

Agenda Item

16.27 Approve Minutes of March 10, 2009, Regular Board Meeting

Meeting: 05/21/2009 ESUHS D REGULAR BOARD MEETING - 4:00 P.M.
Category: 16. Consent Calendar Items - ATTACHMENT A
Agenda Type: Action (Consent)
Public Access: Yes

Agenda Item Content



EAST SIDE UNION HIGH SCHOOL DISTRICT

TO: Board of Trustees
FROM: Bob Nuñez, Superintendent
SUBJECT: Approve Minutes of March 10, 2009, Regular Board Meeting

Attached are the minutes of the March 10, 2009, 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 March 10, 2009, Board meeting minutes as presented.



Board Minutes 3-10-09.pdf

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.

Created on 05/13/2009 at 07:28 PM by Mary Guillen. Last update on 05/14/2009 by Betty Banderas.

5-21-09 mguillen

EAST SIDE UNION HIGH SCHOOL DISTRICT
Regular Meeting of the Board of Trustees
Meeting Held at Independence High School – Large Gymnasium
1776 Educational Park Drive, San Jose, CA 95133
March 10, 2009

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

CALL TO ORDER

2) **CLOSED SESSION**

CLOSED SESSION

2.01 EXPULSIONS – STUDENT A – F

Student A: The Board on a vote of 5/0 approved the expulsion of Student A.

Student B: The Board on a vote of 5/0 approved the expulsion of Student B as modified.

Student C: The Board on a vote of 5/0 approved the expulsion of Student C.

Student D: The Board on a vote of 5/0 approved the expulsion of Student D as modified.

Student E: The Board on a vote of 5/0 approved the expulsion of Student E.

Student F: The Board on a vote of 5/0 approved the expulsion of Student F.

2.02 PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

(Government Code §Section 54957)

- √ *Motion made by Member Garcia, seconded by Member Nguyen to approve Resolution #2008/2009-25 approving the non-re-election of one Physical Education Teacher district intern for the 2009-10 school year and authorized and directed the Superintendent to serve the employee with notice of non re-election no later than March 15, 2009.*

Vote: 5/0

- √ *Motion made by Member Garcia, seconded by Member Nguyen to approve Resolution #2008/2009-26 authorizing the non re-election of one (1) probationary Certificated Physical Education Teacher and one (1) probationary Certificated Science Teacher for the 2009-10 school year and authorized and directed the Superintendent to serve those employees with written notice of their non re-election no later than March 15, 2009.*

Vote: 5/0

√ *Motion made by Clerk Biehl, seconded by Member Nguyen to approve Resolution #2008/2009-27 authorizing the release of eighteen (18) Certificated Administrators for the 2009-10 school year. Including one (1) Administrator on Special Assignment, one (1) Director I, three (3) Director II positions, two (2) Director III positions, one (1) Principal, three (3) Small But Necessary Coordinators, two (2) Associate Principals, one (1) Co-Principal and four (4) Villa Principals. Directed the Superintendent to serve the effected employees with written notice of their release no later than March 15, 2009.*

Vote: 5/0

2.03 CONFERENCE WITH LABOR NEGOTIATORS

(Government Code §Section 54957.6)

Agency Designated Representative:

Bob Nuñez, Superintendent

Jerry Kurr, Associate Superintendent of Administration and Business Services

Dan Moser, Associate Superintendent of Instruction and Human Relations

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)

Employee Organizations: East Side Teachers Association (ESTA)

2.04 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code.

Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code. Two potential cases

Claim of Bush

√ *Motion made by Vice President Herrera, seconded by Clerk Biehl authorizing the Superintendent to accept and settle the claim of Kien Bush up to limits as directed in closed session.*

Vote: 5/0

Claim of Schnieder

√ *Motion made by Clerk Biehl, seconded by Member Nguyen authorizing the Superintendent to accept and settle the claim of Gina Schnieder up to limits as specified and directed in closed session.*

