

**EAST SIDE UNION HIGH SCHOOL DISTRICT**  
**Minutes of the Regular Meeting of the Board of Trustees**  
**Meeting Held at Education Center**  
**April 6, 2006**

1) The Regular Meeting of the Board of Trustees was called to order at 4:05 p.m. by President Herrera. Clerk Mann, Member Martinez-Roach and Member Shirakawa were present. Shirakawa arrived at 4:20 p.m.

***CALL TO ORDER***

2) **PLEDGE OF ALLEGIANCE**

***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.

***WELCOME AND EXPLANANATION***

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

***BOARD SPECIAL RECOGNITIONS***

4.1 Oak Grove Men's Basketball Varsity Basketball, Blossom Valley Athletic League Championship – Superintendent Bob Nuñez

Superintendent Bob Nuñez introduced Ed Buller, Lead Athletic Director and thanked him for his support.

Ed Buller introduced the varsity basketball team from Oak Grove High School. This season the team's record was 23 wins and 6 losses.

4.2 Oak Grove Wrestling Team, Blossom Valley Athletic League Championship – Ed Buller, Lead Athletic Director

Ed Buller introduced the wrestling team from Oak Grove High School. This team has won the league championship 12<sup>th</sup> times in the school's history. This team is the Duel League Champions, League Tournament Champions, and placed 7<sup>th</sup> at the Central Coast Section Tournament.

4.3 Tina Linhsamount, student from, Silver Creek High School is the first female wrestler to place third at the Blossom Valley League Tournament on February 24, 2006 – Ed Buller, Lead Athletic Director

Ed Luna head wrestling coach from Silver Creek High School announced Tina Linhsamount's accomplishments. Tina is the first girl to place in the Central Coast Section Tournament this year.

- 4.4 Jennifer Herrera, Evergreen Valley High School student, named Outstanding Soccer Player at the Blossom Valley Athletic League's senior soccer showcase event on March 3, 2006, – Ed Buller, Lead Athletic Director.

Jennifer Herrera was voted the most Outstanding Athletic at the Senior Showcase.

Ed Buller

*On behalf of the student athletics of East Side Union High School District, I would like to thank the Board and Superintendent Bob Nuñez for their support.*

- 4.5 James Lick High School, geometry students, 2<sup>nd</sup> place Santa Clara County's Math Squares Geometry - Alex Saldana, freshmen  
Jenna Snelgrove, freshmen  
Ramil Tadeo, freshmen

Bill Rice, Principal of James Lick High School announced the Santa Clara County Office of Education sponsored competition to promote the California High School Exit Exam (CAHSEE).

- 4.6 Association of California School Administrators (ACSA) Award Winners Representing Region 8. Presented by Tony Garcia, Regional 8, ACSA President

Secondary Principal

*Dan Moser, Principal, Piedmont Hills High School*

Central Office Administrator of Grants, GATE, Testing and Assessment

*Lynda Remley, Coordinator*

Classified Manager

*John Lawrence, Assistant Director of Facilities*

Pupil Personnel Administrator

*George Sanchez, Coordinator of Student Support Services*

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

Item 8.6 has an amended to the resolution.

***CONSIDERATION OF AMENDMENTS***

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

- Dave Castro – California School Employees Association negotiations
- Pauline Lopez – California School Employees Association negotiations
- Adair Falk – California School Employees Association negotiations
- Patricia Alacaon – California School Employees Association negotiations
- Cindy Pelayno – California School Employees Association negotiations
- Linda Turnee – California School Employees Association negotiations
- Danielle Cardenas – California School Employees Association negotiations

***ORAL COMMUNICATIONS***

- Nancy Herst – Equal Opportunity
- Cindy Hernandez – Equal Opportunity
- Julio Pardo – Valdes Institute, CSEA negotiations
- Benita Givens – Crisis at Oak Grove High School
- Lucia Ortiz – Student, Williams Settlement
- Arturo Amesqueta – Student, Williams Settlement
- Don McKell – Item 9.15

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

1. Patricia Placencia, ASB President from James Lick High School, gave a PowerPoint presentation on academics, school improvements, school events and activities.

