

**EAST SIDE UNION HIGH SCHOOL DISTRICT
Minutes of the Regular Meeting of Board of Trustees
Meeting Held at Education Center
August 26, 2004**

The Regular Meeting of the Board of Trustees was called to order at 4:05 P.M. By Vice President Shirakawa, Clerk Mann, Member Herrera and Member Martinez-Roach were present. President Ramirez arrived at 4:30 P.M.

The Board adjourned to Closed Session to hear Update On Existing Litigation, Potential Litigation (Educ. Sec. 54856.9), Update on ESTA Grievance, Personnel Assignments-Performance Audit, Public Employee Employment/Appointments/Contracts, Release/Suspension/Dismissal/Termination of Certificated Employees, Suspension/Dismissal/Termination of Classified Employees, Employee Negotiations - ESTA, CSEA, AFT, Confidential, Administration, Superintendent's Report on Anticipated Litigation/Business Contract.

1) BOARD RECONVENED FROM CLOSED SESSION

Called to order at 6:17 P.M. All members were present.

2) PLEDGE OF ALLEGIANCE

3) WELCOME AND EXPLANATION TO AUDIENCE

President Ramirez extended a welcome to the audience, explained the format of the meeting, and noted that all Board meetings are recorded.

4) SPECIAL RECOGNITIONS

Esther Carrillo-Olmos

5) CONSIDERATION OF PROPOSED AMENDMENTS TO THE AGENDA

Superintendent pulled item 8.5 from the agenda, and numbers 1 and 14 from item 9.7.

Motion by Member Martinez-Roach, Second Vice Member Herrera

Vote: 5/0

APPROVAL OF PROPOSED AMENDMENTS TO THE AGENDA

On a motion by Member Martinez-Roach, Second Vice Member Herrera

Vote: 5/0

6) PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD OF TRUSTEES

- ST Group - ST Bon Fire
- Donna. Moore r- ST field Usage
- Duc Hoang - Open Enrollment
- Dennis Umphress - Parcel Tax,
- Purchase Orders/Budget Transfers
- Alicia Lara - Calif. For Justice
- Ted Scarlett - Budget Transfers
- Phil Burnett -ST Bon Fire
- John T. Moore - ST Bon Fire
- Julio Pardo - Jose Valdes Prog/Advisors
- Chris Evans - Parcel Tax
- Dana Ditmore - Jose Valdes Program
- Brenna Bolger - Jose Valdes Program

7) STUDENT ACHIEVEMENT/BOARD DISCUSSION AND/OR ACTION

7.1 Student Representative from Silver Creek and Andrew Hill High Schools

8) OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

8.1 Approve Variable Term Waiver Requests for Certificated Employees

Motion to approve by Clerk Mann, second Vice President

Shirakawa Vote: 5/0

CALL TO ORDER

*ADJOURNED TO
CLOSED SESSION*

*RECONVENED FROM
CLOSED SESSION*

PLEDGE OF ALLEGIANCE

*WELCOME AND
EXPLANATION*

SPECIAL RECOGNITIONS

*CONSIDERATION OF
AMENDMENTS*

ORAL COMMUNICATIONS

*OPERATIONAL ITEMS/BOAR
DISCUSSION AND/OR ACTIO*

- 8.2 ESUHSD Wireless Telephone Service for 2004-2005
Motion to approve by Member Martinez-Roach, second Vice President Shirakawa
Vote: 5/0
- 8.3 Presentation by Taxpayer on Measure K Parcel Tax Campaign
- 8.4 Presentation of Legal Counsel Support for 2003-2004
Motion to approve to reaffirm Burk, Williamson & Sorenson as designated law firm for the District and approved District list of firms for Superintendent to use when needed by Member Herrera, second by Vice President Shirakawa.
Vote: 4/1 Member Roach voting No
- 8.5 Recommend Board to Ratify July 1, 2001, Salary Schedule for Employee #104571 **Item was pulled by Superintendent**

9) **ATTACHMENT A/CONSENT CALENDAR**
APPROVAL OF AGENDA

ATTACHMENT A

Items: (9.1), (9.2), (9.7), (9.30) were pulled. Motion to approve the remainder of Consent Items as amended, Vote 3/2 Member Martinez-Roach and Member Herrera voted No. (Legal Counsel advised that action had to be taken after a motion and second were made, even though a request to pull items had been made prior. The No vote by Member Martinez Roach and Member Herrera were in response to the inability to have items pulled from the consent calendar for questions. Revised per request of the Board.)

