



EAST SIDE
HIGH SCHOOL DISTRICT
Silicon Valley

Preparing every student to thrive in a global society.

Agenda Item Details

Meeting Feb 04, 2016 - ESUHSD REGULAR BOARD MEETING - 5:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category 16. BOARD OF TRUSTEES/SUPERINTENDENT - CONSENT/ACTION CALENDAR

Subject 16.03 Approve Minutes of December 10, 2015, Annual Organizational and Regular Board Meeting

Access Public

Type Action

Recommended Action It is recommended that the Board of Trustees approve the December 10, 2015, Annual Organizational and Regular Board Meeting minutes as presented.

Public Content

EAST SIDE UNION HIGH SCHOOL DISTRICT

TO: Board of Trustees

FROM: Chris D. Funk, Superintendent

SUBJECT: Approve Minutes of December 10, 2015, Annual Organizational and Regular Board Meeting

Attached are the minutes of the December 10, 2015, Annual Organizational and 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 December 10, 2015, Annual Organizational and Regular Board Meeting minutes as presented.

Executive Content

**EAST SIDE UNION HIGH SCHOOL DISTRICT
BOARD OF TRUSTEES**

APPROVED

February 4, 2016





**EAST SIDE UNION HIGH SCHOOL DISTRICT
ANNUAL ORGANIZATIONAL & REGULAR MEETING
OF THE
BOARD OF TRUSTEES
Meeting Held at
East Side Union High School District
Board Room
830 N. Capitol Avenue, San Jose, CA 95133
December 10, 2015
4:00 p.m.**

1. CALL TO ORDER/ROLL CALL

1.01 Roll Call

The Annual Organizational and Regular Meeting of the Board of Trustees was called to order at 4:01 PM by President Van Le.

Present for roll call:

- *President Van Le*
- *Vice President Lan Nguyen*
- *Clerk Frank Biehl*
- *Member J. Manuel Herrera*
- *Member Pattie Cortese*

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

President Le 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**

Student A:

Motion by Member Pattie Cortese, second by Frank Biehl, to approve the expulsion of Student A.

Yea: Member Van Le, Member Lan Nguyen, Member Frank Biehl, Member J Manuel Herrera, Member Pattie Cortese

Vote: 5/0; Motion Carries

2.02 **Public Employee Performance Evaluation (Government Code Section 54957)**

• ***Superintendent***

Lan Nguyen:

The Board concluded its evaluation of the Superintendent this evening. It is a satisfactory evaluation.

2.03 **Public Employment/Public Employee Appointment (Government Code Section 54957)**

• ***Executive Assistant***

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

2.05 **Conference with Labor Negotiators (Government Code Section 54957.6)**

Agency Designated Representatives:

Chris D. Funk, Superintendent

Marcus Battle, Associate Superintendent of Business Services

Cari Vaeth, Associate Superintendent of Human Resources

Glenn Vander Zee, Assistant Superintendent of Educational Services

Employee Organizations:

American Federation of Teachers (AFT)

California School Employees Association (CSEA)

East Side Teachers Association (ESTA)

Administrator Collaborative of East Side (ACES)

Unrepresented Organizations:

Administrators

Managers

Confidential Employees

**2.06 Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (d)(2) of Government
Code Section 54956.9**

- *Claim for Damages of E. & L. Wong; and*
- *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 of the Board Room.

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

5. Annual Organizational Meeting

5.01 Nomination and Election of Board Officers

• **President**

Motion by Member J. Manuel Herrera, second by Member Pattie Cortese, to nominate Member Lan Nguyen as President.

*Yea: Member Van Le, Member Lan Nguyen, Member Frank Biehl,
Member J Manuel Herrera, Member Pattie Cortese*

Vote: 5/0; Motion Carries

• **Vice President**

Motion by Member Van Le, second by Member Lan Nguyen, to nominate Member Biehl as Vice President.

*Yea: Member Van Le, Member Lan Nguyen, Member Frank Biehl,
Member J Manuel Herrera, Member Pattie Cortese*

Vote: 5/0; Motion Carries

• **Clerk**

Motion by Member Biehl, second by Member Nguyen, to nominate Member Herrera as Clerk.

*Yea: Member Van Le, Member Lan Nguyen, Member Frank Biehl,
Member J Manuel Herrera, Member Pattie Cortese*

Vote: 5/0; Motion Carries

5.02 Nomination and Appointment of Two Board Members to Board's Standing Audit Committee

• **Chairperson**

Motion by Member Van Le, second by Member Lan Nguyen, to nominate Member Member Pattie Cortese as Chairperson.