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

- 8.1 Presentation on Student Achievement from Rich Frias, Interim Principal, Oak Grove High School

Rich Frias introduced his team, Ron Smith, Associate Principal, (APA), Lydia Kim, Student Representative, Martha Brazil, Associated Principal (APED)

Oak Grove High School is a California Distinguish school. There are two-magnet program offered ROTC and the Travel and Tourism programs.

With the help of Measure G money two science classes and an International Cuisine class are added to the curriculum. Computers are in every classroom. A new music building has been added. Oak Grove High School is the home on the international acclaim marching band. The band played in London and Spain.

Martha Brazil spoke about the classes offered at Oak Grove High School. There are 11 AP classes. 92 % students have passed AP classes. This year they have double their AP classes. Goal is to exceed 700.

Last year Oak Grove High School received a 6year WASC (Western Association of Schools Accreditation) accreditation with a 3-year review.

One goal this year is to increase the graduation rate and work through the California High School Exit Exam (CAHSEE) and increased the API score.

Ron Smith Associate Principal spoke about the attendance at Oak Grove High School, which is currently 94.7 percent. Administration will improve parent communications, by Schoolloop, parent connect,

*STUDENT ACHIEVEMENT*

*OPERATIONAL ITEMS/  
BOARD DISCUSSION  
AND/OR ACTION*

community newsletter and auto dialer. Recently a Parent Night was held for incoming 8<sup>th</sup> grade students.

Oak Grove High School has many parent involvement groups. The African-American Parent Group, which held their African-American Empowerment Conference on March 18, 2006, Latino Parent Group, School Site Council and the Band Boosters.

Clerk Mann

*Thank you for the presentation. Why are the CAHSEE classes being offered after school? Why not during school time? We are not going to wait until the last minute for our students not to pass the test.*

Member Martinez-Roach

*I am concern about the safety issue. You did not address this issue. Parents need to be contacted by certificated mail to let them know their student needs to take CASHEE class.*

Vice President Nguyen

*Glad to see you have a lot of activities involving parents. I have not seen the Asia American parent involvement. Is there a reason for this?*

Rich Frias, Interim Principal, Oak Grove High School

*We have a 30% population of Asian students. This is something we need to work on.*

- 8.2 Amend Board Policy 5125.1 Students, Campus Access for College/Career Path Recruiters, Second Reading – Ric Abeyta, Assistant Superintendent of Student Services

This is the second reading on Board Policy 5125.1. It is recommended that the Board approve an amendment to Board Policy 5125.1 Students, Campus Access for College/Career Path Recruiters. Board Policy 5125.1 has been reviewed and changes have been made pertinent to college/career path recruiters accessing campus and student information. These changes are in accordance with the Education Code and the guidelines of No Child Left Behind Act of 2001, Section 9528. A copy of the current policy and amended policy changes were hand out.

Member Martinez-Roach

*I believe this is an important issue. I am going to support this policy. I do hope this policy will be enforced. I did not see any monitoring. How will we know this will be enforced?*

Ric Abeyta, Assistant Superintendent of Students Services

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*Last line of the policy reads, "Superintendent will designate a person to implement and monitor this policy".*

√ *Motion to approve amended Board Policy 5125.1 Students, Campus Access for College/Career Path Recruiters, by Clerk Mann, seconded by Member Martinez-Roach  
Vote: 5/0*

- 8.3 Compensation for staff not represented by bargaining unit – Superintendent Bob Nuñez

Member Martinez-Roach

*I want to have insurances we will meet our obligation financially.*

Superintendent Bob Nuñez

*Yes we are.*

√ *Motion to approve Compensation for Staff Not Represented by a Bargaining Unit by Clerk Mann, seconded by Member Shirakawa  
Vote: 5/0*

- 8.4 Charter School Renewal for the Mexican American Community Service Agency, MACSA Academia Calmecac – Linda Gubman, Interim Assistant Superintendent of Instructional Services

Superintendent Bob Nuñez

Announced MACSA would be making a presentation. Superintendent Bob Nuñez stated charter school renewal request would not be addressed today; put would be addressed at the May 11, 2006, Board Meeting. Superintendent Bob Nuñez introduced Adolfo Reyes, Principal at MACSA Academia Calmecac.

