

**EAST SIDE UNION HIGH SCHOOL DISTRICT
REGULAR MEETING
OF THE
BOARD OF TRUSTEES
Meeting Held at Education Center
June 7, 2012
4:00 p.m.**

1. CALL TO ORDER/ROLL CALL

1.01 Roll Call

The Regular Meeting of the Board of Trustees was called to order at 4:08 p.m. by President Biehl. Vice President Martinez-Roach, Clerk Herrera, and Member Nguyen were present. Member Le arrived at 4:45 PM.

1.02 Announcement and Public Comment regarding Items to be discussed in Closed Session (Government Code 54957.7)

President Biehl extended a welcome to everyone, explained the format of the meeting, noted that all Board Meetings are recorded and offered the public to comment on item(s) to be discussed in Closed Session.

There were no public speakers.

1.03 Recess to Closed Session in the Superintendent's Conference Room (Open Session will resume at the end of Closed Session at approximately 6:00 p.m.) See item 2 on agenda (Closed Session).

The Board of Trustees recessed to Closed Session in the Superintendent's Conference Room.

2. CLOSED SESSION

2.01 Expulsion(s): A - E

Student A:

Motion by Clerk Herrera, second by Member Nguyen, to approve the expulsion of Student A.

Vote: 5/0

Student B:

Motion by Clerk Herrera, second by Member Nguyen, to approve the modified expulsion of Student B.

Vote: 4/1, Vice President Martinez-Roach voted no.

Student C:

Motion by President Biehl, second by Vice President Martinez-Roach, to approve the expulsion of Student C.

Vote: 5/0

Student D:

Motion by Clerk Herrera, second by Member Le, to approve the expulsion of Student D.

Vote: 5/0

Student E:

Motion by President Biehl, second by Vice President Martinez-Roach, to approve the suspended expulsion of Student E.

Vote: 5/0

**2.02 Request(s) for Exemption of Students B-G (B, C, D, E, F, G)
Pursuant to Education Code Section 51241**

Student C:

Motion by President Biehl, second by Member Nguyen, to approve the exemption of Student C per Education Code section 51241.

Vote: 4/1, Vice President Martinez-Roach voted no

Student D:

Motion by President Biehl, second by Member Le, to delegate Student D's request for exemption to the Superintendent for further review and determination in accordance with Education Code section 51242.

Vote: 4/1, Vice President Martinez-Roach voted no

Student E:

Motion by President Biehl, second by Clerk Herrera, to approve the exemption of Student E.

Vote: 4/1, Vice President Martinez-Roach voted no

Student F:

Motion by Member Nguyen, second by Member Le, to delegate Student F's request for exemption to the Superintendent or his designee for further review and determination in accordance with Education Code section 51241(b)(1).

Vote: 5/0

Student G:

Motion by Member Le, second by Member Nguyen, to delegate Student G's request for exemption to the Superintendent or his designee for further review and determination in accordance with Education Code section 51241(b)(1).

Vote: 5/0

2.03 Public Employee Performance Evaluation (Government Code Section 54957)

- *Internal Auditor*
- *Associate Superintendent of Business Services*

2.04 Public Employment/Public Employee Appointment (Government Code Section 54957)

- *Superintendent*
- *Associate Principals (4)*

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

2.06 Conference with Labor Negotiators (Government Code Section 54957.6)

Agency Designated Representatives:

Dan Moser, Superintendent

Cathy Giammona, Associate Superintendent of Human Resources and Instruction

Marcus Battle, Associate Superintendent of Business Services

Juan Cruz, Assistant Superintendent of Instructional Services

Vida Branner, Director of Compensation and Classified Employee Relations

Cari Vaeth, Director of Human Resources

Employee Organizations:

American Federation of Teachers (AFT)

California School Employees Association (CSEA)

East Side Teachers Association (ESTA)

2.07 Conference with Legal Counsel – Anticipated Litigation

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

- *Two (2) Potential Cases*

OPEN SESSION AT APPROXIMATELY 6:00 P.M. – EDUCATION CENTER BOARD ROOM

3. PLEDGE OF ALLEGIANCE

4. WELCOME AND EXPLANATION TO AUDIENCE

Information explaining Board meeting procedures and how citizens can address the Board will be read. Written information is located near the entrance to the Board Room.

