundred forty-four days to get an approval.

*The purpose of the committee is to advice the Board.*

**President Herrera**

*This was a great overview Mr. Moore. Thank you.*

8.7 Second Interim Report, 2005-2006 Unrestricted and Restricted General Fund – Jerry Kurr, Assistant Superintendent of Business Services

✓ **Motion to approve the Second Interim Report, 2005-2006, Unrestricted and Restricted General Fund by Clerk Mann, seconded by Member Shirakawa.**

Vote 4/0 (Member Martinez-Roach out of the room.)

8.8 7/11 Committee Report – Alan Garofalo, Assistant Superintendent of Operations and John Moore, Chairperson

**Alan Garofalo, Assistant Superintendent of Operations**

Introduced John Moore, Chairman of the 711 Surplus Committee

**John Moore, Chairperson of the 711 Surplus Committee**

*The Board had requested a report out on the 711 Committee. This committee met from October 05’ to January 06’. By a majority vote of 6 in favor, 4 no, the committee formally recommended to the Board of Trustees against declaring the property know as the Ed. Center as surplus property. The mission of this committee is to determine the extent of the District’s excess land inventory, if any. There is no*
current compelling need to sale the property.

Member Shirakawa
I think of this District Office site as an asset. I am not willing to give up this site. This Board has not really seen great options. We need to use long-term vision when making a decision.

Clerk Mann
Thanked John Moore. This asset is being severely under utilized. We need to find another ways to do some land banking. I don’t believe we are doing the taxpayers’ justice with the current utilization of this lot. I was one of the 4 nay voters in this process. We all respected each other opinion.

President Herrera
Asked the Administration to bring back in the next 3 to 6 months a discussion on a strategic on option the Board should consider regarding the 830 N. Capitol Ave. site.

√ Motion to approve the 711 Surplus Committee Report, 2005-2006 by Clerk Mann, seconded by Member Shirakawa.

Vote 4/0 (Member Martinez-Roach out of the room.)

8.9 Assistant Superintendent of Operations Employment Contract

√ Motion to approve the contract of Alan Garofalo,
Assistant Superintendent of Operations at the current salary of $141,000 by Clerk Mann, seconded by Member Shirakawa.

Vote: 4/1 (Member Martinez-Roach out of the room.)

8.10 Assistant Superintendent of Student Services Employment Contract

√ Motion to approve the contract of Ric Abeyta, Assistant Superintendent of Student Services at the current salary of $141,000 by Clerk Mann, seconded by Member Shirakawa.

Vote: 4/1 (Member Martinez-Roach out of the room.)

9) ATTACHMENT A/CONSENT CALENDAR APPROVAL OF AGENDA

√ Motion to approve by Clerk Mann, seconded by Vice President Nguyen the entire Consent Calendar Items.

Vote: 4/1 (Member Martinez-Roach out of the room.)