(Agenda items in parentheses)

- Approve Classified Personnel Actions Dated August 26, 2004 **(9.3)**
- Approve Certificated Personnel Actions Dated August 26, 2004 **(9.4)**
- Approve Minutes of Board Meeting Dated June 17, 2004 **(9.5)**
- Accept Grants/Gifts/Donations **(9.6)**
- Approve Contracts for Professional Services **(9.7)** (**except item 1, 14**) **these items were pulled:**
- Award Bids **(9.8)**
- Approve the following Memorandums of Understanding **(9.9)**
 - Regents of UC Santa Cruz Instructional Services
 - Lockheed Martin Evergreen Valley High School
 - METRO Ed District Wide Vocational/
Occupational Programs
 - National Hispanic University Outreach Program-
 - Esperanza Talent Search Independence, James Lick, and
Overfelt High Schools
 - San Jose State University Evergreen Valley High School
 - YMCA of Santa Clara Special Education
 - 24x6, Inc.
- Approve School Field Trips **(9.10)**
- Adopt Resolution #2004/2005-01 and Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Section 17545 and 17546 **(9.11)**
- Request Authorization to Increase the Cost of a National School Lunch Meal to \$2.50 Effective October 1, 2004 **(9.12)**
- Approve to Accept Donation Agreement Between the City of San Jose and the East Side Union High School District for the Conveyance of Real Property at Andrew Hill School **(9.13)**
- Notice of Completion for the Tennis Court Resurfacing at Silver Creek High School **(9.14)**
- Notice of Completion for the Floor Covering at Various Sites (Oak Grove, Foothill, Mt. Pleasant, Andrew Hill, Yerba Buena, Independence, Overfelt, Overfelt Adult Education Center, Silver Creek) **(9.15)**
- Notice of Completion for the Concrete Work at Various Sites (James Lick, Oak Grove, Mt. Pleasant, Andrew Hill) **(9.16)**
- Notice of Completion for the Asphalt Work at Various Sites (Oak Grove, Mt. Pleasant, Overfelt Adult Education Center, Andrew Hill) **(9.17)**

- Notice of Completion for Roofing Repairs at Various Sites (Andrew Hill, and Santa Teresa) **(9.18)**
- Approve Revised Job Description and Salary Range for Director of Human Resources **(9.19)**
- Approve Job Description and Salary Range for Breakthrough East Side Program Manager **(9.20)**
- Approve Revised Board Policy BB270 Conflict of Interest to Reflect the New Titles for the New Job Titles for 2004-2005 **(9.21)**
- Recind Board Memo of April 8, 2004:
Authorize Administration to Exceed Maximum Department Class Sizes as Defined in Section 15.1 of the Collective Bargaining Agreement Between the District and the East Side Teachers Association/CTA/NEA **(9.22)**
- Revise JPA Agreement and By-Laws for Worker’s Compensation **(9.23)**
- Approve 2004/2005 Bell Schedules **(9.24)**
- Adopt Resolution #2004/05-02 Approving Contract #GCTR-4408 for General ChildDevelopment Program Services in the Amount of \$1,383,796
General Child Care Services will be at Independence, Andrew Hill, James Lick, Mt.Pleasant, W.C. Overfelt, Yerba Buen, Santa Teresa and Evergreen Valley ChildDevelopment Centers **(9.25)**
- Adopt Resolution #2004/05-03 Approving Contract #FCAP-3276 in the Amount of \$10,762 for Infant and Toddler Child CareResources Program **(9.26)**
- Adopt Resolution #2004/05-04 Approving Contract #GRPK-3574 in the Amount of \$2,467 for Pre-Kindergarten Child Care Resources Program **(9.27)**
- Adopt Resolution #2004/05-05 Approving Contract #GRPM-3061 in the Amount of \$50,000 for Facilities Renovation and Repairs at Andrew Hill, James Lick, Mt.Pleasant, Yerba Buena,Santa Teresa and Independence Children’s Centers **(9.28)**
- Accept Contract #2004/05-06 Approving Head Start Contract in the amount of \$156,000 to Provide Program Enhancement to the Cal-SAFE Program at W.C. Overfelt and Foothill Family Learning Centers for the Periods of May 1, 2004, through April 30, 2005 **(9.29)**
- Approve Employment Contract for Chief Financial Officer **(9.31)**

