

EAST SIDE UNION HIGH SCHOOL DISTRICT
Minutes of the Regular Meeting of the Board of Trustees
Meeting Held at Education Center
January 25, 2007

APPROVED
Board of Trustees
2-15-07 

1) The Regular Meeting of the Board of Trustees was called to order at 4:01 p.m. by President Shirakawa. Clerk Herrera, Member Biehl and Member Garcia were present. Vice President Nguyen arrived at 4:10 p.m.

2) **PLEDGE OF ALLEGIANCE**

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.

Mr. Shirakawa closed the Board Meeting and presented his "State of the District" address. Seven initiatives were announced.

4) **BOARD SPECIAL RECOGNITION (S)**

- 4.1 Awards were presented to Fall Sport Champions:
Oak Grove High School Cross Country
Oak Grove High School Varsity Football
Evergreen Valley High School Girls' Tennis
Yerba Buena High School Boys' Cross Country

4.2 An award was presented to Ken Ponticelli and the Independence High School 76th Cavalry Marching Band and Color Guard, WBA 1st Place Champions

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

No amendments to the agenda.

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

- Sheryl Turner, parent, Principal position at Piedmont Hills High School
- John Moore, Chair of the Measure G, Consultant Fees (8.1)
- Don McKell, ESTA President, Memorandums of Understandings

7) **STUDENT BOARD LIAISONS**

1. A presentation was made by Yadira Villegas, Student Representative, Foothill High School. Yadira announced students do not have sports at Foothill High School. Students' main focus is their education.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

WELCOME AND EXPLANATION

BOARD SPECIAL RECOGNITIONS

CONSIDERATION OF AMENDMENTS

ORAL COMMUNICATIONS

STUDENT BOARD LIAISONS

2. A presentation was made by Anthony Sanders, ASB President from James Lick High School. Anthony announced upcoming events, and boasted about the new football field at James Lick High School. Anthony stated because of the new landscaping and new administration building students feel good about attending school. Next year James Lick High School will have a new media magnet program.

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

- 8.1 Approve Academic Master Plan Contract with Eric Hall & Associates – Bob Nuñez, Superintendent

Superintendent Nuñez

There is an amendment to the memorandum item 8.1. It is the intent to develop a plan that will go 10 to 15 years to provide the academic standards we want to provide at each and every school. The emphasis is academics.

There is a real need to have additional assistance. Eric Hall & Associated was able to provide us with an opportunity to go down (south) to visit schools in San Diego that showed types of programs and the sizes. This is all developed by community input, student input, and staff input, then back with recommendations to their Board.

Clerk Herrera

This seems like a “bare” memorandum. It seems like I need to quarry what it means and doesn’t mean. At first glance it seems like it brings in some redundancy into our system. Especially, where it refers to our facilities and planning.

My interpretation is that we have quite a bit of in-house expertise in various areas. It’s not that these consultants would supersede in our internal management. My interpretation is they would come in and expand the capacity of the management team to focus a strategic plan that crosses from academics to facilities. So the baton is being carried by the management with the assistance of the consultants. They are not driving it, they are assisting the management.

Superintendent Nuñez

It is not the intent to hire a developer to come in and develop the plan. It is one to go back to try to assist us. It is not so much to help with the way the buildings would look, but what is going on in the building. What kinds of programs would really be a draw, besides the mass media, to James Lick. What kinds of collage programs do we want to offer and were is it best suited. Your right, the staff here has the expertises. At our first community meeting we had approximately 42 persons at the meeting who want to be involved in helping give suggestions on where this District is going in the next 10 to 15 years.

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

Clerk Herrera

It would seem to me that the locust of this is the management team.

Superintendent Nuñez

It is not the intent to redo and or check but it is the intent to try to gather more information. Make sure we are looking at the academic side of where we are going. One of the reasons this is going to be guided by the District is that I am going to chair the committee, as opposed to letting a consultant, and or some other staff person. My belief what is going to come out of it is a recommendation for every school with regards to programs which comes back to this Board to decide budgetary issues, what size of high school we do want, and what programs would draw students to these high schools. I believe we will have a Master Plan we can look at for the next 10 to 15 years. What this is is a recommendation back to the Board.