Adolfo Reyes, Principal, Mexican American Community Service Agency, (MACSA) thanked the Board for their support.

- 2001 MACSA Opened up two charter high schools
- 2003 MACSA received WASC accreditation
- 2003-2004 MACSA courses received UC/CSU A through G approval

MACSA's purpose is to increase learning opportunities for all students. Students need extra instruction in literacy and math. Enrollment is 185 students. 99% of the students enrolled are Latino. Every student is enrolled is required to take the CAHSEE training classes. There is a plan to improve API scores and help student pass the CAHSEE.

Lan Nguyen

*I am concern about the No Child Left Behind requirements. Is there a plan to make sure all your teachers are credential?*

Adolfo Reyes, Principal, MACSA

*We are looking for a stronger partnership with Hispanic University. Many of our teachers are now enrolled in a credential classes. Our goal is all teachers will be credential in 2006.*

Member Martinez-Roach

*This is a good presentation. Although you have made some gains with your AYP and API scores, you are still in trouble in this area. Question why should we give you two more years, since you have not met the goals that were originally established?*

Superintendent Bob Nuñez

*There will be no recommendations tonight.*

- 8.5 Charter School Renewal for Latino College Preparatory Academy – Linda Gubman, Interim Assistant Superintendent of Instructional Services

Mrs. Linda Gubman, Interim Assistant of Instruction, Dr. Aurora Quevedo, Director of English Language Learners presented the matrix for measuring the Latino College Preparatory Academy to ensure that the charter school complies with all existing and new California laws and regulations, and it has been assessed on both formative and summative aspects of its educational program. The financial integrity of the charter school has also been verified. Only 4 out of 22 teachers are qualified.

Jesse Barajas, Principal, Latino College Preparatory Academy Presentation - See the handouts

Mission Statement

The Latino College Preparatory Academy will enable high school English Language learners to acquire critical skills, in English and Spanish, so that they graduate from high school and be prepared to pursue a college education.

Latino College Preparatory Academy is a collaborative charter high school between National Hispanic University and the East Side Union High School District. The focus is on English Language Learners. Latino College Preparatory Academy serves as a lab to train teachers; pilot-test curriculum; and observe, analyze an adjust curriculum to meet the learning need of English Language learners. Since September 2001, Latino College Preparatory Academy has educated cohorts of approximately 500 English Language Learners. As part of the middle college model, curriculum and activities are

coordinated and articulated with the university's academic programs and calendar. Faculty members are eligible to enroll in the National Hispanic University Teacher Education Program, and encourage to participate in faculty development activities.

Dr. David Lopez, thank the Board for creating options.

Member Martinez-Roach

*I am impress there has been so much growth. It is exciting to see the different choices. I am concern with the very low number of qualifying teachers. How is it being addressed?*

Jesse Barajas, Principal, Latino College Preparatory Academy

*The numbers speak for themselves. Teachers currently in the program will be completing their requirements in June.*

Vice President Nguyen

*I am very impressed with presentation. You listed your first priority is to retain highly qualified teachers. I am impressed with your API score. Your goal was 20 and you scored 29. Same with AYP score. How will you improve student scores in math?*

Jesse Barajas, Principal, Latino College Preparatory Academy

*Retaining highly qualified teachers.*

President Herrera

*The educational team has taken up an incredible challenge. I acknowledge their dedication and achievement.*