Vote: 5/0

2.05 CONFERENCE WITH REAL PROPERTY NEGOTIATORS	
2.06 PUBLIC EMPLOYEE PERFORMANCE EVALUATION <i>(Government Code §Section 54957)</i>	
2.07 PUBLIC EMPLOYMENT/PUBLIC EMPLOYEE APPOINTMENT <i>(Government Code §Section 54957)</i>	
3) <u>PLEDGE OF ALLEGIANCE</u>	PLEDGE OF ALLEGIANCE
4) <u>WELCOME AND EXPLANATION TO AUDIENCE</u> President Nguyen extended a welcome to the audience, explained the format of the meeting, and noted that all Board Meetings are recorded.	WELCOME AND EXPLANATION
5) <u>CONSIDERATION OF PROPOSED AMENDMENTS TO THE AGENDA</u> None	CONSIDERATION OF AMENDMENTS
6) <u>BOARD SPECIAL RECOGNITION (S)</u> None	BOARD SPECIAL RECOGNITIONS
7) <u>STUDENT BOARD LIAISONS</u> None	STUDENT BOARD LIAISONS
8) <u>PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD OF TRUSTEES</u> <ul style="list-style-type: none">• Jerry Dyer/Roland Smith – Save Our Schools Committee• Rosalind Taylor – Budget• Julio Pardo – Valdes Math Institute• Rebecca Palmer – Visual Arts Block Grants• John Moore – Budget• Henry Soria – Budget	ORAL COMMUNICATIONS
Public Address to Item 9.4a – Elimination of Classified Services <ul style="list-style-type: none">• Omar Gutierrez• Marisa Rosales Gaska• Bob Valerio• Jo Leyva• Jon Drennan• Douglas Smith• Julio Pardo• Loi Truong• Minh Do• Henry Pham• Linda Nguyen• Louis Rocha• Mahjaheen Ahmed• Cindy Bega	

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- Addaire Faulk
 - Ed Wong
 - Dorothy Cabanyug
 - Jeanne Gooch
 - Dave Castro
 - Ike delRosario
 - Johnny Rodriguez
 - Henry Soria
 - Richard Jine
 - Patricia Alarcon
 - Joel Hahn
 - Martha Munoz

Public Address on Item 9.05 – Elimination in Certificate Workforce

- Marisa Hanson
- Princilla Camacho
- Gonzalo Magana
- Monica Balazar
- Eleanor Aguirrie
- Ralph Giannini
- Davian Martinez
- Scott Sachs
- John Blair
- Annette Martinez
- Paulina Rodriguez
- Amanda Lugo-Waters
- Natalia Baldwin
- Ashley Fernandez
- Richard Jine
- Eddie Yanez
- Maria Elena Aranda-Verbera
- Martha Espinoza

Public Address on Item 9.6 – Recommendation for Sports Program

- Davain Martinez
- Kristine Hulse
- Travis Trinh
- Jason Goldman-Hall
- Brian Nguyen
- Justin Wong
- Hope Hassman
- Kristin Fific
- Sue McAllister
- Diane Walker
- Mike Mullen
- May Ng
- Lou Kvitek

- Dawayne Jordan
- Julio Pardo

Public Address on Item 13.01

- Ruben Dominguez

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

- 9.01 Request to State Board of Education for Temporary Waiver of Budget Reserve Requirement (Discussion Only) – Bob Nuñez, Superintendent

For Discussion Only – No action on this item necessary

- 9.02 Update: District Conversion to Renewable/Alternative Energy – Bob Nuñez, Superintendent, Rogelio Ruiz, Legal Counsel

Update Only - No action on this item necessary

- 9.03 Update: Potential Impact of Federal Stimulus Package on ESUHSD – Jerry Kurr, Associate Superintendent of Administration and Business Services

Update Only - No action on this item necessary

Patricia Martinez-Roach

I would prefer a written document as well. Please provide a brief summary and provide a document for the Board to review.

- 9.04A Review, Consideration and Adoption of Resolution #2008/2009-28 Authorizing Reduction or Elimination of Classified Services – Bob Nuñez, Superintendent

√ *Motion to approve Review, Consideration and Adoption of Resolution #2008/2009-28 Authorizing Reduction or Elimination of Classified Services was made by Vice President Herrera, seconded by Member Nguyen.*

Vote: 4/1 (Against - P. Martinez-Roach)

- 9.04B Review, Consideration and Adoption of Resolution #2008/2009-29 Authorizing Reduction or Elimination of Classified Services – Bob Nuñez, Superintendent

√ *Motion to approve Review, Consideration and Adoption of Resolution #2008/2009-29 Authorizing Reduction or Elimination of Classified Services was made by Member Garcia, seconded Vice President Herrera.*

Vote: 4/1 (Against – P. Martinez-Roach)