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

5. **ADOPTION OF AGENDA**

For consideration by the Board of Trustees.

Motion by Vice President Martinez-Roach, second by Clerk Herrera, to include the following emergency item to the action for consideration/action by the Board of Trustees:

Adopt Resolution #2011/2012-38 Declaring an Emergency and Authorizing Superintendent or His Designee to Enter into Contracts for the Repair and Remediation of Fire Damage at Evergreen Valley High School

Vote: 5/0

6. **BOARD SPECIAL RECOGNITION(S)**

6.01 **Hoffman Awards 2012**

- **Program Improvement in Alternate Setting (PRIAS) - East Side Union HSD**

7. **STUDENT BOARD LIAISONS**

No items on calendar under this section.

8. **SPECIAL ORDER OF BUSINESS – OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION**

The Superintendent and/or Board Member(s) may request that items be considered, discussed, and acted on out of the order indicated on the agenda as per schedule.

Motion by Vice President Martinez-Roach, second by Clerk Herrera, to hear the following items on the agenda in the following order:

- *Item 11.01 will be heard after item 8.0*
- *Item 14.01 will be heard after item 11.07*

Vote: 5/0

9. **PUBLIC HEARING(S) – OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION**

9.01 **Hold Public Hearing at Approximately 6:05 p.m. - Receive and Sunshine the Initial Proposal for Successor Contract: From San Jose Federation of Teachers, Local 957, AFT, AFL-CIO to East Side Union High School District - Cathy Giammona, Associate Superintendent, Human Resources and Instruction**

Public hearing held. There were no public speakers.

- 9.02 Hold Public Hearing at Approximately 6:10 p.m. Regarding Tentative Agreement with East Side Teachers Association/CTA/NEA, August 31, 2012 - August 31, 2013, and Disclosure of Major Provisions of Tentative Agreement (AB1200) - Cathy Giammona, Associate Superintendent, Human Resources and Instruction**

Public hearing held.

Public speakers:

- *Marisa Hanson, ESTA President*

- 9.03 Hold Public Hearing at Approximately 6:15 p.m. regarding the Proposed Use of Tier III Categorical Program Funds (AB189) - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance**

Public hearing held. There were no public speakers.

- 9.04 Hold Public Hearing at Approximately 6:20 p.m. regarding the Preliminary Budget for 2012-13. The Preliminary Budget is available for Inspection at the District Office (Business Services Dept.) - Marcus Battle, Associate Superintendent, and Karen Poon, Director of Finance**

Public hearing held. There were no public speakers.

10. PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD OF TRUSTEES

Members of the public may address the Board on any subject not on tonight's agenda; however, provisions of the Brown Act (Government Code section 54954.2(a) and 54954.3) preclude any action. As an unagendized item, no response is required from the Board or District staff and no action can be taken; however, the Board may instruct the Superintendent to agendize the item for a future meeting. When your name is called, please come to the podium, state your name for the record, and limit your remarks to three (3) minutes.

Persons wishing to address the Board must fill out a gold request form, which is located at the entrance of the Board Room.

Public speaker:

- *Marisa Hanson, ESTA President – ESTA Positions*

11. BOARD OF TRUSTEES/SUPERINTENDENT - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

- 11.01 Presentation regarding ESUHSD Drop-Out Rates and At-Risk Students - Amy Tran, School Board Fellow, Leadership for Educational Equity (10 minutes)**

Presentation by Amy Tran, School Board Fellow; no action taken

- 11.02 Approve San Jose Conservation Corps Charter Renewal - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, Juan Cruz, Assistant Superintendent of Instructional Services, and Kirsten King, Director of Instructional Services (10 minutes)**

Motion by Vice President Martinez-Roach, second by Member Le, to approve the San Jose Conservation Corps Charter petition.