Yea: Member Van Le, Member Lan Nguyen, Member Frank Biehl, Member J Manuel Herrera, Member Pattie Cortese

Vote: 5/0; Motion Carries

• **Vice Chairperson**

Motion by Member Lan Nguyen, second by Member J. Manuel Herrera, to nominate Member Van Le as Vice Chairperson.

Yea: Member Van Le, Member Lan Nguyen, Member Frank Biehl, Member J Manuel Herrera, Member Pattie Cortese

Vote: 5/0; Motion Carries

5.03 Nomination and Election of Representative to MetroED Board (Two-Year Term)

Motion by Member J. Manuel Herrera, second by Frank Biehl, to nominate Member Van Le as the Board representative to the MetroED Board.

Yea: Member Van Le, Member Lan Nguyen, Member Frank Biehl, Member J Manuel Herrera, Member Pattie Cortese

Vote: 5/0; Motion Carries

5.04 Nomination and Election of Alternate Representative to MetroED Board (One-Year Term)

Motion by Member Van Le, second by Member Lan Nguyen, to nominate Member J. Manuel Herrera as the alternate Board representative to the MetroED Board.

Yea: Member Van Le, Member Lan Nguyen, Member Frank Biehl, Member J Manuel Herrera, Member Pattie Cortese

Vote: 5/0; Motion Carries

5.05 Nomination of One Member of the Board of Trustees to Vote in the Election of the Santa Clara County Committee on School District Organization

Motion by Member Frank Biehl, second by Member Lan Nguyen, to nominate Member J. Manuel Herrera as the Board representative to vote in the election of the Santa Clara County Committee on School District Organization.

Yea: Member Van Le, Member Lan Nguyen, Member Frank Biehl, Member J Manuel Herrera, Member Pattie Cortese

Vote: 5/0; Motion Carries

5.06 Nomination and Election of Representative to Santa Clara County School Boards Association

Motion by Member Van Le, second by Member Lan Nguyen, to nominate Member Pattie Cortese as Board representative to the Santa Clara County School Boards Association.

Yea: Member Van Le, Member Lan Nguyen, Member Frank Biehl, Member J Manuel Herrera, Member Pattie Cortese

Vote: 5/0; Motion Carries

5.07 Nomination and Election of One Member to East Side Alliance Advisory Committee

Motion by Member Lan Nguyen, second by Member J. Manuel Herrera, to nominate Member Frank Biehl as the Board representative to the East Side Alliance Advisory Committee.

Yea: Member Van Le, Member Lan Nguyen, Member Frank Biehl, Member J Manuel Herrera, Member Pattie Cortese

Vote: 5/0; Motion Carries

5.08 Nomination and Election of One Alternate Member to East Side Alliance Advisory Committee

Motion #1

Motion by Member Lan Nguyen, second by Member Van Le, to nominate Member J. Manuel Herrera as the alternate Board representative to the East Side Alliance Advisory Committee.

Motion withdrawn by Member Nguyen and Member Le

Motion #2

Motion by Member Lan Nguyen, second by Member J. Manuel Herrera, to nominate Member Van Le as the alternate Board representative to the East Side Alliance Advisory Committee.

Yea: Member Van Le, Member Lan Nguyen, Member Frank Biehl, Member J Manuel Herrera, Member Pattie Cortese

Vote: 5/0; Motion Carries

5.09 Nomination and Election of Two Members to District's Budget Advisory Committee

Motion #1

Motion by Member Lan Nguyen, second by Member Van Le, to nominate Member Frank Biehl as Board representative to the District's Budget Advisory Committee.

Yea: Member Van Le, Member Lan Nguyen, Member Frank Biehl, Member J Manuel Herrera, Member Pattie Cortese

Vote: 5/0; Motion Carries

Motion #2

Motion by Member Van Le, second by Member Lan Nguyen, to nominate Member Pattie Cortese as Board representative to the District's Budget Advisory Committee.

Yea: Member Van Le, Member Lan Nguyen, Member Frank Biehl, Member J Manuel Herrera, Member Pattie Cortese

Vote: 5/0; Motion Carries

5.10 Nomination and Election of One Alternate Member to District's Budget Advisory Committee

Motion by Member Van Le, second by Member Lan Nguyen, to nominate Member J. Manuel Herrera as alternate Board representative to the District's Budget Advisory Committee.

Yea: Member Van Le, Member Lan Nguyen, Member Frank Biehl, Member J Manuel Herrera, Member Pattie Cortese

Vote: 5/0; Motion Carries

5.11 Appointment of Board Secretary

Motion by Member Frank Biehl, second by Member J. Manuel Herrera, to nominate Superintendent Chris D. Funk as Board Secretary.