Clerk Herrera

I would be most supported of this, with two factors; one is that the locust is with the management team, not the consultant team. Number two is what comes to the Board, through you, would actually present the Board with options as opposed to direction.

President Shirakawa

I would agree this is a tool.

Member Garcia

I just want to make sure I understand the amendment. The recommendation is going from two consultants at a certain price that looks like \$153,000, to one consultant. Is that correct? And what is the reason for this?

Superintendent Nuñez

It's really so I have a single point of contact. To gather information to provide the same type advice to the four committees. In the small amount of time I was trying to deal with two firms, and I didn't have the same sense of unity that I hoped for. The reason I'm recommending him is he's the one that actually put together the visit to look at programs, what is going on in the classroom, and visits with students.

Member Biehl

We as Board members need to look at the District as a whole. We need to be careful about just focusing on very small parts of the District, or just interest groups. I think this provides a mechanism for the Superintendent to gather information and to work with the community, management, staff, various organizations, and the real opportunity to do some long term planning. I know the District has had some challenges the last couple of years, and typically because of the short finances and issues like that we end up fighting fires and we don't get a

chance to look at the big picture and look at the long term. So I applaud the effort here. I think it's a good start. I do agree with what Mr. Herrera said tonight. That you don't want a group of consultants coming in and telling us what we ought to do. But, I think it's also important to recognize staff people are very very busy with day to day things. It's good to have some continuity with someone who can step back from that and look at the big picture and try to pull things together. So I'm supportive of what the Superintendent is doing.

Vice President Nguyen

I'm just wondering. I'm sure that before we picked Eric Hall & Associates, we went through some sort of bidding process, or searching for someone who is best fit for us. And I am glad to see that we focus on areas of concerns, and look at the District as a whole. I am not sure if this is the same concern or same sort of thinking as Mr. Herrera just articulated before, it is difficult to sort of grasp of what Eric Hall & Associates is going to do for us because, I don't see, because this whole sentence saying that, "Services as the district advocate/program manager for East Side Union High School District's Academic Master Plan program administration to include:" I don't know exactly what they will be doing in this so call program manager and advocate position. So what I'm looking for is a more details or more description, what are they going to actually be doing for us.

Superintendent Nuñez

I believe this is a professional service. So I don't believe this is something we would go out for a bid process for. The two companies were brought to us by our own legal firm. Over the last few months we have worked with them, and I have a high level of confidence in dealing with Mr. Hall's company, that they can in fact provide the guidance to help East Side get to an outcome. I believe that what is shown here are areas we will be looking into as a community group, District committee.

It is not our intent to have any consultant firms come in and tell us District standards, what we are looking for in program equalization. They are going to assist us in gathering information, helping us talk through what is here now, what is out in Silicon Valley, out in the State, bring those back, so as a group they can facilitate a discussion of those things we should bring back here so we formulate a plan and come back to the Board. I would say the same to site needs. I am not looking any particular firm at all to come in and look at enrollment standards. I think they should gather the information, and as a group we do that. The out come is the responsibility of the community group that is meeting.

So we can formulate a recommendation to bring back to the Board. The reason that it is not very specific is that if I put down program equalization, they are going to do this for us, that is almost dictating an

outcome that I don't think we are ready for yet. This process, I believe, will take from six to eight months for some of the earlier things that are going to come back to this Board.

Vice President Nguyen

It seems like they will act more like a process facilitator.

Clerk Herrera

Mr. Moore makes a good point that written words are more powerful. What is here is so spared, so it allows for a lot of interpretations. So he was pointing out the site needs assessment that would seemly fall under the preview of this consulting team seems to indicate things that have already been formed, already driven by others in our organization. I would just say, if we are going to proceed with this tonight that we need to clarify the language based on the discussion we are having tonight. That this is not a duplicate to the effort; it's a planning effort that emphasizes academic programs and relationships to facilities. It's not redoing site and its assessment, its reviewing what has been done.

Superintendent Nuñez

Cabinet as a whole believes this is the appropriate way to go. An emphasis really is academics. At the same time, if we have already done studies, the only thing that will be done is pulling them forward. It is an assistance to gather the facts. There is not intent to redo what we have already done. Our hope is to start planning where we need to be going in the future. And if we need to change the language to re-emphasis that it is looking at the academic side and that the facilities, and those match, I think that is appropriate, I think that's fine.