Vote: 5/0

- 11.03 ESTA Safety Survey Results - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, Juan Cruz, Assistant Superintendent of Instructional Services and Marisa Hanson, ESTA President**

Presentation by Marisa Hanson, ESTA President; no action taken

- 11.04 Receive First Reading of Proposed New, Amended and Deleted 0000 Board Policy Series - Juan Cruz, Assistant Superintendent of Instructional Services, and Dan Moser, Superintendent**

Received first reading of proposed new, amended, and deleted 0000 Board Policy series.

- 11.05 Approve Incoming Loan Agreement with History San Jose - Marcus Battle, Associate Superintendent of Business Services**

Motion by Clerk Herrera, second by Member Nguyen, to approve the Incoming Loan Agreement with History San Jose, subject to review and modification by Legal Counsel, as appropriate, to adequately protect the District's interests.

Vote: 5/0

- 11.06 Discussion, Consideration and/or Action to Reschedule August 16, 2012, Regular Board Meeting – Frank Biehl, Board President**

Motion by Clerk Herrera, second by Member Nguyen, to reschedule the August 16, 2012, Regular Board Meeting to August 23, 2012.

Vote: 5/0

- 11.07 Discussion/Action regarding Employment Contract for Superintendent - Frank Biehl, Board President**

Motion by President Biehl, second by Vice President Martinez-Roach, to approve the Superintendent employment contract of Chris Funk for a term of three years, effective July 1, 2012, with a base salary of \$235,000/year, 12 equal monthly installments in the amount of \$19,583.33/month.

Vote: 5/0

12. INSTRUCTIONAL SERVICES/STUDENT SERVICES - OPERATIONAL ITEMS/.BOARD DISCUSSION AND/OR ACTION

- 12.01 Discuss and/or Approve Program Improvement Year 4 School Alternative Governance Plans - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, Juan Cruz, Assistant Superintendent of Instructional Services and Kirsten King, Director of Instructional Services**

Public speaker:

- Jon Reinke

Motion by Clerk Herrera, second by Member Le, to approve the Program Improvement Year 4 School Alternative Governance Plans.

Vote: 5/0

- 12.02 Discuss and/or Approve LEA Plan - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, Juan Cruz, Assistant Superintendent of Instructional Services, and Kirsten King, Director of Instructional Services**

Motion by Member Nguyen, second by Clerk Herrera, to approve the LEA Plan as presented.

Vote: 5/0

- 12.03 Approve CAHSEE Local Waivers for Special Education Students - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, Juan Cruz, Assistant Superintendent of Instructional Services, and Kirsten King, Director of Instruction**

Motion by Vice President Martinez-Roach, second by Member Le, to approve the CAHSEE local waivers for special education students.

Vote: 5/0

- 12.04 Approve Designation of California Interscholastic Federation (CIF) Representatives to League for 2012-2013 - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, Juan Cruz, Assistant Superintendent of Instructional**

Motion by Vice President Martinez-Roach, second by Member Le, to approve the designation of California Interscholastic Federation (CIF) Representatives to League for 2012-2013.

Vote: 5/0

- 12.05 Receive First Reading to Amend Board Policies 5127 Graduation Ceremonies and Activities and 6146.1 High School Graduation Requirements - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Juan Cruz, Assistant Superintendent of Instructional Services**

Received first reading to amend Board Policy 5127 Graduation and Ceremonies and Activities and Board Policy 6146.1 High School Graduation Requirements.

- 12.06 Receive First Reading of Proposed Amendments to Board Policy 5131 Student - Conduct and Proposed Board Policy 5131.2 Students - Bullying - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, Juan Cruz, Assistant Superintendent of Instructional Services, and George Sanchez, Coordinator of Student Services**

Received first reading of proposed amendments to Board Policy 5131 Conduct and new proposed Board Policy 5131.2 Bullying.

- 12.07 Receive First Reading of Proposed Amendments to Board Policy 6163.4 Student Use of Technology and Acceptable Use Policy - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Juan Cruz, Assistant Superintendent of Instructional Services**

Received first reading of proposed amendments to Board Policy 6163.4 Student Use of Technology and Board Policy Exhibit 6163.4 Acceptable Use Policy.