√ *Motion to approve Charter School Renewal for Latino College Preparatory Academy by Member Shirakawa, seconded by Clerk Mann.*

*Vote: 5/0*

- 8.6 Adopt Resolution #2005/2006-30 Authorizing the District to Proceed on a Path to Issue up to \$35,000,000 in Other Post-Employment Benefit Bonds – Jerry Kurr, Interim Assistant Superintendent of Business Services

√ *Motion to approve and adopt Resolution #2005-2006-30 Authorizing the District to Proceed on a Path to Issue up to \$35,000,000 in Other Post-Employment Benefit Bonds by Clerk Mann, seconded by Member Shirakawa*

*Vote: 4/1 (Member Martinez-Roach voting no)*

*Member Martinez-Roach wanted it noted, she feels uncomfortable voting for a long bond process.*

- 8.7 Evergreen/East Hills Vision Strategy: Administration recommendation re: District's needs as part of City's comprehensive land use planning effort for Evergreen and East Hills Community-- board approval - Superintendent Bob Nuñez

A position needs to be taken back to the city committee.

Ed Wong – Silver Creek High School Parent and a Resident in Evergreen Area

*I commended the Board for taking the position with Evergreen/East Hills Vision Strategy. I agree with both the recommendations, however, I would like to see this Board modify some recommendations.*

*Regarding to the positioning of land. Acquiring land in the southern Evergreen area or outside of the "green line" but not be in an adventurous position for this district. That would be my position, building outside of the green line or having a piece of land or asking for a piece of land in the green line area outside of the task force area, as recommendation 2 says would be a difficult area to build from a political standpoint and from the position of a commercial real estate stand point. Jim Zito with the City of San Jose has mentions this in his email.*

*Recommendation number 1, with regards to the amount of money you are asking for from the developers of the Evergreen/East Hills Visioning Task Force. Their proposal is to build over 55 hundred homes in the Evergreen area at the low end. We are talking about a multi-billion dollar project in San Jose. I foresee this Board being able to "leverage" more from these developers. Not just providing the land, but also providing you the funds to put up the bond measure money for the bond election to build a new high school when ever this takes place.*

*I agree with the recommendations from Mr. Zito. Getting the proper triggers that the district gets it's fare share.*

Rogelio Ruiz, General Counsel

*I would recommend an amendment to the recommendation that includes direction to the district representative to negotiate with developers in the city to secure funds sufficient funds or some contribution toward a future bond measure for the construction of the high school and also to incorporate Mr. Zito's comment that the District also be directly involved development of the language in the Evergreen Development Policy that will secure these items for the district in the future.*

Vice President Nguyen



*I do agree with President Herrera. Evergreen/East Hills tasks force is coming to a conclusion. I am comfortable with this language. I don't think we will build a high school in the next five year.*

Member Martinez-Roach

*I received a call from someone who was concerned there might be a conflict of interest because several times there were at least three Board members attending these meetings. I wanted this noted for the record.*

Superintendent Bob Nuñez

*At the Facilities Roundtable there were not three Board members present. The only Board member present was President Herrera.*

√ *Motion to approve as amended as articulated by general counsel Evergreen/East Hills Vision Strategy: Administration recommendation re: District's needs as part of City's comprehensive land use planning effort for Evergreen and East Hills Community by Clerk Mann, seconded by Vice President Nguyen*

*Vote: 3/1*

*(Member Martinez-Roach voting "no")*

*(Member Shirakawa out of the room.)*

9) ATTACHMENT A/CONSENT CALENDAR APPROVAL OF AGENDA

ATTACHMENT A

*Items: 9.8, 9.11.1, 9.14, and 9.35 were pulled for discussion/approval.*

*Motion to approve by Member Martinez-Roach, seconded by Vice President Nguyen to approve the remainder of the Consent Items as amended.*

*Vote: 5/0*

(Agenda items in parentheses)

