

APPROVED
Board of Trustees
1-19-06

EAST SIDE UNION HIGH SCHOOL DISTRICT
Minutes of the Regular and Annual Organizational Meeting
of the Board of Trustees
Meeting Held at Education Center
December 8, 2005

- 1) The Regular Meeting of the Board of Trustees was called to order at 4:04 p.m. Vice President Shirakawa. Members Nguyen, and Clerk Martinez were present.
President Herrera arrived at 4:14 p.m.; Member Mann arrived at 4:20 p.m.

2) **PLEDGE OF ALLEGIANCE**

3) **WELCOME AND EXPLANATION TO AUDIENCE**

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

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

On a motion by Clerk Martinez-Roach to move item 10.2 to item 8.9 for action. Legal Counsel Rogelio Ruiz recommended item be carried to Board Meeting of January 19, 2006. Dr. Aurora Quevedo verified item could be acted on with time permitting at next meeting. Seconded by Member Mann. Motion to approve agenda as amended by Member Mann seconded by President Herrera.

Vote: 5/0

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

- Leon Beauchman – Student Achievement
- Rufus White – Student Achievement*
- Deborah Raymond – Student Achievement*
- Sandy Brown – Piedmont Hills High School Drama Production
- Don McKell – Contract Bargaining
- Eleanor Aguirre – Contract Bargaining
- Gary Berg – Contract Bargaining
- Allan Roberts – Contract Bargaining
- Martin Brandt – Contract Bargaining
- Ralph Giannini – Contract Bargaining
- Kim Schaupp – Contract Bargaining
- Dave Johnson – Contract Bargaining
- Jeffrey Lo – Contract Bargaining
- Rosario Lemus – Student, Contract Bargaining
- Cesar Sanchez – Contract Bargaining

CALL TO ORDER

PLEDGE OF ALLEGIANCE

WELCOME AND EXPLANATION

CONSIDERATION OF AMENDMENTS

ORAL COMMUNICATIONS

- Hernan Diaz – Contract Bargaining
- Vicki Winsted – Contract Bargaining
- Matt Hall – Contract Bargaining
- Crystal Savage – Contract Bargaining
- Julio Pardo – CSEA Contract, Impasse, Division between staff at Andrew P. Hill High School, Jose Valdes Program
- Larry Johnson – Adult Ed. Sick Leave Hours, Vending Machines, Night School Sick Leave Hours, Contract Bargaining
Larry Johnson has accumulated sick leave hours from working at Adult Ed. in the evening. He has been told from our District's Human Resource Department he cannot transfer sick leave hours earned at night to his day school sick leave hours.
- Ruben Esquivel – Custodian ratio at schools
- Bill Mustanich – District Benefits Advisory Committee
- Nick Leon – Student Health/Military Recruitment
- John Moore – Demographics
- John Moore – Measure G Modernization
- Susan Cassens – Measure G Modernization
- Gary Hubbs – Oak Grove Costa Rico Field Trip

*=Waived to Mr. Leon Beauchman

6) **ANNUAL ORGANIZATIONAL MEETING: Election of Officers:
Appointment of CSBA Delegate and MetroEd Representative**

The following elections were made:

- 6.1 President
*Motion by Member Mann, seconded by Member Nguyen to nominate President Herrera for Board President.
Vote: 4/1, Clerk Martinez-Roach Voting No.*
- 6.2 Vice President
*Motion by Vice President Shirakawa, seconded by Member Mann to nominate Member Nguyen for Board Vice President.
Vote: 4/1, Clerk Martinez-Roach Voting No.*
- 6.3 Clerk
*Motion by President Herrera, seconded by Member Nguyen to nominate Member Mann for Board Clerk.
Vote: 4/1, Clerk Martinez-Roach Voting No*
- 6.4 CSBA Delegate
*Motion by President Herrera, to nominate Clerk Martinez-Roach. Clerk Martinez-Roach, declined. Motion by President Herrera, seconded by Member Mann to nominate Vice President Shirakawa for CSBA Delegate.
Vote: 4/1, Clerk Martinez-Roach Voting No*
- 6.5 MetroEd Representative (2-year term)
*Motion by Member Nguyen, second by Vice President Shirakawa to nominate Member Mann for Metro Ed Representative.
Vote: 4/1, Clerk Martinez-Roach Voting No*

For the recorded Member Martinez-Roach asked the Board if members of the Board had any previous conversation about the appointments of officers this evening.