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

<p>9.04C Review, Consideration and Adoption of Resolution #2008/2009-29 Authorizing Reduction or Elimination of Classified Services – Bob Nuñez, Superintendent</p> <p>√ <i>Motion to approve Review, Consideration and Adoption of Resolution #2008/2009-30 Authorizing Reduction of Elimination of Classified Services was made by Clerk Biehl, seconded Vice President Herrera.</i></p> <p><i>Vote: 4/1 (Against – P. Martinez-Roach)</i></p> <p>9.05 Review, Consideration and Adoption of Resolution #2008/2009-29 Authorizing Reduction or Elimination of Certificate Workforce – Bob Nuñez, Superintendent</p> <p>√ <i>Motion to approve Review, Consideration and Adoption of Resolution #2008/2009-31 Authorizing Reduction of Elimination of Certificate Workforce was made by Member Garcia, seconded Clerk Biehl.</i></p> <p><i>Vote: 4/1 (Against – P. Martinez-Roach)</i></p> <p>9.06 Approve Recommendation for Sports Program – Bob Nuñez</p> <p>√ <i>Motion to approve Recommendation for Sports Program was made by Member Garcia, seconded by Vice President Herrera. With amendment that it be revisited and reauthorized every year.</i></p> <p><i>Vote: 4/0 (Member Nguyen – left room)</i></p>	
<p>10) <u>INSTRUCTIONAL SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION</u> <i>NONE</i></p>	<p><i>OPERATIONAL ITEMS/ BOARD DISCUSSION AND/OR ACTION</i></p>
<p>11) <u>STUDENT SERVICES -OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION</u> <i>NONE</i></p>	<p><i>OPERATIONAL ITEMS/ BOARD DISCUSSION AND/OR ACTION</i></p>
<p>12) <u>HUMAN RESOURCES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION</u></p> <p>12.01 Approve Provisional Internship Permit Requests for Certificated Employees – Dan Moser, Associate Superintendent of Instruction and Human Relations – Attachment E</p> <p>√ <i>Motion to approve Provisional Internship Permit Requests for Certificated was made by Vice President Herrera, seconded by Member Garcia.</i></p> <p><i>Vote: 4/0 (Member Nguyen – left room)</i></p>	<p><i>OPERATIONAL ITEMS/ BOARD DISCUSSION AND/OR ACTION</i></p>

- 12.02 Rescind the Adoption of Resolution #2008/2009-21 Declaring the Observance of Cesar Chavez Day on March 30, 2009 – Dan Moser, Associate Superintendent of Instruction and Human Relations

√ *Motion to approve Rescind the Adoption of Resolution #2008/2009-21 Declaring the Observance of Cesar Chavez Day on March 30, 2009 was made by Clerk Biehl, seconded by Member Garcia.*

Vote: 4/0 (Member Nguyen – left room)

13) **BUSINESS SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION**

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

- 13.01 Approve Second Interim Report – Jerry Kurr, Associate Superintendent of Administration and Business Services

√ *Motion to approve Second Interim Report was made by Member Garcia, seconded by Vice President Herrera.*

Vote: 4/0 (Member Nguyen – left room)

- 13.02 Approve Contracts for Professional Services – Jerry Kurr, Associate Superintendent of Administration and Business Services

√ *Motion to approve Contracts for Professional Services was made by Vice President Herrera, seconded by Clerk Biehl.*

Vote: 4/0 (Member Nguyen – left room)

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

√ *Motion to approve Memoranda of Understanding was made by Vice President Herrera, seconded by Clerk Biehl.*

Vote: 4/0 (Member Nguyen – left room)

- 13.04 Approve Recommendation for the Measures E and G Pre-Approved Construction Management Firms (CM) List – Jerry Kurr, Associate Superintendent of Administration and Business Services

√ *Motion to approve Recommendation for the Measures E and G Pre-Approved Construction Management Firms (CM) List was made by Member Garcia, seconded by Vice President Herrera.*

Vote: 4/0 (Member Nguyen – left room)

- 13.05 Approve Recommendation for the Measures E and G Pre-Approved DSA Project Inspection Service/Inspector of Record (IOR) List – Jerry Kurr, Associate Superintendent of Administration and Business Services

√ *Motion to approve Recommendation for the Measures E and G Pre-Approved DSA Project Inspection Service/Inspector of Record (IOR) List was made by Clerk Biehl, seconded by Vice President Herrera.*

Vote: 4/0 (Member Nguyen – left room)

14) FACILITIES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

NONE

*OPERATIONAL ITEMS/
BOARD DISCUSSION
AND/OR ACTION*

15) ADULT EDUCATION – OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

NONE

*OPERATIONAL ITEMS/
BOARD DISCUSSION
AND/OR ACTION*

16) ATTACHMENT A/CONSENT CALENDAR APPROVAL OF AGENDA

√ *Motion to approve the remainder of the consent calendar made by Vice President Herrera, seconded by Clerk Biehl.*

Vote: 4/0 (Member Nguyen – left room)