Purchase Orders Presented April 6, 2006 (9.1)

Budget Transfers Presented April 6, 2006 (9.2)

Ratify/Approve Classified Personnel Actions Presented April 6, 2006 (9.3)

Ratify/Approve Certificated Personnel Actions Presented April 6, 2006 (9.4)

Ratify/Approve Student Aide Personnel Actions Presented April 6, 2006 (9.5)

Approve Variable Term Waiver Request for Certificated (9.6)

Award of Bids (9.7)

Memorandums of Understanding (9.9)

Approve School Field Trips (9.10)

Approve Minutes of Special Board Meeting Dated February 9, 2006 (9.11)

Adopt Resolution #2005/2006-29 An Itemized List of Surplus/Obsolete

Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546 (9.12)

Adopt Resolution #2005/2006-32 to Withdraw from the Benefits Loss

Excess Fund (BeLiEf) (9.13)

Adopt Resolution #2005-2006-31 Approve Settlement Agreement Between the District and David A. Bradlow, Trustee of the Bankruptcy of Gen Con. Inc. (9.15)

Approve Notice of Completion for Independence High School Gymnasium Bleacher Replacement Project (Southwest Interiors, Inc.) (9.16)

Approve Notice of Completion for Independence High School Villa B & C Modernization Project (Robert A. Bothman) (9.17)

Approve Notice of Completion for Independence High School Gym Floor Replacement Project ( H.Y. Floors & Gameline) (9.18)

Approve Notice of Completion for Oak Grove High Music Building "J" Project (Casey-Fogli Concrete Contractors, Inc.) (9.19)

Approve Notice of Completion Oak Grove High Music Building "J" Project (Pfeiffer Electric Co., Inc.) (9.20)

Approve Notice of Completion Oak Grove High Music Building "J" Project (American Steel and Stairways) (9.21)

Approve Notice of Completion Oak Grove High Music Building "J" Project (Cramer Partitions) (9.22)

Approve Notice of Completion Oak Grove High Music Building "J" Project (Foothill Mechanical) (9.23)

Approve Notice of Completion Oak Grove High Music Building "J" Project (Andy's Roofing) (9.24)

Approve Notice of Completion Oak Grove High Music Building "J" Project (D. R. Paquette Drywall, Inc.) (9.25)

Approve Notice of Completion Oak Grove High Music Building "J" Project (George E. Masker, Inc.) (9.26)

Approve Notice of Completion for Oak Grove High School Music Building "J" Project (El Camino Paving) (9.27)

Approve Notice of Completion for Piedmont Hills High School Landscape/ Streetscape Project (Lonestar Landscape, Inc.) (9.28)

Approve Notice of Completion for Piedmont Hills High School Landscape /Streetscape Project (Pfeiffer Electric Co., Inc.) (9.29)

Approve Notice of Completion for Santa Teresa High School Landscape /Streetscape Project (Jensen Corporation) (9.30)

Approve Change Order #1 for Santa Teresa High School Landscape /Streetscape Project (Dolan Concrete) (9.31)

Approve Change Order #1 for Santa Teresa High School Landscape /Streetscape Project (El Camino Paving) (9.32)

Approve Change Order #1 for Santa Teresa High School Landscape /Streetscape Project (Central Fence) (9.33)

2006-2007 Adult Education Student Calendar (9.34)

**Contracts for Professional Services (9.8)**

Member Martinez-Roach

*I have a question regarding security at William C. Overfelt High School. What will they be doing?*

Ric Abeyta, Assistant Superintendent of Student Services

*This is to cover the high occurrences of graffiti that is happening on campus after school hours.*

√ *Motion to approve item 9.8 as amended by Member Shirakawa,*

*seconded by Vice President Nguyen  
Vote: 5/0*

**Approve Minutes of Regular Board Meeting Dated March 2, 2006 (9.11.1)**

*Member Martinez-Roach*

*There is a correction under page 305, under my comments, second to last sentence, where it states I want to have our students segregated. That is incorrect, I did not say that, I said, I do not want our students to be segregated. So I need to have this amended.*