For the record, President Herrera stated he had asked more than one member for support.

Member Martinez-Roach stated she believed it was unethical and illegal to be soliciting any kind of support or recommendations and indicated this was a violation of the Brown Act.

7) **STUDENT ACHIEVEMENT/BOARD DISCUSSION AND/OR ACTION**

1. Karla Guerrero, ASB President, Mt. Pleasant High School
2. Lisa Shue, Vice President, Mt. Pleasant High School

Students are tutoring freshmen that are failing algebra, to help them graduate on time. Workshops on Financial Aid for parents and students are being held on campus. The Cardinal Holiday was successful. Trees were donated to needy families.

Negatives items happening at Mt. Pleasant High School: 1) A gate was placed in the middle of the student parking lot. Students were told gate was placed in parking lot because of construction being done in the theater; no construction has been started. Money is being lost on parking permits. 2) The marquee is not working. This makes it difficult to get information to the students and community.

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

- 8.1 Presentation on District Demographics – Alan Garofalo, Assistant Superintendent of Operations, and Tom Williams, Enrollment Projection Consultant Company

This was an in-depth study. A presentation was made on the following: on enrollment projections, attendance boundaries and capacity, and the use of facilities. A written report was disseminated at the prior Board Meeting of November 11, 2005. The report was based on where students reside.

President Herrera indicated he was looking forward to a substantive presentation.

Member Martinez-Roach asked that enough time be allowed for this important study.

Elementary school district enrollment is sinking and high schools are growing. Modern income neighbors are losing kids. For the last five years we had no enrollment change due to new housing. Most affordable units are a focus on some sections of this district. When we have parts of the district that are losing kids, at least a couple of

STUDENT ACHIEVEMENT

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

thousand, and other parts of the district that are stable in more expensive neighborhoods, and then adding more housing on top of this, we have a dramatic change going on in this district. Mr. Williams referred to the report.

We will grow by 880 students in the next two years. Growth is concentrated in large attendance areas. James Lick High School lost nine hundred students since this study has began. It is not because of the attendance area James Lick High School losing kids, rather than students choosing where they want to attend. More kids have intra-district transfers out of the James Lick High School attendance area.

There were two options (choice areas) that were to be temporary. This gave students from Evergreen Valley High School, Mt. Pleasant High School, and Silver Creek High School a choice to go to either school. This was originally used to draw down the enrollment at Evergreen Valley High School so it would not be impacted with over enrollment. In the first year, Evergreen Valley High School was open. Fifty percent of the students chose to attend Mt. Pleasant High School and Silver Creek High School because they wanted to take upper division classes. These classes are now being offered at Evergreen Valley High School and this started some of the problems of enrollment. Evergreen Valley High School's enrollment increased because of option factor and new housing.

Evergreen Valley High School is the real issue. 650 kids will be in this attendance area in next ten years. Feeder schools are heavily concentrated with 5th & 6th grade students. More housing is being built in this attendance area. There are many kids in the Evergreen Valley High School region that will be in this attendance area. When the District's committee was designing boundaries for Evergreen Valley High School six years ago, they were working on actual student enrollment of grades 9 and 12. They were not looking at the K-12 distribution. They were not calculating new housing at this time. The bottom line is we have a major enrollment problem at Evergreen Valley High School.

Member Martinez-Roach asked if it would be practical to build another high school. Would it not be easier to redo the attendance boundaries?

Tom Williams indicated the State would not allow this District to build another high school. Especially, when we have high schools that are less than two miles away. Students, who were attending schools with the "Option," should return to their home schools. This could resolve some of our problems. The problem is students are choosing to go to the schools of their choice.

Clerk Mann stated it is time to act now and address the boundaries. It would be interesting to see a map of what attendance areas could look like with this data.

President Herrera asked Board Members for support regarding this issue.

Member Martinez-Roach noted that the report was lacking an ethnic breakdown. She said she would be looking for this in future reports and how these figures will affect demographics. We had an ineffective plan in 2000. We were supposed to have a comprehensive study.

