

EAST SIDE UNION HIGH SCHOOL DISTRICT
Minutes of the Regular Meeting of the Board of Trustees
Meeting Held at Education Center
May 24, 2007

APPROVED *as amended*
Board of Trustees
6-21-07
[Signature]

1) The Regular Meeting of the Board of Trustees was called to order at 4:02 p.m. by President Shirakawa. Vice President Nguyen, Member Garcia and Member Biehl were present. Clerk Herrera arrived at 4:22 p.m.

CALL TO ORDER

2) **PLEDGE OF ALLEGIANCE**

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3) **WELCOME AND EXPLANATION TO AUDIENCE**

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

WELCOME AND EXPLANATION

4) **CONSIDERATION OF PROPOSED AMENDMENTS TO THE AGENDA**

CONSIDERATION OF AMENDMENTS

No amendments to the agenda.

5) **BOARD SPECIAL RECOGNITION (S)**

BOARD SPECIAL RECOGNITIONS

5.1 Superintendent Nuñez and the Board of Trustees presented certificates of recognition to the students of Silver Creek High School's Japanese Program for their outstanding success at the National Japanese Bowl in Washington, D.C.

5.2 Superintendent Nuñez and the Board of Trustees presented certificates of recognition to the students of Evergreen Valley High School, Foothill High School, Independence High School and Oak Grove High School botball teams for their outstanding performance and success in the 2006-2007 school year.

5.3 Superintendent Nuñez and the Board of Trustees presented certificates of recognition to the Spring Sports League Champions listed below:

- Badminton, Independence High School, Mt. Hamilton Athletic League Champions
- Softball, Silver Creek High School, West Valley Athletic League Champions
- Boys' Swimming, Evergreen Valley High School, Santa Teresa Athletic League Champions
- Girls' Swimming, Evergreen Valley High School, Santa Teresa Athletic League Champions
- Boys' Track, Mt. Pleasant High School, Mt. Hamilton Athletic League Champions

- Girls' Track, Mt. Pleasant High School, Mt. Hamilton Athletic League Champions
- Boys' Track, Andrew Hill High School, West Valley Athletic League Champions

- 5.4 Superintendent Nuñez presented the Superintendent Cabinet Awards to:
- Central Grounds Maintenance Team, Operations Division
 - Lizbeth Diaz, Human Resource Division
 - Payroll Department, Business Services Division
 - Success Unit, Student Services Division
 - Special Education Department Instructional Services Division

6) **STUDENT BOARD LIAISONS**

- 6.1 Presentation by Yadira Villegas, ASB President at Foothill High School

7) **PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD OF TRUSTEES**

- Chris Evans, Award to Don McKell, Benevolent Association
- Don McKell, ESTA President, Morgan Hart Program
- David Castro, Cesar Chavez Memorial
- Don McKell, ESTA President, Employee Confidentiality
- Harry Adams, Member of Californians for Justice
- Sumayra Hossain, Student, Member of Californians for Justice
- Domingo Juan, Student, Member of Californians for Justice
- Erika Guardado, CET Outreach Specialist
- Juan Barrientos, Parent, Jose Valdes Program
- Carmen Vidrio, Parent of Silver Creek, Jose Valdes Program
- Crystel Carter, Teacher, Jose Valdes Program
- Gladys Palko, Parent, Jose Valdes Program
- Karen Delgado, Parent, Eunice Shriver Kennedy Program
- Jack Aiello, Teacher, Electronics Academy

8) **OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION**

- 8.1 ESTA Safety Report Survey – Bob Nuñez, Superintendent, and Don McKell, ESTA President

Don McKell presented the ESTA Safety Report Survey. The presentation included a Power Point presentation.

√ *No action needed.*

Alan Garofalo, Assistant Superintendent of Operations

As to the new buildings under construction, the basic standard is door locks from the inside. We have contacted a company called Innovated Metal Design to provide locks on doors that do not lock from the inside of our classrooms.

STUDENT BOARD LIAISONS

ORAL COMMUNICATIONS

***OPERATIONAL ITEMS/
BOARD DISCUSSION
AND/OR ACTION***

- 8.2 Schools Safety Plan Report 2007-2008 – Carol Blackerby, Interim Director of Student Services

Carol Blackerby, Interim Director of Student Service presented the Schools Safety Plan Report 2007-2008.

√ *No action needed.*
See Attachment 1

- 8.3 Status of Measure G – Alan Garofalo, Assistant Superintendent of Operations and John Moore, Measure G, Chairperson Citizens Bond Oversight Committee

John Moore, Ric Reyes and Ruben Dominguez made a presentation on the Citizens Bond Oversight Committee-Measure G General Bond Fund. A report of Measure G spending by each school site was submitted.