I'm hoping we start moving ahead. It is going to take some time and effort. At this point I've heard from a number of persons in the greater school communities. They would like to hear and talk about their own schools and also, where the District sees itself. We need to have time to bring things back to the Board for recommendation and action in the next 12 months or so.

Clerk Herrera

So, personally I'm comfortable, based on the discussion we are having and the understanding that we are having on this that we would approve it tonight, but you would re-issue to the Board a memorandum that reflects this discussion tonight, and we could go ahead. Because we are going to be working with these consultants, I do believe we need to do the type of strategic planning that you want to move forward. And typically that planning is more than most managers can handle given their normal work load. This is a resource for the Superintendent and the Board. But I do want to see something different.

Let me move that we do approve the Superintendent's motion that we do approve the contract with Eric Hall & Associates not to exceed 120,000, and that the scope of service will be brought to the Board based on our discussion tonight. It would have a different tone than this document has tonight.

Vice President Nguyen

I second, but I would like to ask if Mr. Herrera is going to work with the Superintendent in adding that language you have mentioned.

Clerk Herrera

I'd be happy to assist the Superintendent.

Member Garcia

I have a question Mr. Herrera. Your motion is approving the contract and getting a memorandum later with more meat, or you want the memorandum first?

Clerk Herrera

No, actually I'm comfortable with the Superintendent hearing us tonight. I do believe we need to get this thing moving. As he is indicating there are stakeholders out there ready to come to the table. And there is a timeline by which he would like to get the final product. Delaying a month is not going to change the fact that we are going to proceed with the consultant to get a strategic objective. And I believe he is hearing us tonight. I will personally have an interest in this. I am also going to personally work with him to make sure the Board and the Superintendent are on the same page.

President George Shirakawa

Bob, just a quick coaching point and we'll deal with it a little bit later, as a Board on policy. Obviously, we want the most information on any memo you submit to us. And as simple as possible. So that anyone in the community can read it and understand it, even the Board President to understand it.

√ *Approve Academic Master Plan Contract with Eric Hall & Associates was made by Clerk Herrera not to exceed \$120,000 dollars and that revised language to the memorandum of service be brought back to the Board based on the discussion tonight, with the assistance of Clerk Herrera to work with the Superintendent on the memorandum in question, seconded by Vice President Nguyen.*

Vote: 5/0

- 8.2 Approve Amendments to Master Business Relationship Agreements with JPA Participating Districts - Bob Nuñez, Superintendent
- Amendment #1: Capitol High School Funding
 - Amendment #2: CCOC Funding Model
- √ *Motion to approve Amendments #1 & #2, to Master Business Relationship Agreements with JPA Participating Districts was made by Vice President Lan Nguyen, seconded by Member Garcia.*
Vote: 5/0
- 8.3 Ratification of Measure G Citizens Bond Oversight Committee Member and Term
- Superintendent Nuñez*
And the motion is to add one more person, Bonnie Mace to the Bond Oversight Committee.
- √ *Motion to the ratification of Measure G Citizens Bond Oversight Committee Member and Term, was made by Clerk Herrera, seconded by Member Biehl.*
Vote: 5/0
- 8.4 Amend Board Policy 3515c, Business and Non-Instructional Operations, Video Camera Surveillance of School Grounds, First Reading
- Superintendent Nuñez*
Since these items will be coming back next month for the second reading, and then adoption, the intent of this policy, because we are putting surveillance cameras at all high schools, we need a policy in place before we can turn them on. So it is an attempt to make sure they are considered as surveillance cameras and not security cameras.
- Member Garcia*
I am happy and pleased to see there is significant and appropriate privacy concerns mentioned.
- √ *First Reading. No action necessary.*
- 8.5 Approve Request for Use of Education Code 44258.7 - Teacher on Special Assignment for 2006/2007 School Year -- Linda Gubman, Assistant Superintendent of Human Resources

Superintendent Nuñez

For those teachers that will be teaching Drivers Education that do not have a credential. But we can allow them to do this, under this code provision.