Yea: Member Van Le, Member Lan Nguyen, Member Frank Biehl, Member J Manuel Herrera, Member Pattie Cortese

Vote: 5/0; Motion Carries

6. ADOPTION OF AGENDA

6.01 For consideration by the Board of Trustees.

Item 13.04 will be heard after item 9.01 and item 16.01 will be heard after item 9.05.

7. BOARD SPECIAL RECOGNITION(S)

Member Van Le was recognized for her service as Board President.

8. STUDENT BOARD LIAISONS (5 MINUTES EACH)

8.01 Evergreen Valley High School

- Mindy Tran, ASB President
- Sandhya Iyer, ASB Vice President

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

9.01 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.

9.02 Discussion and/or Action to Approve or Deny Latino College Preparatory Academy Charter School Renewal Petition - Glenn Vander Zee, Assistant Superintendent of Educational Services, Kirsten King, Director of Assessment & Accountability, and Lucretia Peebles, Ph.D., Administrator for Charter School Oversight

Motion by Clerk J Manuel Herrera, second by Member Frank Biehl, to approve the Latino College Preparatory Academy charter renewal petition submitted by Julie Thompson, Director of Compliance & Teacher Development, The Foundation for Hispanic Education for Edward Alvarez, President, The Foundation for Hispanic Education. Motion is also for approval of charter renewal petition for the required five-year term, commencing on July 1, 2016, to end on June 30, 2021.

Yea: President Lan Nguyen, Vice President Frank Biehl, Clerk J. Manuel Herrera, Member Pattie Cortese, Member Van Le

Vote: 5/0; Motion Carries

9.03 Discussion and/or Action to Approve or Deny Summit Public School: Rainier Charter School Renewal Petition - Glenn Vander Zee, Assistant Superintendent of Educational Services, Kirsten King, Director of Assessment & Accountability, and Lucretia Peebles, Ph.D., Administrator for Charter School Oversight

Motion by Clerk J. Manuel Herrera, second by Member Van Le, to approve the proposed Summit Public School: Rainier charter renewal petition submitted by Kristen McCaw, Director of Growth & Policy, Summit Public Schools on behalf of Diane Tavenner, CEO, Summit Public Schools. Motion is also for approval of the charter renewal petition for the required five-year term, commencing on July 1, 2016, to end on June 30, 2021.

Yea: President Lan Nguyen, Vice President Frank Biehl, Clerk J. Manuel Herrera, Member Pattie Cortese, Member Van Le

Vote: 5/0; Motion Carries

9.04 Presentation, Discussion and/or Action regarding Potential for New General Obligation Bond Election - Marcus Battle, Associate Superintendent of Business Services, and Dale Scott, Financial Advisor, Dale Scott & Company

Public speaker:

- *Susan Williams*

Motion by Vice President Frank Biehl, second by Clerk J Manuel Herrera, to authorize administration to review the possible alternatives for additional funding for a new general obligation bond election that could be placed on the November 2016 ballot.

Yea: President Lan Nguyen, Vice President Frank Biehl, Clerk J. Manuel Herrera, Member Pattie Cortese, Member Van Le

Vote: 5/0; Motion Carries

9.05 Presentation regarding MetroED Regional Occupational Program (ROP) – Alyssa Lynch, Superintendent, MetroED

Presentation by Alyssa Lynch, Superintendent of MetroED; no action on this item

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

10.01 Public Hearing at Approximately 7:00 p.m. on the Proposed Plan for Use of the Educator Effectiveness Grant Funds Allocated by the California Department of Education; Staff Presentation of Proposed Plan for Expenditure of Educator Effectiveness Grant Funds – Glenn Vander Zee, Assistant Superintendent of Educational Services

Presentation made regarding Educator Effectiveness Grant

Public hearing held. There were no public speakers.

11. 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.

Any person may address the Board on any item on the meeting agenda. Persons wishing to address the Board must fill out a gold request form, which is located at the entrance of the Board Room. When your name is called, please come to the podium, state your name for the record, and limit your remarks to three (3) minutes.

Public speaker:

- *Marisa Hanson, ESTA President – ESTA Donation to McKinney-Vento Students*

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

12.01 Discussion and/or Action to Receive and Adopt the Second Reading of Draft Proposed Recommended Amendments to Citizens' Bond Oversight Committee Bylaws - Mariel Caballero, Chairperson of Measure G, Measure E, Measure I, and Technology Measure I Citizens' Bond Oversight Committee

Vice President Frank Biehl recommended a change to the proposed draft amendment of CBOC Bylaws, specifically on page 7, what constitutes a quorum. The item will be brought back to the Board for a proposed third reading and adoption.