√ *No action needed.*
See Attachment 2

Vice President Nguyen thanked John Moore for combining the Academic Master Plan with the Measure G process.

- 8.4 Adopt Resolution #2006/2007-39 No Child Left Behind Reauthorization – Bob Nuñez, Superintendent

√ *Motion to adopt Resolution #2006/2007-39 No Child Left Behind Reauthorization, was made by Clerk Herrera, seconded by Member Biehl.*
Vote: 5/0

- 8.5 Adopt Resolution #2006/2007-41 An Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546 – Jerry Kurr, Interim Assistant Superintendent of Business Services

√ *Motion to adopt Resolution #2006/2007-41 An Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546 was made by Vice President Nguyen, seconded by Clerk Herrera.*
Vote: 5/0

- 8.6 Adopt Resolution #2006/2007-40 Requesting the Board of Supervisors of Santa Clara County to Issue and Sell General Obligation Bonds, 2002 Election, Series G, in the Aggregate Principal Amount of not to Exceed \$21,000,000, in the Name and on Behalf of the District – Jerry Kurr, Interim Assistant Superintendent of Business Services

√ *Motion to adopt Resolution #2006/2007-40 Requesting the Board of Supervisors of Santa Clara County to Issue and Sell General Obligation Bonds, 2002 Election, Series G, in the Aggregate Principal Amount of not to Exceed \$21,000,000, in the Name and on Behalf of the District was made by Vice President Nguyen, seconded by Member Biehl.*
Vote: 5/0

- 8.7 Adopt Resolution #2006/2007-42 Providing for the Issuance and Sale of 2007 General Obligation Refunding Bonds, Series B in the Maximum Principal Amount of \$25,000,000 to Refund Outstanding General Obligation Bonds, 2002 Election, Series B – Jerry Kurr, Interim Assistant Superintendent of Business Services

√ *Motion to adopt Resolution #2006/2007-42 Providing for the Issuance and Sale of 2007 General Obligation Refunding Bonds, Series B in the Maximum Principal Amount of \$25,000,000 to Refund Outstanding General Obligation Bonds, 2002 Election, Series B was made by Clerk Herrera, seconded by Member Garcia.*
Vote: 5/0

- 8.8 Adopt Resolution #2007/2008-43 Providing for the Issuance and Sale of 2007 General Obligation Refunding Bonds, Series A in the Maximum Principal Amount of \$20,000,000 to Refund Outstanding General Obligations Bonds, 1991 Election, Series B, and 1999 Refunding General Obligations Bonds – Jerry Kurr, Interim Assistant Superintendent of Business Services

√ *Motion to adopt Resolution #2006/2007-43 Providing for the Issuance and Sale of 2007 General Obligation Refunding Bonds, Series A in the Maximum Principal Amount of \$20,000,000 to Refund Outstanding General Obligations Bonds, 1991 Election, Series B, and 1999 Refunding General Obligations Bonds, was made by Clerk Herrera, seconded by Frank Biehl.*
Vote: 5/0

- 8.9 ESUHSD Career and Technical Education Plan 2007-2012 for Proposition 1D Facilities Modernization Application Status 2007-2012 – Bob Nuñez, Superintendent

Dr. Geraldine Forte, Director of Career Services, made a presentation on the Career and Technical Education Plan. Two campuses are currently being looked at: 1) Independence High School, the automotive upgrade, and upgrade of the wood/carpentry program and, 2) Yerba Buena High School upgrade of the automotive program and the existing Construction and Technology Program.

Site plan proposals are due on August 3, 2007.

James Lick High School will be used for the Modern Media/
Broadcasting Academy. A Culinary Arts Academy will be placed at
Andrew Hill High School in 2008/2009.

Superintendent Nuñez

*Every partner will have to look at ESUHSD about Career Technical
Education. The major focus is that every student leaves this district
with a high school diploma.*

- √ *Motion to approve ESUHSD Career and Technical Education
Plan 2007-2012 for Proposition 1D Facilities Modernization
Application Status 2007-2012 was made by Vice President
Nguyen, seconded by Member Garcia.*

Vote: 5/0

- 8.10 Update on Academic Master Plan – Bob Nuñez, Superintendent

President Shirakawa asked to keep this item on agenda.
Next Academic Master Plan meeting is on June 20, 2007.