- √ *Motion to Approve Request for Use of Education Code 44258.7 – Teacher on Special Assignment for 2006/2007 School Year, was made by Member Biehl, seconded by Vice President Lan Nguyen.*

Vote: 5/0

- 8.6 Approve Variable Term Waiver Requests for Certificated Employees – Linda Gubman, Assistant Superintendent of Human Resources – **Attachment D**

- √ *Motion to Approve Variable Term Waiver Requests for Certificated Employees, Attachment D, was made by Clerk Herrera, seconded by Member Garcia.*

Vote: 5/0

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

- √ *Motion to approve as amended, Contract for Professional Services, Attachment B, was made by Clerk Herrera, seconded by Vice President Nguyen.*

Vote: 5/0

- 8.8 Memoranda of Understandings – Jerry Kurr, Interim Assistant Superintendent of Business Services – **Attachment C**

Don McKell, ESTA President

Don McKell had a question regarding items 7, 8, and 10 of Agenda Item 8.8, Attachment C.

Superintendent Nuñez

I don't have a problem removing items 7, 8 and 10 and bringing them back next month. I don't have an answer to the question.

- √ *Motion to approve Agenda Item 8.8, Memoranda of Understandings, Attachment C with the exception number 7, 8, and 10, was made by Vice President Lan Nguyen, seconded by Clerk Herrera.*

Vote: 5/0

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

ATTACHMENT A

√ *There was a request to pull items 9.2 and 9.11. Motion to approve the remainder of the Consent Calendar was made by Clerk Herrera, seconded by Vice President Lan Nguyen. Vote: 5/0*

(Agenda items in parentheses)

- Ratify/Approve Classified Personnel Actions Presented January 25, 2007 (9.1)
- Ratify/Approve Student Aide Personnel Actions Presented January 25, 2007 (9.3)
- Purchase Orders Presented January 25, 2007 (9.4)
- Budget Transfers Presented January 25, 2007 (9.5)
- Award of Bids (9.6)
- Approve School Field Trips (9.7)
- Approve Notice of Completion for James Lick High School Student Services/Streetscape Project (J.J. Albanese) (9.8)
- Approve Notice of Completion for James Lick High School Student Services/Streetscape Project (Andy's Roofing Company, Inc.) (9.9)
- Approve Notice of Completion for James Lick High School Student Services/Streetscape Project (Gonsalves and Stronck) (9.10)
- Approve Minutes of Annual Organizational Board Meeting Dated December 7, 2006 (9.12)
- Approve Minutes of Special Board Meeting Dated December 14, 2006 (9.13)

- Ratify/Approve Certificated Personnel Actions Presented January 25, 2007 (9.2)**

Superintendent Nuñez

Retirement date for Mr. Bill Rice should read 8/30/07.

√ *Motion to approve items 9.2, as amended, was made by Member Garcia, seconded by Vice President Lan Nguyen. Vote: 5/0*

- Approve Minutes of Regular Board Meeting Dated November 16, 2006 (9.11)**

Member Biehl

This is a correction to the Minutes of November 16, 1006.

~~√ *Motion to extend the timeline to 2 weeks to Appointment of District Citizens Advisory Committee Re: Provisional Appointment to the Board was made by Vice President Nguyen, seconded by Member Shirakawa. Vote: 2/1, President J. Herrera, voting no 1 abstention by Clerk Mann*~~

~~Motion fails for lack of majority vote~~

√**SHOULD READ:**

Motion to extend the timeline to 2 weeks to Appointment of District Citizens Advisory Committee Re: Provisional Appointment to the Board was made by Vice President Nguyen, seconded by Member Shirakawa for discussion.

Vote: 2/1, President Herrera and Vice President Nguyen, voting-yes. Clerk Mann voting no.

1 abstention by Member Shirakawa

Motion fails for lack of majority vote

√ *Motion to approve item 9.11, as amended, was made by Member Biehl, seconded by Member Garcia.*

Vote: 5/0

Member Garcia

My question is to legal counsel. Since I was not a member of the Board during the time of this meeting, am I even allowed to vote?

Legal Counsel – Darin Kameya

You are allowed to vote, but you may abstain.