Clerk Mann stated that David Sykes did the Demographic Study back in 2000.

Tom Williams stated Prop 209 specifies we cannot look at ethnicity when proposing boundaries. You cannot look at ethnicity unless it is under court order. We can look at economic balance. There are other sociological things his firm can do to look at diversity in our attendance areas.

Board is requesting Tom Williams return with a report of options on how the District could change the demographic enrollment in the district.

Member Shirakawa suggested we look at what we can do with James Lick High School and other schools with low enrollment. He suggested the possibility of building a new school at James Lick High School. The Board needs a vision and social leadership to tackle some of these problems.

President Herrera said we have to look at the broader policy and framework of how we are going to manage this issue.

Vice President Nguyen requested a timeline to look at this issue. He suggested developing a committee to address this topic. He also thanked Tom Williams for his extensive report.

- 8.2 Presentation by Seville Group Inc. on Measure G Projects and Programs Management – Alan Garofalo, Assistant Superintendent of Operations, and Rick Reyes, Seville Group Inc.

A power point presentation was shown with before and after renovations at each school site.

Rick Reyes, Seville Group Inc., stated the following Measure G Projects have been accomplished:

- Good Project Progress

- *Process for reporting to the Citizen's Oversight Committee - Quarterly meetings are held to let all stakeholders know where this project is financially. All information is posted on the district's web site.*
- *Project Labor Agreement is working well with building trades; good relationship with unions.*
- *Good year with internship program. Thirty students have participated in this program. The program helps students get exposed to the construction industry.*
- *Contractor Pre-qualification – provides us with quality contractors.*
- *Claims avoidances, No issue in court with contractors.*

The priorities are safety.

Member Martinez-Roach asked Mr. Rick Reyes, Seville Group Inc., if the Board approved all projects. She asked if the Board had approved more than one Master Plan.

Alan Garofalo, Assistant Superintendent of Operations, assured Member Martinez-Roach no projects were being completed without Board approval.

Member Martinez-Roach indicated that students have expressed a need to cover areas where they can have lunch and associate with other students. She asked what the initial projects were on Measure G Master Plan. She asked if these projects were still on track.

President Herrera asked what was at the top of the list that has not been completed. The Board needs to remain involved when projects are changed. He asked if we are still on track with the Master Plan. He said Board members should have a stronger oversight of Measure G Projects.

Alan Garofalo, Assistant Superintendent of Operations, response was that some changes were made in the Heating/AC units at various schools. One reason is that these units are being used 24/7. Modernization projects for some sites have not been touched. Some units are as old as 30 years old. Evergreen Valley High School has 170 units. Measure G can be matched along with State modernization money to help pay for these repairs and replacements. There is a need for additional restrooms at some school sites. He has asked students what kind of construction they would like see happen on their campus. Many students asked for a covered area where they can eat lunch and socialize with other students. Some timelines have been pushed back because of the Division of State Architects. When the Bonds were passed in the State of California, many schools presented their plans, but the Division of State Architects did not increase their staffing. Many projects were not addressed in sufficient time, which placed

many of these projects off their timelines. Many materials have double in price, including labor costs. He said we would probably be able to complete about 65% to 70% of the original plan because of this factor. They went back to the schools and asked if item they requested were still needed. The needs assessment and Master Plan was also looked at.

President Herrera asked how is it the Board is involved in the decision making of what is being done and what is going to be done on the original plan.

Alan Garofalo, Assistant Superintendent of Operations, said they looked at the needs assessment and the Master Plan. They are taking the priorities and are asking the sites to bring recommendations to them for Board for approval.

President Herrera asked, "If something is being reprioritized, how is the Board involved?"

Alan Garofalo, Assistant Superintendent of Operations said nothing has been reprioritized. We take the items that were highest on the prioritized list, unless there is something the Board wants to change.

President Herrera said it might have been of value for the Board to help with reassessing. He is interested in seeing that the Board remains involved in something this important. He said if there were to be an independent audit of the implementations of Measure G, might the Board learn of issues the Board could reasonably expect that would raise issues of implementation and so on. He felt he was burned with the whole saga of Evergreen Valley High School. There were changes being made that the Board was never informed about. He said there were serious issues going on. The Board should have had a stronger oversight.