(Agenda items in parentheses)
Purchase Orders Presented March 9, 2006 (9.1)
Budget Transfers Presented March 9, 2006 (9.2)
Ratify and Approve Certificated Personnel Actions Presented
March 9, 2006 (9.3)
Ratify and Approve Classified Personnel Actions Presented
March 9, 2006 (9.4)
Ratify and Approve Student Aide Personnel Actions Presented
March 9, 2006 (9.5)
Approve Variable Term Waiver Request for Certificated Employee (9.6)
Award of Bids (9.7)
Contracts for Professional Services (9.8)
Memorandums of Understanding (9.9)
Approve School Field Trips (9.10)
Acceptance of Donations/Grants/Awards (9.11)
Student Calendar for the 2006-2007 School Year (9.12)
Adopt Resolution #2005-2006-23 An Itemized List of
Surplus/Obsolete Equipment for Sale and/or Disposal per Education
Code Section 17545 and 17546 (9.13)
Adopt Resolution #2005-2006-24 Identifying Authorized District
Representative(s) for Filing with State Allocation Board (9.14)
Approve Change Order #1 for Oak Grove High School Music Building "J"
Project (American Steel and Stairways) (9.15)
Approve Change Order #1 for Oak Grove High School Music Building "J"
Project (Andy’s Roofing) (9.16)
Approve Change Order #1 for Oak Grove High School Music
Building “J” Project (Casey-Fogli Concrete Contractors Inc.) (9.17)
Approve Change Order #1 for Oak Grove High School Music
Building “J” Project (Cramer Partitions) (9.18)
Approve Change Order #1 for Oak Grove High School Music Building “J”
Project (D &R Paquette Drywall, Inc.) (9.19)
Approve Change Order #1 for Oak Grove High School Music Building “J”
(El Camino Paving) – Consent (9.20)
Approve Change Order #1 for Oak Grove High School Music Building “J”
Project (Pfeiffer Electric Co., Inc.) (9.21)
Approve Change Order #1 for Santa Teresa High School Landscape
/Street scape Project (Jensen Corporation) (9.22)
Approve Change Order #1 for Oak Grove High School Music Building “J”
Project (Poothill Mechanical) – Consent (9.23)
Approve Change Order #1 for Oak Grove High School Music Building “J”
Project (George E. Masker, Inc.) (9.24)
Approve Notice of Completion for Yerba Buena High School Building 200
Modernization Project (Sasco Electric, Inc.) (9.25)
Notice of Completion for Independence High School Gymnasium Renovation
Project (Robert A. Bothman) (9.26)
Approve Notice of Completion for Piedmont Hills High School Streetscape
Improvements/Paving & Landscape Improvements Project (El Camino
Paving) (9.27)
Approve Notice of Completion for Piedmont Hills High School Wings “C”,
“D” and “E” (Allied Environmental) (9.28)
Approve Notice of Completion for Piedmont Hills High School Streetscape
Improvements/Paving & Landscape Improvements (Central Fence) (9.29)
Approve Change Order #1 for Independence High School Villa B & C
Modernization (Robert A. Bothman) See attached (9.30)
Approve Change Order #1 Independence High School Gymnasium Bleacher Replacement Project (Southwest Interiors, Inc.) (9.31)
Summer School 2006 Program (9.32)
Community-Based English Tutoring Program (CBET) (9.33)
New Course of Study – Economics of Business Ownership (9.34)
Approve Notice of Completion for W.C. Overfelt High School Fire Alarm Upgrade Project (Cupertino Electric) (9.36)
Approve Notice of Completion for Piedmont Hills High School Streetscape Project (Albanese, Inc.) (9.37)
Adopt Resolution #2005-2006 – 25 Declaring the Observance of Lincoln’s Birthday on Friday, February 23, 2007 (9.38)

10) WRITTEN REPORTS
10.1 Quarterly Report on Santa Clara County Treasure Investment Portfolio Status as of December 31, 2005

Item received. No comments.

10.2 Williams Complaints Quarterly Report (October 1, 2005-December 31, 2006)

Item received. No comments.

10.3 Receive Audit Report – Year Ending June 30, 2005

Item received. No comments.

11) BOARD OF TRUSTEES/SUPERINTENDENT'S COMMUNICATIONS/COMMENTS
11.1 Board of Trustees

Clerk Mann
One of our Metro Ed. students won a contest for a delectable treat she made. A chocolate burrito. This student won an eight thousand dollar scholarship to go to culinary school.

President Herrera
Mr. Garofalo, I cannot attend the Facilities Roundtable Meeting because of a very important family matter. Please advise the participants that we will reschedule.

11.2 Bob Nuñez, Interim Superintendent

We will be having a special Board Meeting on March 16, 2006, at 4:00 p.m.
12) CLOSED SESSION

12.1 Expulsions – A - E

Student A: Board approved the expulsion for one academic year.
   Vote: 5/0

Student B: Board approved the expulsion and to suspend the expulsion.
   Vote: 5/0

Student C: Board approved the expulsion for one academic year.
   Vote: 5/0

Student D: Board approved the expulsion for one academic year.
   Vote: 5/0

Student E: Board approved the expulsion for one academic year.
   Vote: 4/1 (Member Martinez-Roach abstained.)

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

Approve Resolution 2005-2006-#25/28, Approved the release and non-reelection of nine probationary certificated teachers positions.

   Vote: 5/0

Approve Resolution 2005-2006-#26, Approved the release and non-reelection of three temporary certificated teachers positions.

   Vote: 5/0

Approve Resolution 2005-2006-#27, Approved the release and non-reelection of a certificated probationary administrator in the position of Human Resources Director

   Vote: 4/1 (Member Martinez-Roach voting no.)

Note for the record Resolution #2005-2006-25 was changed to Resolution 2005-2006-28

12.5 Public Employment/Public Employee Appointment (Government Code §Section 54957)

   • Director of Information Technology
   Approved appointment of Dennis Barbata as Director of Information Technology

   Vote: 4/1 (Member Martinez-Roach voting no.)
ADJOURNMENT

On a motion that was seconded by a member of the Board, the meeting was adjourned by Board President Herrera at 10:55 p.m.

Respectfully submitted,

[Signature]

Clerk of the Board of Trustees