Member Biehl

For the record, I was not a member at the time this occurred. But I remembered observing this.

10) **WRITTEN REPORTS**

- 10.1 Receive Quarterly Safety Report, Second Quarter 2006 – Carol Blackerby, Interim Director of Student Services

Report was received.

Member Garcia

I want to go to the Evergreen Valley High School Safety Report. On the set of goals, traffic issues, it discusses an intersection on Pine Gate Way and Ruby Avenue. This is a very dangerous intersection. In the goals they want to speak with City officials to place a flashing light. I as a Board Member will support every effort to see this intersection gets the traffic light it needs.

Member Biehl

I appreciate the comment from Mr. Garcia. I drive the same area every morning as well. It is very dangerous. There needs to be some warning. They did do some work on Quimby and that has improved the situation on Quimby. And if the City can do the similar thing on Ruby, it would help.

WRITTEN REPORTS

- 10.2 Receive Williams Settlement Uniform Complaints Report for Period covering October 1, 2006 through December 31, 2006 as required by Education Code 35186 (Williams Settlement Legislation SB550 and AB2727) – Karen Mazza, Director of Language Learners Education/Supplementary Education

Report was received.

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

11.1 Board of Trustees

Member Biehl

Superintendent Nuñez and I attended the Masters in Governance Program, sponsored by the California School Board Association. I found it to be excellent. It provided me with a lot of information. I would encourage other members to attend if you have time.

Clerk Herrera

No comment just want to acknowledge our recent colleague, Member Craig Mann, now County Board of Education Member.

President Shirakawa

I recently went to Encinitas, a little north of San Diego to San Dieguito High School, to look at a program there. I went with the Superintendent and staff from the District. I was very excited and impressed with what they have done at this high school. It gives me inspiration and hope for James Lick. San Diego. The demographics in this school are very similar to James Lick.

11.2 Superintendent Nuñez

We did go down to San Dieguito High School. It was an attempt to look at this school to see what resources were brought to this school to be successful. This school did away with varsity football and cheerleaders. The students did have skateboarding and surfing for P.E. credit. This school had a different schedule, 4 by 4 schedule. The school was designed by six teachers and one administrator. They were able to talk with students and make the school student driven. The teacher student, faculty and community own this school.

Master of Governance Program with CSBA, is an exceptional program. We will be taking the opportunity of hosting this program at East Side Union High School District Board Room. This is an opportunity to have an opportunity to talk with some of the feeder school district.

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

12) CLOSED SESSION

12.1 Expulsions – A-N

CLOSED SESSION

Student A: Approved expulsion for one academic year.

Vote: 5/0

Student B: Approved the suspended expulsion for one academic year.

Vote: 5/0

Student C: Approved expulsion for one academic year.

Vote: 5/0

Student D: Approved expulsion for one academic year.

Vote: 4/0

1 Clerk Herrera Abstaining

Student E: Approved expulsion for one academic year.

Vote: 5/0

Student F: Approved expulsion for one calendar year.

Vote: 5/0

Student G: Approved expulsion for one academic year.

Vote: 5/0

Student H: Approved expulsion for one academic year.

Vote: 5/0

Student I: Approved expulsion for one academic year.

Vote: 5/0

Student J: Approved expulsion for one calendar year.

Vote: 5/0

Student K: Approved expulsion for one academic year.

Vote: 5/0

Student L: Approved the suspended expulsion for one academic year.

Vote: 5/0

Student M: Approved expulsion for one calendar year.

Vote: 5/0

Student N: Approved expulsion for the remainder of the 06/07 Spring Semester.

Vote: 5/0

- 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: 1 potential cases
- 12.5 PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Government Code §Section 54957)
- 12.6 Public Employment/Public Employee Appointment (Government
Code §Section 54957)
- Approved Assistant Superintendent of Instructional Services
Nothing reported.

13) Report Closed Session Actions (s)


REPORT CLOSED SESSION

14) Adjournment

ADJOURNMENT

Meeting was adjourned by Board President Shirakawa at 8:30 p.m.

Respectfully submitted,


Clerk of the Board of Trustees

APPROVED
Board of Trustees
2-15-07