Alan Garofalo, Assistant Superintendent of Operations, fully agreed with President Herrera. He said the District does have an audit on the Measure G projects annually. The Citizen's Oversight Committee reports and addresses the Board quarterly. He, too, saw many problems with Evergreen Valley High School. He believes we are doing a better job with the Measure G Project.

Member Martinez-Roach to President Herrera, "You don't need to control everything just because you're the Board President. I find it ironic that you say you were left in the dark." She said she knows of only one Master Plan.

Alan Garofalo, Assistant Superintendent of Operations, stated the Master Plan took place about three months after the passage of

Measure G. The Board approved the Master Plan.

Member Martinez-Roach would like a copy of the Master Plan. She stated no projects have been done at Foothill High School. She would like to see how much money is spent at each school site. She would like to have an independent audit. The Board needs to take personal responsibility.

Alan Garofalo, Assistant Superintendent of Operations, said he will provide information requested per school site. He also noted the District has an auditor who works with the Citizen's Oversight Committee. There is an audit every year.

Member Martinez-Roach said, "That's fine, but I have not seen this report. I get complaints from parents and students all the time. I don't know who authorized the bumping of projects, I am concern about this."

Alan Garofalo, Assistant Superintendent of Operations, said the Board approved all track and theatre projects.

Member Martinez-Roach asked if these projects are more important then taking care of the facilities and bathrooms.

Member Shirakawa said parents from Oak Grove High School came before the Board and asked for changes of their school site's Master Plan.

John Moore, Chairman of the Citizen Oversight Committee, said the Board is a victim of a busy schedule. The presentation you heard and saw tonight has been scheduled since September 2005. The Committee has requested time to report on the outcomes of this Committee several times, but the Board has not had time.

President Herrera is concerned the revisions being requested by the schools for renovations are not in the framework of what the original proposal was in the original Master Plan. The Board was never taken into the process of this decision-making, such as football field taking precedence over restrooms.

George Shirakawa asked if the schools knew what is best for them. He believed schools do know what is best for them. A site-based style and what the schools believe needs to be done should be a factor.

Alan Garofalo, Assistant Superintendent of Operations, will provide the Board with the priorities that were previously approved per site.

President Herrera indicated these changes are imposing on what was

previously approved on the initial Master Plan. He felt we should be addressing items that were proposed on the original proposal.

Alan Garofalo, Assistant Superintendent of Operations, said he was opposed to changes in this plan. He felt we should stick with the priorities that were approved.

Mr. Shirakawa will help contact the Division of State Architects to speed up projects that are pending inspection.

Clerk Mann, said we need to get out of the habit as Members of saying things, such as "I have not heard or I don't remember." Clerk Mann said he had read Mr. Moore's report. He said he had done the research. He said the Board needs to make a commitment to educate themselves with this issue. "To put this off on administration for some may think, like "hiding the ball", is not fair". He said he takes a personal responsible on educating himself about these issues.

Vice President Nguyen was impressed with the presentation. Mr. Alan Garofalo, Assistant Superintendent of Operations was commended for his involved in the Master Plan. He appreciated the fact of revisiting the Master Plan. He wants to make sure all reconstruction is standard for all high schools. He was glad to hear students were asked for suggestions and their feedback. He suggested a Board Member participate in the Oversight Committee.

Member Martinez-Roach asked what other construction sites are not being used and are not accessible to students.

Rick Reyes, Seville Group Inc., indicated there are still two Villas at Independence High School that are not ready.

Alan Garofalo, Assistant Superintendent of Operations said the gym at Independence High School is still usable. The bleachers are not working.

Interim Superintendent Bob Nuñez said we do have an auditor. He provides us reports on a monthly basis. We need to provide information back to the Board. John Moore needs to have more time to provide a report at Board Meetings. Bob Nuñez has seen the Board deal with issues and priorities regarding Master Plan.

John Moore said there is, by law, an independent audit of the Bond done each year. This audit is presented to the Board at least two times a year to review expenditures and to make sure we are in compliance with the language of the Bond.

8.3 Evergreen East Hills Vision Strategy Task Force (East Side Union

High School District) – J. Manuel Herrera, Craig Mann

Item carried to Board Meeting of January 19, 2006.