*ATTACHMENT A
CONSENT CALENDAR*

- Ratify and Approve Classified Personnel Actions Presented March 10, 2009 (16.01)
- Ratify and Approve Certificated Personnel Actions Presented March 10, 2009 (16.02)
- Ratify and Approve Student Aide Personnel Actions Presented March 10, 2009 (16.03)
- Approve Field Trips (16.04)
- Approve CAHSEE Local Waivers for Special Education Students (16.05)
- Approve Notice of Completion for Andrew Hill High School Phase III Additions and Modernizations (Thermal Mechanical) (16.06)
- Approve Notice of Completion for Andrew Hill High School Phase III Additions and Modernizations (Mastria, Inc.) (16.07)
- Approve Notice of Completion for Andrew Hill High School Phase III Additions and Modernizations, General Trades (Beals Martin, Inc.) (16.08)
- Approve Notice of Completion for Andrew Hill High School Phase III Additions and Modernizations, Roofing (Andy's Roofing Company) (16.09)
- Approve Notice of Completion for Andrew Hill High School Phase III Additions and Modernizations, Landscaping (Shooter & Butts, Inc.) (16.10)
- Approve Notice of Completion for Andrew Hill High School Phase III Additions and Modernizations, Concrete (Joseph J. Albanese, Inc.) (16.11)
- Approve Notice of Completion for Yerba Buena High School Phase III Additions and Modernizations, Building 900 Vocational Ed. Project (Valhalla Builders) (16.12)
- Approve Change Order #1 for James Lick High School, New Restroom Building (Zolman Construction and Development, Inc.) (16.13)

17) WRITTEN REPORTS/RECOMMENDATIONS

WRITTEN REPORTS

17.01 Notification of Truancy Program Audit Report – Patricia Martinez-Roach, Board President

Report Received – Information Only

18) BOARD OF TRUSTEES/SUPERINTENDENT'S COMMUNICATIONS/COMMENTS

BOARD/
SUPERINTENDENT'S
COMMUNICATIONS/
COMMENTS

18.1 Board of Trustees

Clerk Biehl

MetroEd will be meeting tomorrow and I believe the action that the MetroEd Board will take tomorrow vote will resolve in an additional five hundred thousand dollars for this district in the following fiscal year 2009-10 and 2010-11. I am assuming Jerry that you didn't include the projections for MetroEd in the interim yet or, do you know. Mr. Kurr, replied, not the updated. Mr. Biehl so that will be a little more positive news I believe. I think the news for this year is not very good from MetroEd but the year for 2009-10 and 2010-11 is definitely better than what has been projected in the interim.

Vice President Herrera

Madam President, I want to say this in the right way, I am really appreciating your leadership and the amount of time you are putting in during a very difficult year. I am disappointed that you didn't join the Board in supporting the motions for the proposed cuts. Tough calls, none of us want to do it, but that's what makes possible filing the interim report that we just approved and which you also voted for, I am just so disappointed, I am just saying it in publicly, that's all.

President Martinez-Roach

I do have a couple of things regarding the donations, I want to thank Dennis Barbata in getting our website up and going with a Paypal account, that's up and running. There are some people donating I understand, who knows maybe we will have some donations. The Raiders, I got an email today from Paul Engel who is offering a kick off event between ESUHSD and the Raiders April 7th, we will be announcing what time, but it is going to be at their headquarters in Alameda. There was a committee that met of different interested parties last week at the district office. It is a fundraising committee and they are meeting tomorrow at the district office from Mt. Pleasant and then next Thursday there is another meeting. I just want to support that Friday, since I am a teacher, of course I am going to be there Friday to support and we should all wear pink. And I am going to put back in the agenda the parcel tax issue since it is something we did have on the agenda but that we postponed, there seems to be more interest. Thank you Superintendent and everyone for all the work you have done, Mary, here again and all the staff and bringing us to Independence is not an easy task, all the custodian's hard work, we thank you for having us.

Member Garcia

Nothing to Report. Just thank you for your leadership on this process.

18.02 Superintendent Nuñez

There is a group that never has an opportunity that never takes the opportunity to come up to that microphone and talk about all the hard work they do for this district all the countless hours they are here Sunday through Saturday and I know what is going to be reported out of closed session. I'm sorry that Ruben Dominguez is still not here because I would really differ with his opinion with regards to the administrator staff in this district we are under the ratio with regards to the State and we are going to be even lower than that. If I look into the audience the persons I still see are the administrator's. I see a lot of empty chairs so I think that the teachers really need to be here and the classified employees need to be here but at the same time I think the administrator's need to be here. So if you are an administrator here I would like for you to stand up.

19) Report Closed Session Actions (s)

See section 2

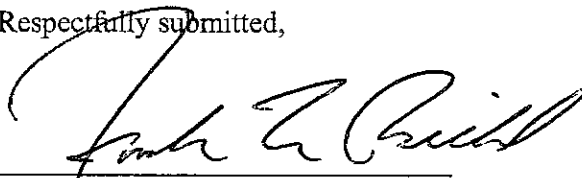
**REPORT CLOSED
SESSION**

20) Adjournment

√ Meeting was adjourned by President Martinez-Roach at 10:06 p.m.

ADJOURNMENT

Respectfully submitted,



Clerk of the Board of Trustees