12.02 Discussion and/or Action to Receive Second Reading and Adopt Draft Proposed Recommended Amendments to Audit Committee Charter - Frank Biehl, Audit Committee Chair, and Pattie Cortese, Audit Committee Vice Chair

Motion by Vice President Frank Biehl, second by Member Pattie Cortese, to receive and adopt the second reading of the draft proposed amendments to the Audit Committee Charter.

Yea: President Lan Nguyen, Vice President Frank Biehl, Clerk J. Manuel Herrera, Member Pattie Cortese, Member Van Le

Vote: 5/0; Motion Carries

12.03 Discussion and/or Action regarding January 30, 2016, Board Retreat and to Select Board Self-Evaluation Instrument for Retreat - Van Le, Board President

Motion by Clerk J. Manuel Herrera, second by Vice President Frank Biehl, to use the Oregon Board Self-Evaluation Instrument and the self-evaluation instrument to be used at for the January 30, 2016, Board Retreat.

Yea: President Lan Nguyen, Vice President Frank Biehl, Clerk J. Manuel Herrera, Member Pattie Cortese, Member Van Le

Vote: 5/0; Motion Carries

13. EDUCATIONAL SERVICES/STUDENT SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

13.01 Presentation, Discussion and/or Action regarding Strategic Plan/LCAP Key Performance Measure Data Points - Glenn Vander Zee, Assistant Superintendent of Educational Services

Presentation item; no action

13.02 Presentation, Discussion and/or Action on Academic Success Analysis - Glenn Vander Zee, Assistant Superintendent of Educational Services, and Kirsten King, Director of Assessment & Accountability

Presentation item; no action

13.03 Presentation, Discussion and/or Action regarding State Bilingual Seal Program – Glenn Vander Zee, Assistant Superintendent of Educational Services

Presentation item; no action

13.04 Presentation, Discussion and/or Action regarding Vietnamese and Chinese Language Programs - Glenn Vander Zee, Assistant Superintendent of Educational Services

Public speaker(s):

- *Susan Williams*
- *Maria Le*
- *Tony Huynh*
- *Xing Xuan*
- *Rachel Yang*
- *Joshua Huynh*
- *Sophia Sau*

Presentation item; no action

13.05 Presentation, Discussion and/or Action regarding Senate Bill 359 enacting the California Mathematics Placement Act of 2015 (new Education Code Section 51224.7) – Glenn Vander Zee, Assistant Superintendent of Educational Services, Teresa Marquez, Director of Professional Development and Instructional Services

Public speaker:

- *Susan Williams*

Motion by Vice President Frank Biehl, second by Vice Clerk J. Manuel Herrera, to approve the existing math placement Board Policy and that the placement practice satisfies the requirements of Senate Bill 359. Per AB359, the District's math placement policy will be placed on the District's website with an explanation that this is the District's math placement policy. It is further stipulated that administration, in the next few months, will work on a single math placement policy for review and adoption by the Board of Trustees.

Yea: President Lan Nguyen, Vice President Frank Biehl, Clerk J. Manuel Herrera, Member Pattie Cortese, Member Van Le

Vote: 5/0; Motion Carries

13.06 Discussion and/or Action to Adopt Proposed Amendments to the Adult Education Calendar for the 2015-2016 School Year - Glenn Vander Zee, Assistant Superintendent of Educational Services, and Richard Uribe, Director Adult Education

Motion by Clerk J. Manuel Herrera, second by Vice President Frank Biehl, to adopt the proposed amendments to the 2015-2016 Adult Education calendar.

Yea: President Lan Nguyen, Vice President Frank Biehl, Clerk J. Manuel Herrera, Member Pattie Cortese, Member Van Le

Vote: 5/0; Motion Carries

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

14.01 Presentation, Discussion and/or Action to Receive and Approve First Interim Financial Report for Fiscal Year 2015/2016 - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance

Motion by Vice President Frank Biehl, second by Clerk J. Manuel Herrera, to approve the positive certification of the First Interim Financial Report to the operating budget as presented for fiscal year 2015/2016.

Yea: President Lan Nguyen, Vice President Frank Biehl, Clerk J. Manuel Herrera, Member Pattie Cortese, Member Van Le

Vote: 5/0; Motion Carries

14.02 Discussion and/or Action to Approve the Contract(s) for Professional Services Over \$25,000 - Marcus Battle, Associate Superintendent of Business Services, and André Bell, Director of Purchasing and Capital Accounting

Motion by Clerk J. Manuel Herrera, second by President Lan Nguyen, to approve the contract(s) for professional services over \$25,000 as recommended and authorize the Superintendent and/or designee to execute amendments to the Agreement that may be needed during the term, provided such amendments do not: (i) extend the term of the contract; (ii) increase the price of goods or services provided under the contract by greater than ten percent (10%) of the contract amount, but not to exceed \$25,000 exclusive of any approved amendments in the aggregate); or (iii) alter the quality or quantity of services or goods provided under the Board approved contract per Board Policy 3312.1.