√ *No action needed.*

- 8.11 First Reading Attendance Board Policy #5113 and Administrative
Regulations #150 – Jerry Kurr, Interim Assistant Superintendent of
Business Services

√ *No action required. First Reading.*

- 8.12 Adopt Resolution #2006-2007-38 To Hire on a Short-Term Basis One
(1) Employee as a Staff Secretary – Student Services Division – Linda
Gubman, Assistant Superintendent of Human Resources

√ *Motion to adopt Resolution #2006-2007-38 To Hire on a Short-
Term Basis One (1) Employee as a Staff Secretary – Student
Services Division, was made by Clerk Herrera, seconded by
Vice President Lan Nguyen.*

Vote: 5/0

- 8.13 Contracts for Professional Services – Jerry Kurr, Interim Assistant
Superintendent of Business Services – **Attachment B**

√ *Motion to approve item 8.13 as amended, (8.13C. Facilities,
number 8, changed item from James Lick High School to
provide architectural engineering service for the Independence
High School building M1 & M3 buildings. (Industrial
Education Moderation Conceptual Phase), and Pull item 8.13
B Instructional Services, Number 2) Contract for Professional*

*Services, Attachment B, was made by Clerk Herrera, seconded by Member Biehl.
Vote: 5/0*

8.14 Memoranda of Understandings – Jerry Kurr, Interim Assistant Superintendent of Business Services –Attachment C

√ *Motion to approve Memoranda of Understandings, Attachment C was made by Member Garcia, seconded by Member Biehl.
Vote: 5/0*

9) ATTACHMENT A/CONSENT CALENDAR APPROVAL OF AGENDA

ATTACHMENT A

√ *Motion to approve the entire Consent Calendar was made by Vice President Nguyen, seconded by Clerk Herrera.
Vote: 5/0*

(Agenda items in parentheses)

- Ratify and Approve Classified Personnel Actions Presented May 24, 2007 (9.1)
- Ratify and Approve Certificated Personnel Actions Presented May 24, 2007 (9.2)
- Ratify and Approve Student Aide Personnel Actions Presented May 24, 2007(9.3)
- Approve Collective Bargaining Agreement with California School Employees Association (CSEA), Local 187 Effective July 1, 2005 to June 30, 2008 (9.4)
- Declaration of Need for Fully Qualified Educators (9.5)
- Approve Request for Reduced Workload Program for 2007/2008 (9.6)
- Purchase Orders Presented May 24, 2007 (9.7)
- Budget Transfers Presented May 24, 2007 (9.8)
- Award of Bids (9.9)
- Acceptance of Donations/Grants/Awards (9.10)
- Approve School Field Trips (9.11)
- Approve CAHSEE Local Waivers for Special Education Students (9.12)
- Approve Minutes of Board Meeting Dated April 26, 2007 (9.13)
- Approve Curriculum for all Low Functioning and Autistic Classrooms at East Side Union High School (9.14)
- Approve Certification of Completion for Non-Diploma Bound Low Functioning and Autistic Students Completing the Post-Senior High School Program (9.15)
- Approve the Appointment of Mrs. Dianne Lemke, Parent, to represent East Side Union High School District at the South East Special Education Local Planning Areas (SELPA) Community Advisory Council (CAC) Meetings (9.16)
- Approve Change Order #1 for the Silver Creek High School Classroom Project (Reinhardt Roofing, INC. – Roofing Portion) (9.17)

- Approve Change Order #1 for the W.C. Overfelt High School Transitional Housing Project (Cramer Partitions) (9.18)
- Approve Change Order #1 for the W.C. Overfelt High School Transitional Housing Project (Radiant Electric, Inc.) (9.19)
- Approve Change Order #1 for the W.C. Overfelt High School Additions & Modernization S & T Project (Western Roofing Services) (9.20)
- Approve Change Order #1 for the W.C. Overfelt High School Additions & Modernization S & T Project (American Steel & Stairways, Inc.) (9.21)
- Approve Change Order #1 for the W.C. Overfelt High School Additions & Modernization S & T Project (Cupertino Electric, INC.) (9.22)
- Approve Change Order #1 for the W.C. Overfelt High School Additions & Modernization S & T Project (WKW Mechanical Contractors, Inc.) (9.23)
- Approve Change Order #1 for the W.C. Overfelt High School Additions & Modernization S & T Project (Joseph J. Albanese) (9.24)
- Approve Change Order #1 for the W.C. Overfelt High School Additions & Modernization S & T Project (Ralph Larsen & Son, Inc.) (9.25)
- Approve Notice of Completion for Independence High School Villa D Modernization Project (Beal Martin & Associates) (9.26)
- Approve the Application for the Community-Based English Tutoring Plan (CBET) (9.27)

10) **WRITTEN REPORTS**

10.1 Board Policies Update – Bob Nuñez, Superintendent

Report received.