- 8.4 Approve Revised Silicon Valley Advisors LLC Contract Extension – North Capitol Property – Alan Garofalo, Assistant Superintendent of Operations

This is an extension of a revised contract for services to carry the District through the land use. This is a month-to-month commitment of \$5,000. The previous contract has been deleted.

Member Martinez-Roach said she is still waiting for a report of what has been done.

Motion to approve by Clerk Mann, seconded by Member Shirakawa to approve Revised Silicon Valley Advisors LLC Contract Extension

Vote: 4/1, Member Martinez-Roach Voting No

- 8.5 Amended Retainer Agreement with Burke, Williams & Sorensen, LLP – Bob Nuñez, Interim Superintendent

President Herrera said he would remove himself from this item because his brother is working for this firm. He turned meeting over to Vice President Nguyen. (President Herrera walked out of the room.)

Interim Superintendent Bob Nuñez stated there has been a request to look at a rate increase for this law firm. They have not received an increase in the last three years. Interim Superintendent Bob Nuñez provided a report to the Board listing services Burke, Williams & Sorensen, LLP has provided the District in the last year.

Member Martinez-Roach stated she wants hourly breakdown and fees. She is concerned about the amount spent on the legal fees. She will not be supporting this. She said this could go towards good faith bargaining.

Clerk Mann will support. He said, "When this report is shown, the full picture is not being shown. The cost of litigation and revenues that have been brought in are not shown. Burke, Williams & Sorensen, LLP, has helped us relieve our fund by 12 million dollars and is working on a litigation matter that could possibly bring in up to \$7.5 million dollars." He said we could not get caught up in cost. He will be supporting this issue tonight.

Member Shirakawa said to look at the cost of what all the firms are costing. This District has always needed services. This amount is small compared to what other firms are charging.

Motion to approve by Member Shirakawa, seconded by Clerk Mann to approve Amended Retainer Agreement.

Vote: 3/1

President Herrera absent (left the room).

Member Martinez-Roach Voting No

8.6 Parcel Tax Proposal – Bob Nuñez, Interim Superintendent

Interim Superintendent Bob Nuñez indicated item was placed on Board agenda for the District to begin looking at the possibility of a parcel tax proposal.

President Herrera said, "If we are going to propose a parcel tax, we need to start thinking about it now."

Member Shirakawa stated we should probably start looking at it for the November Election.

Member Martinez-Roach does not think it is a good idea for a parcel tax. She believes it is a waste of taxpayers money.

Vice President Nguyen believes the voters did know the need for a parcel tax. There were many school districts requesting a parcel tax. Votes did not understand the impact of this tax. We are in enough financial crises now the voters might understand about our needs. We need to clearly explain what this parcel tax is going to be used for. We need time to look at it thoroughly.

Clerk Mann feels it should be November at the earliest. He believes we will be "hard pressed" to prove ourselves to the voters. "We have a creditability problem." He will support a parcel tax if there is an agreement to have one. He needs to see fiscal prudence.

President Herrera stated the District lost credibility last year with the general public, which needs to be regained for a November election. We should look at the November Election. There is need to find a process the Board should take. What steps does the Board need to start taking? President Herrera asked Bob Nuñez to bring back a process at a future Board Meeting.

8.7 Current Volunteer Policy, Presentation – Ric Abeyta, Assistant Superintendent of Student Services

Ric Abeyta, Assistant Superintendent of Student Services said the District is taking a serious look at the volunteer policy. We currently have a District policy. The problem with our current policy is that all volunteers are not being fingerprinted. There are concerns about sex

offenders volunteering on District sites. Megan's Website for Sex Offenders will be used for screening. A process needs to be created for temporary persons who want to volunteer or chaperone on field trips. Parent volunteers need to be screened. This item will be discussed further at the January 19, 2005, Board Meeting.

Member Martinez-Roach said she knows this is an adopted policy; she said the policy is not being enforced.

Ric Abeyta, Assistant Superintendent of Student Services, said any employee or volunteer who will have unsupervised access to a student will have to be fingerprinted. Any volunteer who will have occasional access to a student will be searched through Megan's Website for Sex Offenders. Ric Abeyta, Assistant Superintendent of Student Services, stated these results would be kept in his office. A process will be put in place.