Yea: President Lan Nguyen, Vice President Frank Biehl, Clerk J. Manuel Herrera, Member Pattie Cortese, Member Van Le

Vote: 5/0; Motion Carries

14.03 Discussion and/or Action to Ratify CUPCCAA Informal General Purchasing Project(s) - Marcus Battle, Associate Superintendent of Business Services, and André Bell, Director of Purchasing and Capital Accounting

Motion by Clerk Frank Biehl, second by Member Van Le, to ratify the General Purchasing CUPCCAA informal project(s) as presented.

Yea: President Lan Nguyen, Vice President Frank Biehl, Clerk J. Manuel Herrera, Member Pattie Cortese, Member Van Le

Vote: 5/0; Motion Carries

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

15.01 Discussion and/or Action to approve Confidential Job Description and Salary Range for Executive Assistant to the Superintendent - Cari Vaeth, Associate Superintendent of Human Resources

Motion by Clerk J. Manuel Herrera, second by Vice President Frank Biehl, to approve the Confidential job description and salary range for Executive Assistant to the Superintendent.

Yea: President Lan Nguyen, Vice President Frank Biehl, Clerk J. Manuel Herrera, Member Pattie Cortese, Member Van Le

Vote: 5/0; Motion Carries

15.02 Discussion and/or Action to Approve Provisional Internship Permit Request for Certificated Employee - Cari Vaeth, Associate Superintendent of Human Resources

Motion by Member Van Le, second by Member Pattie Cortese, to approve the provisional internship permit request for certificated employee as specified.

Yea: President Lan Nguyen, Vice President Frank Biehl, Clerk J. Manuel Herrera, Member Pattie Cortese, Member Van Le

Vote: 5/0; Motion Carries

15.03 Discussion and/or Action to Adopt Board Policy 4162 (New) and Amended Board Policy 4361 to Implement AB 375 Effective January 1, 2016, and to Waive Board Bylaw 9310 Requiring Second Reading of Proposed New or Amended Board Policy - Cari Vaeth, Associate Superintendent of Human Resources; Rogelio M. Ruiz, Esq., Legal Counsel

Motion by Vice President Frank Biehl, second by Member Pattie Cortese to:

- 1) Waive the second reading requirement for Board policies under Bylaw 9310 as to draft proposed new Board Policy 4162 and Amended Board Policy 4361; and*
- 2) Adopt new Board Policy 4162 and Amended Board Policy 4361 as presented, to be effective January 1, 2016.*

Yea: President Lan Nguyen, Vice President Frank Biehl, Clerk J. Manuel Herrera, Member Pattie Cortese, Member Van Le

Vote: 5/0; Motion Carries

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

16.01 Presentation, Discussion and/or Action to Award a Contract for Design-Build Services for the Yerba Buena High School Student Union and Quad Modernization Project and Replacement of the Campus Main Electrical Switchgear - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, André Bell, Director of Purchasing and Capital Accounting, and Janice Unger, Capital Projects Purchasing Manager

Motion by Clerk J. Manuel Herrera, second by Member Van Le, to:

- 1) Adopt the Proposal Evaluation Summary as its findings;*
- 2) Find that, on the basis of such information, the design-build Project and the Flint proposal as described above will reduce comparable project costs, help expedite the Project's completion, and/or provide features not available through the traditional design-bid-build method;*
- 3) Award a design-build contract for the Yerba Buena High School Student Union and Quad Modernization Project, and Replacement of the Campus Main Electrical Switchgear, to Flint Builders, in the amount of \$17,609,268; and*
- 4) Approve payment of the \$7,500 stipend to Overaa Construction, Inc., for Overaa's responsive participation in the design and cost competition.*

Yea: President Lan Nguyen, Vice President Frank Biehl, Clerk J. Manuel Herrera, Member Pattie Cortese, Member Van Le

Vote: 5/0; Motion Carries

16.02 Adopt Resolution #2015-2016-08 Designation of Specific Material, Product, Thing or Service - Gamewell-FCI Fire Alarm System and Components - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities

Motion by Clerk J. Manuel Herrera, second by Member Van Le, to adopt Resolution #2015/2016-08 designating Gamewell-FCI Fire Alarm Systems, components and devices, or its most current or most updated versions, are the only acceptable material, product, thing or service.