11) **BOARD OF TRUSTEES/SUPERINTENDENT'S COMMUNICATIONS/COMMENTS**

11.1 Board of Trustees

Member Garcia

I had the great honor of attending the retirement and new employee ceremony at the Marriott Hotel downtown. I want to commend Bob and his team. I want to congratulate all the retirees. Second, I had an opportunity to attend the Planning for your Future Conference at Evergreen Valley College. This event was for Juniors planning for their future. Schools present were Pegasus, Apollo, Foothill and Genesis. It was great to see the students engage.

WRITTEN REPORTS

***BOARD/
SUPERINTENDENT'S
COMMUNICATIONS/
COMMENTS***

Frank Biehl

I would like for this document to be added to the record. It is a record of my activities at the National School Board Association Conference (NSBA). I had the opportunity to go downtown to the Doors Art Exhibit. This was an art contest for high school students. Three of our students from Oak Grove High School were winners. Their art work was blown up to the size of two industrial doors and displayed at the Fairmont Hotel. I was proud to be there to congratulate our students.

See Attachment 3

Clerk Herrera

No comment

Vice President Nguyen

I am looking forward to the retreat we are going to have next weekend with Cabinet members. This will be a unique opportunity to listen to Cabinet members and staff.

11.2 Superintendent Nuñez

We went last week to San Francisco to talk with Standard and Poors. Two and one-half years ago our ranking was dropped because we had a negative certification that year. What they told us when we went back a year after this was normal. It takes 2 to 5 years to get ourselves moved back up to certification. What we heard today was we have been moved back up. We went from a triple B+ to an A. They said, although we had recently downgraded, we have demonstrated increased management stability in a significant improved fiscal condition. Part of this improvement goes to the Board.

12) CLOSED SESSION

12.1 Expulsions – A-K

Student A: Approved the expulsion for one academic year.

Vote: 4/0 Vice President Nguyen not present.

Student B: Approved the expulsion for one academic year.

Vote: 4/0 Clerk Herrera not present.

Student C: Approved the expulsion for one academic year.

Vote: 4/0 Vice President Nguyen not present.

Student D: Approved the expulsion for one academic year.

Vote: 4/0 Vice President Nguyen not present.

Student E: Approved the expulsion for one academic year.

Vote: 4/0 Vice President Nguyen not present.

CLOSED SESSION

*Student F: Approved the expulsion for one academic year.
Vote: 5/0*

*Student G: Approved the expulsion for one academic year.
Vote: 5/0*

*Student H: Approved the expulsion for one academic year.
Vote: 5/0*

Student I: No action taken.

*Student J: Approved the expulsion for one academic year.
Vote: 5/0*

Student K: No action taken.

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

12.3 Conference with Labor Negotiators
(Government Code §Section 54957.6)
Agency Designated Representative: Bob Nuñez, Superintendent and
Linda Gubman, Assistant Superintendent of Human Resources
American Federation of Teachers (AFT)
California School Employees Association (CSEA)
Employee Organizations: East Side Teachers Association (ESTA)

12.4 CONFERENCE WITH LEGAL COUNSEL –
ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of section 54956.9 of the Government Code: Claim for Damages of E. Smith against ESUHSD; Claim for Damages of K. Gamboa against ESUHSD; Claim for Damages of T. Tran against ESUHSD; Claim for Damages of Duquette against ESUHSD; Claim for Damages of C. Hudspeth against ESUHSD.

√ *By a vote of 5/0, the Board approve the court tort claim of K. Gamboa in the amount of \$305.34.*

√ *By a vote of 5/0, the Board approve the court tort claim of T. Tran in the amount of \$601.95.*

√ *By a vote of 5/0, the Board denied the court tort claim of K Duquette.*

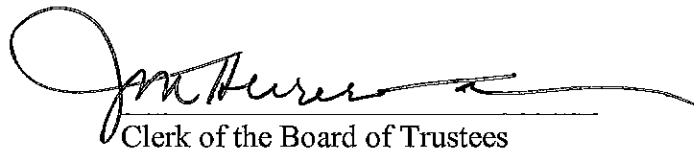
√ *By a vote of 5/0, the Board denied the court tort claim of C Hudspeth.*

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- 12.5 PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Government Code §Section 54957)
- 12.6 Public Employment/Public Employee Appointment (Government
Code §Section 54957)
- 13) **Report Closed Session Actions (s)**
- 14) **Adjournment**
√ Motion to adjourn by Member Biehl, seconded by Member Garcia,
meeting was adjourned by President Shirakawa at 9:47 p.m.

REPORT CLOSED SESSION

ADJOURNMENT

Respectfully submitted,


Clerk of the Board of Trustees