8.8 Approve 2005/2006 First Interim Financial Report – Jerry Kurr,
Financial Consultant

President Herrera is concern is if the Board does not get more involved with what is at risk and we start delaying the contract with bargaining units we might deteriorate the relationship between the stakeholders and the community. President Herrera is requesting a Special Board Meeting next week to discuss the financial status of the District.

Clerk Mann said if there was a lesson to be learned, we should have monthly updates. He agrees with President Herrera that we have a Special Board Meeting. "This is the Right Thing To Do."

Member Martinez-Roach said we don't need to have any more meetings. She said to find the money and negotiate with the unions on what people deserve. She suggested we go back and check the numbers. She said there are discrepancies with the numbers. She stated we were going to waste more time. We need to have our Interim Superintendent work with a consultant and find the money. She felt as if she was being lied to. She indicated she would not be attending any more meetings to discuss financial problems.

President Herrera indicated his position is that we need to have the contract process resolved as soon as possible. It is his desire we are financially able to reach an agreement with all bargaining units. He had a discussion with administration less 30 days ago and was told that we did not yet have a sufficient reliability of factors with the budget to allow us to make high consequential decisions. Lets update our understanding of the data. I want a discussion. I am asking for a session. President Herrera recommended that the Board have a

discussion on its state of finances before holiday break. It would be to have the Board inquire where we are with our finances.

A Special Board Meeting has been scheduled for next week. The date will be determined after polling all Board Members.

Interim Superintendent Bob Nuñez stated that Jerry Kurr, Financial Consultant, was not present today, due to a family emergency. He reported we do have enough money to pay our bills and to meet our 3% reserve. We have a positive interim report, for the next two years that we will be sending to the Santa Clara County Office of Education. We do need to have a meeting next week.

Clerk Mann said he hopes the Board will make the right call. Good thing the County is still looking at us.

Member Martinez-Roach said she would not be supporting the interim report because she believes we do not have the right picture.

*Motion to approve by Clerk Mann, seconded by Member Shirakawa to approve 2005/2006 First Interim Financial Report.
Vote: 4/1, Member Martinez-Roach Voting No*

9) ATTACHMENT A/CONSENT CALENDAR APPROVAL OF AGENDA

ATTACHMENT A

*Item: (9.8, 9.10 and 9.11), was pulled for discussion/approval.
Motion to approve the balance of the agenda by Clerk Mann, seconded by Vice President Nguyen to approve the remainder of the Consent Items as amended.
Vote: 4/0 (Member Shirakawa left the room.)*

(Agenda items in parentheses)

- Approve Purchase Orders Presented December 8, 2005 (9.1)
- Approve Budget Transfers Dated December 8, 2005 (9.2) None
- Approve Classified Personnel Actions Dated December 8, 2005 (9.3)
- Approve Certificated Personnel Actions Presented December 8, 2005, (9.4)
- Approve Student Aide Personnel Actions Dates December 8, 2005 (9.5)
- Approve Variable Term Waiver Request for Certificated Employee (9.6)
- Approve Provisional Internship Permit Request for Certificated Employee (9.7)
- Approve Acceptance of Gifts/Grants/Donations (9.9)
- Memorandum of Understanding (9.12)
- Approve School Field Trips (9.13)
- Approve Minutes of September 8, 2005 (9.14)
 - October 20, 2005 (9.14.1)
 - November 11, 2005 (9.14.2)