13. HUMAN RESOURCES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

- 13.01 Approve Amended Student/Certificated Calendar for the 2012-2013 School Year – Cathy Giammona, Associate Superintendent, Human Resources and Instruction**

Motion by Vice President Martinez-Roach, second by Member Le, to approve the amended Student/Certificated Calendar for the 2012-2013 school year.

Vote: 5/0

- 13.02 Ratify and Approve Tentative Agreement with East Side Teachers Association/CTA/NEA, August 31, 2012 - August 31, 2013 - Cathy Giammona, Associate Superintendent, Human Resources and Instruction**

Public speaker:

- *Glen Wetzel*

Motion by Vice President Martinez-Roach, second by Clerk Herrera, to ratify and approve the tentative agreement with the East Side Teachers Association/CTA/NEA, August 31, 2012 – August 31, 2013.

Vote: 5/0

14. BUSINESS SERVICES/STUDENT SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

- 14.01 Receive, Discussion and/or Action of Preliminary Budget for Fiscal Year 2012-13 with May Revision - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance**

Presentation item; no action taken on this item

Adopt Resolution #2011/2012-36 Proposed Use of Tier III Categorical Program Funds (AB189) - Marcus Battle, Associate Superintendent of Business Services

Motion by Clerk Herrera, second by Member Le, to adopt Resolution #2011/2012-36 Proposed Use of Tier III Categorical Program Funds (AB189).

Vote: 5/0

14.03 Approve Contracts for Professional Services Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator

Motion by Member Le, second by President Biehl, to approve contracts for professional services over \$50,000 (attached).

Vote: 5/0

15. FACILITIES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

15.01 Approve Extension of Measure G Program Management Agreement - Marcus Battle, Associate Superintendent of Business Services, and Rogelio Ruiz, Legal Counsel

Motion by Member Le, second by Clerk Herrera, to approve the extension of the Measure G Program Management Agreement.

Vote: 5/0

15.02 Adopt Resolution #2011/2012-38 Declaring an Emergency and Authorizing Superintendent or His Designee to Enter into Contracts for the Repair and Remediation of Fire Damage at Evergreen Valley High School – Dan Moser, Superintendent, and Marcus Battle, Associate Superintendent of Business Services

Motion by Clerk Herrera, second by Vice President Martinez-Roach, to adopt Resolution #2011/2012-38 Declaring and Emergency and Authorizing Superintendent or His Designee to Enter into Contracts for the Repair and Remediation of Fire Damage at Evergreen Valley High School.

Vote: 5/0

16. ATTACHMENT A – CONSENT CALENDAR ITEMS

Item 16.09 was pulled from the consent calendar for discussion. Motion by Clerk Herrera, second by Member Nguyen, to approve the remainder of the consent calendar.

Vote: 5/0

16.01 Ratify/Approve Classified Personnel Actions Presented June 7, 2012

16.02 Ratify/Approve Certificated Personnel Actions Presented June 7, 2012

16.03 Ratify/Approve Student Aide Personnel Actions Presented June 7, 2012

- 16.04 Approve School Field Trips**
- 16.05 Approve Permanent Textbook Adoption for Emergency Medical Responder Fifth Edition, Fundamentals of Fire Fighter Skills Second Edition and, Successful Restaurant Management: From Vision to Execution**
- 16.06 Approve Permanent Course Adoption for Beginning Journalism, Child Development Education, I, II, II, Engineering Design and Development, Film Production, Fire Science I, Guitar Ensemble, History of Globalization Trade and Finance, Hospitality and Tourism Management, and Studies In Media**
- 16.07 Approve Award of Bids**
- 16.08 Approve Contracts for Professional Services At or Below \$50,000**
- 16.10 Approve Budget Transfers**
- 16.11 Approve Purchase Orders**
- 16.12 Approve Change Orders to Purchase Orders**
- 16.13 Accept Donations, Grants and Awards**
- 16.14 Accept Warrant Register for the Month of May 2012**
- 16.15 Adopt Resolution #2011/2012-37 an Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546**
- 16.16 Approve Change Order #2 for James Lick High School, Title IX Modernization Project (BRCO Constructors Inc.)**
- 16.17 Approve Notice of Completion for James Lick High School, Title IX Modernization Project (BRCO Constructors Inc.)**
- 16.18 Approve Minutes of April 30 & May 1, 2012, Special Board Meeting**
- 16.19 Approve Minutes of May 8, 2012, Special Board Meeting**
- 16.20 Approve Minutes of May 10, 2012, Regular Board Meeting**