- **Motion to approve item 9.1 by Clerk Mann, second Vice President Shirakawa
Vote: 5/0**
- **Motion to approve item 9.2 by Clerk Mann, second Vice President Shirakawa
Vote: 5/0**
- **Motion to approve item 9.30 by Clerk Mann, second Vice President Shirakawa
Vote: 5/0**

WRITTEN REPORTS

0) WRITTEN REPORTS

- 10.1 Quarterly Report on Santa Clara County Treasury Investment Portfolio
Status as of June 30, 2004

*BOARD/SUPERINTENDENT'S
COMMENTS*

1) BOARD OF TRUSTEES/SUPERINTENDENT'S COMMENTS

- 11.1 Board of Trustees
Member Martinez-Roach: Asked if the Student Advisory Committee Meeting dates were posted and invited everyone to attend these important meetings with the students.
- 11.2 Superintendent
Bob Nuñez, Don McKell and Larry Scharsch were thanked for their efforts in the resolution of the Student Advisors issue.

CLOSED SESSION

12) CLOSED SESSION

- 12.1 Expulsions – None
- 12.2 Public Employee Discipline/Dismissal/Release(Government Code Section 54957)
- 12.3 Conference with Labor Negotiators (Government Code Section 54957.6) Agency Designated Representatives: Superintendent, Dr. Zendejas
Employee Organization: East Side Teachers Association
- 12.4 Anticipated Litigation (Government Code Section 54956.9)
Conference with Legal Counsel – ANTICIPATED LITIGATION,
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 statement threatening litigation.
(2) Potential cases
- 12.5 Public Employee Performance Evaluation (Government Code Section 54957)
- 12.6 Public Employment/Transfer (Government Code Section 54957)
 - Interim Director of Special Services - John Najac
**Motion to approve by Clerk Mann,
second by Vice Member Herrera Vote: 4/0**
 - Interim Co-Director - Cari Vaeth - Adult Education
**Motion to approve by Clerk Mann,
second by Member Martinez-Roach Vote: 5/0**
 - Associate Principal -
Theresa Ceja-Marquez:
**Motion to approve by Clerk Mann,
second by Member Herrera Vote: 5/0**
Greg Louie
**Motion to approve by Member Herrera,
second by Clerk Mann Vote: 5/0**
Kelly Daugherty
**Motion to approve by Clerk Mann,
second by Member Herrera Vote: 5/0**
Vito Chiala
**Motion to approve by Member Martinez-Roach,
second by Member Herrera Vote: 5/0**
Ray Valverde
**Motion to approve by Clerk Mann,
second by Member Herrera Vote: 5/0**
 - Director of Human Resources - Lorraine Guerin
**Motion to approve by Clerk Mann,
second by Member Martinez-Roach Vote: 5/0**

ADJOURNMENT

On motion by Clerk Mann second by Vice President Shirakawa the meeting was adjourned at 8:30 P.M.

Respectfully submitted,

Craig Mann
Board Clerk