Yea: President Lan Nguyen, Vice President Frank Biehl, Clerk J. Manuel Herrera, Member Pattie Cortese, Member Van Le

Vote: 5/0; Motion Carries

16.03 Adopt Resolution #2015/2016-09 in Support of the Kindergarten through Community College Public Education Facilities Bond Act of 2016 - Marcus Battle, Associate Superintendent of Business Services, and Linda da Silva, Director of Construction, Maintenance and Facilities

Motion by Member Pattie Cortese, second by Vice President Frank Biehl, to adopt Resolution #2015/2016-09 in Support of the Kindergarten through Community College Public Education Facilities Bond Act of 2016.

Yea: President Lan Nguyen, Vice President Frank Biehl, Clerk J. Manuel Herrera, Member Pattie Cortese, Member Van Le

Vote: 5/0; Motion Carries

16.04 Discussion and/or Action to Approve the Bond/Capital Projects Contract(s) Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, André Bell, Director of Purchasing and Capital Accounting, and Janice Unger, Capital Projects Purchasing Manager

Motion by Vice President Frank Biehl, second by Clerk J. Manuel Herrera, to approve the bond/capital projects contract(s) as presented and authorize the Superintendent and/or designee to execute amendments to the Agreement that may be needed during the term up to ten percent (10%) of the original Board-approved contract amount, but not to exceed \$175,000.00 in total and change orders to contracts for capital construction related professional services up to ten percent (10%) of the original contract value, but not to exceed \$50,000.00 as per Board Policy 3312.1.

Yea: President Lan Nguyen, Vice President Frank Biehl, Clerk J. Manuel Herrera, Member Pattie Cortese, Member Van Le

Vote: 5/0; Motion Carries

Consent / Action Calendar Sections 17-21

All items listed under the Consent/Action Calendar are considered by the Board to be routine and will be enacted in one motion. There will be no discussion of these items prior to the time the Board considers the motion, unless members of the Board or the Superintendent request specific items to be discussed and/or removed from the Consent/Action Calendar.

Superintendent asserts that the following Business Transactions, Personnel Actions, Maintenance of Records, Approvals and Recommendations requiring Board Action have been carried out to the best of his knowledge in accordance with the law.

Motion by Clerk J. Manuel Herrera, second by Member Van Le, to approve the entire consent/action calendar as presented.

Yea: President Lan Nguyen, Vice President Frank Biehl, Clerk J. Manuel Herrera, Member Pattie Cortese, Member Van Le

Vote: 5/0 Motion Carries

17. Board of Trustees / Superintendent - Consent / Action Calendar

17.01 Ratify/Approve Board Member(s) Lawful Expenses/Mileage to Conferences/ Workshops/Meetings

17.02 Approve Minutes of November 5, 2015, Special Board Meeting

18. Educational Services / Student Services - Consent / Action Calendar

18.01 Ratify/Approve School Field Trips

19. Business Services - Consent / Action Calendar

19.01 Ratification of Contract(s) for Professional Services At or Below \$25,000

19.02 Approve Purchase Orders

19.03 Approve Change Orders to Purchase Orders

19.04 Adopt Resolution #2014/2015-10 Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546

19.05 Approve Budget Transfers for the Month of November, 2015

19.06 Accept Warrant Register for the Month of November, 2015

19.07 Approve Oak Grove High School Band Boosters, A School Connected Organization, to Solicit Contributions or Funds per Education Code 51520(a) and 51521

19.08 Approve Facilities Use Agreements

20. Human Resources - Consent / Action Calendar

20.01 Ratify/Approve Classified Personnel Actions Presented December 10, 2015

20.02 Ratify/Approve Certificated Personnel Actions Presented December 10, 2015

20.03 Ratify/Approve Student Aide Personnel Actions Presented December 10, 2015

21. Facilities/Bond - Consent / Action Calendar

20.01 Ratification of Bond/Capital Projects Change Orders to Construction Contracts and Purchase Orders At or Below \$175,000

22. Written Reports/Recommendation

Items under section 22 are written reports that are received into the public record. No action is taken by the Board. A Board Member or the Superintendent may request an item to be placed on the agenda for discussion and/or action at a future meeting.

22.01 Receive Quarterly Report on the County of Santa Clara Treasury Investment Portfolio as of September 30, 2015

Report received

22.02 Receive Annual Developer Fees Report for Fiscal Year 2014-15

Report received

22. FUTURE AGENDA ITEMS

22.01 Opportunity for Board of Trustees to Request Items on Future Agendas

Board Vice President Frank Biehl

Item	Type
Career Pathways Initiative	Presentation/Discussion
James Lick Student Success Center	Presentation/Discussion
Payroll Audit Report Out	Presentation/Discussion

Board Clerk J. Manuel Herrera

Item	Type
Toner Cartridge (supplies) Budget (instructional materials budget)	Presentation/Discussion