- Approve Annual Application and Local Plan for Carl D. Perkins Vocational and Applied Technology Act Funding for 2005-2006 (9.15)
 - Adopt Resolution #2005/2006-19 An Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code 17545 and 17546 (9.16)
 - Approve Change Order #10 for Yerba Buena High School Building 200 Modernization Project (Cupertino Electric, Inc.) (9.17)
 - Approve Change Order #2 for Oak Grove High School Music Building "J". Modernization Project (Sterling Environmental Corp.) (9.18)
 - Approve Change Order #1 for William C. Overfelt High School Fire Alarm Upgrade Project (9.19)
 - Adopt Resolution #2005/2006-17 Approving Authority to Enter into Contracts to Accommodate Work on School Facilities for Health and Safety Reasons (9.20)
 - Adopt Resolution #2005/2006-18 Approving Owner Controlled Insurance Program (OCIP) (9.21)
 - Approve Notice of Completion for Silver Creek High School Fire Alarm Upgrade (Cupertino Electric) (9.22)
 - Approve Notice of Completion for Independence High School Villa "A" Modernization Project (Robert A. Bothman, Inc.) (9.23)
 - Approve Grant for the FIRST 5 Santa Clara County and East Side Union High School District for 2005/2006 Contract (9.24)
- ✓ *Motion to approve item (9.8) for Coordinator of Electronics, as amended by Clerk Mann, seconded by Vice President Nguyen*
Vote: 3/1 Member Martinez-Roach voting no. (Member Shirakawa left the room.)
- ✓ *Motion to approve item (9.10) as amended to remove items #B2 by Clerk Mann seconded by Vice President Nguyen*
Vote: 3/1
Member Martinez-Roach voting no.
Member Shirakawa left the room.
- ✓ *Motion to approve item (9.11) award of bids, as amended by Clerk Mann seconded by Vice President Nguyen*
Vote: 3/1
Member Martinez-Roach voting no.
Member Shirakawa left the room.

10) WRITTEN REPORTS

- 10.1 Business and Non-Instructional Operations Board Policy BP3431 For Investments, First Reading – Jerry Kurr, Financial Consultant
Transmitted.

WRITTEN REPORTS

- 10.2 Receive Williams Settlement Uniform Complaints Report for Period Covering July 1, 2005, through September 30, 2005 as required by EC 35186 (Williams Settlement Legislation SB 550 and AB 2727)

Item carried to Board Meeting of January 19, 2006.

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

11.1 **Board of Trustees**

Clerk Martinez-Roach

•Student Board Relation Committee-

Outstanding meeting with students on December 5, 2005, at Silver Creek High School. Students are working with administration on health and nutrition policy for the District. Olivia Camarillo was thanked for doing an outstanding job recruiting students. She felt very proud of our students. The dedication and hours they put in is outstanding. Interim Superintendent Nunez has been attending all Student/Board Relations Meetings.

Vice President Nguyen

Expressed his appreciation for being appointed Vice President of the Board of Trustees.

11.2 **Bob Nuñez Interim Superintendent**

Parent Empowerment Conference for African American Families will be held March 18, 2006. Dr. Aurora Quevedo is helping us put together conferences for the Latino and Vietnamese parents. We will have one general conference for all parents to attend. Bob Nuñez announced, President Herrera would be the Board Representative at the African American Family Coalition Meetings.

12) **CLOSED SESSION**

12.1 Expulsions – A through G

Student A: To approve expulsion for one academic year.

Vote: 5/0

Student B: To approve expulsion for one academic year.

Vote: 5/0

Student C: To approve expulsion for one academic year.

Vote: 5/0

Student D: To approve expulsion for one academic year.

Vote: 5/0

Student E: To approve expulsion for one academic year.

Vote: 5/0

Student F: To approve expulsion for one academic year.

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

CLOSED SESSION

Vote: 5/0

Student G: Suspended of Expulsion

Vote: 4/1

Member Martinez-Roach voting no.

- 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:
Interim Superintendent Bob Nuñez
Employee Organizations:
East Side Teachers Association (ESTA)
California School Employees Association (CSEA)
American Federation of Teachers (AFT)
- 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. (1 potential case)
Conference with Legal Counsel – PENDING LITIGATION,
- 12.5 Public Employee Performance Evaluation
(Government Code §Section 54957)
- Reject to approve claim.*
- 12.6 Public Employment/Transfer (Government Code §Section 54957)
- *Interim Superintendent of Curriculum and Instruction (1)*
Appointment of Linda Gubman
- Vote: 4/1**
Member Martinez-Roach Voting No
- 12.7 Claimant: Juan R. Sanchez
Agency Claimed Against: East Side Union High School District
- Claimed rejected.*

ADJOURNMENT

On a motion that was seconded by a member of the Board, the meeting was adjourned by Board President Herrera at 10:45 p.m.

ADJOURNMENT

Respectfully submitted,



Clerk of the Board of Trustees