Item pulled from the consent calendar for discussion, consideration and/or action by the Board of Trustees.

16.09 Approve Memoranda of Understanding

Motion #1

Motion by Member Le, second by Member Nguyen, to approve item #2 Santa Clara County Office of Education, FIRST 5 Santa Clara County, East Side Union High School District, Franklin McKinley School District, Franklin McKinley Children's Initiative and the Governance Board of Educare of California of Silicon Valley.

Vote: 5/0

Motion #2

Motion by Clerk Herrera, second by Member Le, to approve item #1 Foothill Community Health Center.

Vote: 4/0, President Biehl recused himself from the vote

For the record, President Biehl recused himself because his wife has been hired to work at the Foothill Community Health Center located on the Mt. Pleasant High School campus.

17. WRITTEN REPORTS/RECOMMENDATIONS

17.01 Receive Update to Previously Approved Change Orders for Current Bond Projects which Exceed the 10% Allowance

Item received

17.02 Receive Quarterly Report on the County of Santa Clara Treasury Investment Portfolio Status as of March 31, 2012

Item received

18. FUTURE AGENDA ITEMS

18.01 Opportunity for Board of Trustees to request items on future agendas.

- *Parent Involvement Plan – Patricia Martinez-Roach, Board Vice President*
- *Child Development Program – Patricia Martinez-Roach, Board Vice President*
- *Special Education Program Costs – Patricia Martinez-Roach, Board Vice President*
- *Allowable Advertising – Frank Biehl, Board President*
- *Social Networking – Patricia Martinez-Roach, Board Vice President*
- *Accel Program – Van Le, Board Member*

19. BOARD OF TRUSTEES/SUPERINTENDENT COMMUNICATIONS/COMMENTS

19.01 Board of Trustees

Van Le, Board Member

The graduation ceremonies were very beautiful, but I have a suggestion that at every graduation we should have one Board representative. I attended Apollo's graduation, but I heard that the graduations for the alternative schools were not represented by a Board Member. Hopefully, next year we will have the graduations spread out in order to have a Board representative at the graduations.

Lan Nguyen, Board Member

Nothing to report

J. Manuel Herrera, Board Clerk

Nothing to report

Patricia Martinez-Roach, Board Vice President

I would like to get a report on what is going on at MetroED.

I wanted share my frustration with the e-mail situation; it has been real challenging. I have not been able to get into my e-mail until today. I hope that next time before you switch from one program to another that, I don't know if this is something the Board needed to approve and I understand there is a savings, but I don't know if this is worth the hassle we've been going through. I'm hearing a lot of complaints. A lot of people are not getting e-mail and there are e-mails I have to read. For whatever it is worth, if there is any way we can go back to Outlook, I would love for you to switch back. If it is to save \$70,000, you are spending more labor time trying to get into the system to read your e-mail.

Frank Biehl, Board President

Nothing to report

19.02 Dan Moser, Superintendent

Nothing to report

20. REPORT CLOSED SESSION ACTION(S)

Attorney will report on Closed Session action item(s).

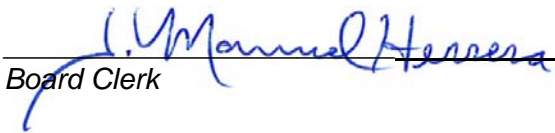
See section 2.0 for reporting out of Closed Session items.

21. **ADJOURNMENT**

President adjourns the meeting.

President Biehl adjourned the meeting at 11:25 p.m.

Respectfully submitted,


Board Clerk