√ *Motion to approve item 9.11.1 as amended by Member Martinez-Roach, seconded by Member Shirakawa.  
Vote: 5/0*

**Job Description and Salary Range for Director of Construction and Facilities (9.14)**

*Member Martinez-Roach*

*I am going to be voting nay on this.*

√ *Motion to approve item 9.14 by Member Shirakawa, seconded by Clerk Mann.  
Vote: 4/1 (Member Martinez-Roach voting nay)*

**Ratify Joint Powers Agreement with the School Employers Association of California (9.35)**

*Cathy Giammona, Director of Human Resources*

*The School Employers Association, CASBO, ACSA, and a variety of organizations are conducting workshops about education law, how to manage a contract, once we settle one, and a variety of what we hope will make our human resource department relationship better with our bargaining units.*

√ *Motion to approve item 9.35 by Member Shirakawa, seconded by Vice President Nguyen.  
Vote: 4/1 (Member Martinez-Roach abstaining)*

10) **WRITTEN REPORTS**  
No reports.

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

11.1 Board of Trustees

*Member Martinez-Roach*

*Student Board relations did not meet because of testing.*

**WRITTEN REPORTS**

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

*I would like to request East Side Union High School District go on record with a resolution supporting immigration. I would like this to be brought back at our next Board Meeting.*

Clerk Mann

*I heard the passion that was made by our CSEA members tonight. We are going to do our best to bring those negotiations to a sensible conclusion. We are going to do our best to make sure our staff is treated fairly. Mt. Pleasant and Santa Teresa High School bands performed at the Cesar Chavez Festival. They band did an outstanding job. Mr. Pardo has been asking to speak regarding the Valdes Program at Andrew Hill High School. I would like to hear him at our next Board meeting.*

11.2 Superintendent Bob Nuñez

On our web sites we have our days posted for public hearing on boundary changes.

12) CLOSED SESSION

**CLOSED SESSION**

12.1 Expulsions – A-B

Student A: Expulsion approved for one academic year.

**Vote: 4/0**

(Member Shirakawa was absent.)

Student B: Expulsion approved for one academic year.

**Vote: 4/0**

(Member Shirakawa was absent.)

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

**Vote: 5/0 Approved Resolution #2005/2006-33, Accepting the resignation of two temporary certificated teachers.**

**Vote: 5/0 Approved Resolution #2005/2006-34 Accepting the resignation of 6 probationary certificated teachers.**

**Vote: 5/0 Approve Resolution #2005/2006#-35 Accepting the resignation of a probationary administrator.**

12.3 Conference with Labor Negotiators (Government Code §Section 54957.6)

Agency Designated Representative: Superintendent Bob Nuñez  
Employee Organizations: East Side Teachers Association (ESTA)  
California School Employees Association (CSEA)  
American Federation of Teachers (AFT)

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*No action*

- 12.4 CONFERENCE WITH LEGAL -- EXISTING LITIGATION  
(*Government Code §Section 54956.9 subdivision (a)*)
1. Unfair labor practice charge—charging party: East Side Teacher’s Association
  2. East Side Union High School District v. Commission on State Mandates (Sacramento County Superior Court)

CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of section 54956.9 of the Government Code: 2 potential cases

*No action*

- 12.5 Public Employment/Public Employee Appointment (*Government Code §Section 54957*)
- Director of Finance (1)*

*Vote: 5/0 Approve the employment and selection Karen Poon, Director of Finance*

**ADJOURNMENT**

Motion to adjourn by Clerk Mann, seconded by President Herrera, the meeting was adjourned by Board President Herrera at 10:08 p.m.

***ADJOURNMENT***

Respectfully submitted,

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Clerk of the Board of Trustees