Board Member Van Le

Item	Type
Adult Education Program – new funding model	Discussion
Board Policy #6173 Education for Homeless Children (review language)	Discussion
Lunch Program Update	Presentation/Discussion

22.02 Future Items

Van Le, Board Member

Item	Date (tentative)	Type
Failed Courses	Twice Year: October & March	Report
AVID Program	January 21, 2016	Presentation/Discussion
English Language Learners (ELL) Update	January 21, 2016	Presentation/Discussion

Lan Nguyen, Board Member

Item	Date (tentative)	Type
Anti-Bullying Efforts	January 21, 2016	Presentation/Discussion
International Baccalaureate Program (IB) Plan for Recruitment and Expansion	April 21, 2016	Presentation/Discussion

Frank Biehl, Board Member

Item	Date (tentative)	Type
Primary and Secondary Languages Spoken at Sites	January 21, 2016	Presentation/Discussion
Board Self-Evaluation	January 30, 2016 Board Retreat	Evaluation Instrument
Livestream Board Meetings (combined with J. M. Herrera's Broadcast Board Meetings)	Spring 2016	Presentation Update

J. Manuel Herrera, Board Member

Item	Date (tentative)	Type
Broadcast Board Meetings (combined with F. Biehl's Livestream Board Meetings)	Spring 2016	Presentation Update

Pattie Cortese, Board Member

Item	Date (tentative)	Type
Plan to bring Back Expelled Students	February 11, 2016	Presentation/Discussion
Early Alert / Warning System	April 21, 2016	Presentation/Discussion

22.03 Annual Governance Calendar

July
Summer School Program (concludes session)
Summer School Graduation

August
Expulsion Hearing Panel Committee
First Day of School
Superintendent's Annual Evaluation
Williams Quarterly Report

September
Board Retreat
Board Study Session/Workshop
College Night
Conflict of Interest/Board Policy (updates)
Public Hearing and Adoption: Gann Spending Limit
Public Hearing: Sufficiency or Insufficiency of Textbooks
Receive Annual Developer Fees Report
Unaudited Actuals

October
Bond Program Presentation
Solar Energy Presentation
Student Achievement Presentation
Williams Quarterly Report

November
Board Study Session/Workshop
Election Orientation for New Board Members

December
Annual Organizational Board Meeting
CSBA Annual Conference
Election Orientation for New Board Members
End of First Semester
First Interim Report

January
Audit Report
Board Audit Committee Selections/Appointments
Board Retreat
Financial & Performance Audit Report for Bond Measures
Magnet Night
Martin Luther King, Jr. Writing, Art & Multi-Media Awards Ceremony & Reception
Master Business Relationship Agreement between East Side Union High School District and Metropolitan Education District
Policies & ByLaws (Begin Review by Series)
Sports Recognitions (Fall)
Technology Report
Williams Quarterly Report

February
African American Students Achievement Awards
Audit Committee Charter Amendment(s)
CSBA Delegate Assembly Election
Non-Re-Elects
Safety Plan Goals for Each Site
State of the District

March
Cesar Chavez Writing, Art & Multi-Media Awards Luncheon
Latino Student Awards Recognition Ceremony
March 15 Notices
NSBA Annual Conference
Second Interim Report
SJPD Secondary Employment Application
Superintendent's Mid-Year Evaluation
Vietnamese Students Achievement Awards

April
Board Study Session/Workshop
Form 700 – Statement of Economic Interests Due to Santa Clara County (filing)
Honor Nights
Migrant Education Awards Night
Williams Quarterly Report

May
Asian American/Pacific Islander History Month: Poster & Essay Contest Awards/Celebration
Board Self-Evaluation
Budget (Preliminary/Draft) Presentation
Employee Recognition Event
Graduations
Honor Nights
Last Day of School
Sports Recognitions (Winter/Spring)

June
Budget (Preliminary) with May Revisions Public Hearing (first June Board Meeting)
Budget Adoption (second June Board Meeting)
Budget Advisory Committee: Nominate and Appoint Board Representatives (2) and Alternative Board Representative (1) (2 year term, fiscal year)
Employee Retirement Celebration
ESTA Safety Survey
Master Contracts for Capital Projects
Plan for Expelled Youth (due every three years – 2018)
Program Improvement Update
Safety Plan Assessment for Each School
Single Plan for Student Achievement (SPSA) for Each School
Summer School Program (session begins)
Superintendent's Annual Evaluation

23. BOARD OF TRUSTEES/SUPERINTENDENT COMMUNICATIONS/COMMENTS

23.01 Board of Trustees

Board President Lan Nguyen

Thank you Member Le for your contributions and your leadership on the Board for the last year. It was humbling to see your grow as Board President. You seemed to handle it very well. It was impressive.

Thank you everyone for a great year! Thank you, Board, for trusting me to lead the meetings for another year.

Board Vice President Frank Biehl

I just want thank everyone who helped and supported the Audit Committee this year. Congratulations to Member Cortese who will Chair that Committee. I want to point out that there is the opportunity to apply for three positions on the Committee, two public openings and the alternate position. You will need to coordinate with Mary about getting the notices out and following up on that because we make those appointments at the January 21 meeting; that all needs to be done by then so that they are ready to go for the March meeting.

I am looking forward supporting Mr. Nguyen as Board President this year.

Board Clerk J. Manuel Herrera (no comments made)

Board Member Pattie Cortese

I want to thank ESTA for your generous contribution to our McKinney-Vento students. It is really touching. I know that CSEA has been a contributor to that event, both with dollars and human effort, support. I am looking forward to that dinner next week. It is going to be a really touching experience.

I was really pleased to see tonight the reduction in expulsions. I really want to acknowledge everybody for being more creative, more patient, for really looking at the underlying issues. That is a lot of work to move a number that greatly. It really means a lot to me that the teachers and staff have been able to make that tremendous progress in the amount of time it has taken. Thank you.

Board Member Van Le

I want say thank you for allowing me to serve as Board President. I learned a lot. Thank you, staff and administration for your support.

I want to thank ESTA and CSEA for the generous donation. The McKinney-Vento holiday event is very dear to my heart.

Happy holidays!

23.02 Chris D. Funk, Superintendent

I want to thank ESTA and CSEA for their contribution to the McKinney-Vento dinner. It is very appreciative of the increased funding, all the support that both have provided.

I know that it is not the easiest job for the CBO to present the overall budget and projections, but I do want to state that we still have a commitment to make sure that our administrators are whole as soon as possible. We are looking forward to the next round of negotiations with

CSEA. We have committed to address the reclassification issues and, hopefully, we will be able to accomplish more than what we set out to do. You do have our pledge to continue that work. Hopefully, we can get to it earlier than later.

Happy holidays to everyone!

24. REPORT CLOSED SESSION ACTION(S)

Legal Counsel will report on Closed Session action item(s).

See section 2.0 for reporting out of Closed Session items.

25. ADJOURNMENT

President adjourns the meeting.

President Lan Nguyen adjourned the meeting at 11:25 PM.

Respectfully submitted,


Board Clerk

EAST SIDE UNION HIGH SCHOOL DISTRICT

Contract(s) for Professional Services Over \$25,000
Board Meeting of December 10, 2015 – Item 14.02

1. Evergreen Valley College

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Tim Nguyen André Bell	July 1, 2015 – June 30, 2016	\$215,750.00 General Funds	Various District Sites/ Tim Nguyen

Contract Request

East Side Union High School District (ESUHSD) Administration is requesting the Board of Trustees to approve the contract with San Jose City College in the amount of \$215,750.00 over the course of July 1, 2015, through June 30, 2016. San Jose City College will participate in the East Side Alliance Career Pathways Initiative in cooperation with other consortium partners to design and implement a dual/concurrent enrollment program for ESUHSD students.

Selection Process

No solicitation took place for this service.

Recommendation

It is recommended that the Board of Trustees approve the contract with San Jose City College for the term of June 1, 2015, through June 30, 2016, in the total amount of \$215,750.00. It is also recommended that the Board authorize the Administration to execute change orders in accordance with Board Policy 3312.1.

EAST SIDE UNION HIGH SCHOOL DISTRICT
Bond/Capital Projects Contract(s) for Services over \$50,000
Board Meeting December 10, 2015 – Item 16.04

1. McCarthy Building Companies, Inc.

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Linda da Silva Marcus Battle Andre Bell Janice Unger	September 19, 2014, through project completion	\$92,524.00 (not to exceed increased amount) Measure E	Independence High School/Facilities Grettel Castro-Stanley, Principal Linda da Silva, Director of Construction, Maintenance & Facilities

East Side Union High School District (ESUHSD) Administration is requesting that the Board of Trustees approve Change Order #9 to Purchase Order #501337 for the Independence High School Modernization Performing Arts Center – Building F (Project No.: E-065-003).

On September 18, 2014, (Item 15.04) the Board of Trustees awarded site and facilities lease agreements for the Independence High School Performing Arts Center – Building F Lease Leaseback project with McCarthy Building Companies, Inc., in the amount of \$9,461,006.00. (Attachment A)

On June 18, 2015, (Item 20.03), the Board of Trustees ratified Change Order Nos 01, 02, 03 and 04 in the amount that totals \$168,420.00. Per the Board’s instructions and following Board Policy 3312.1, change orders for construction projects that exceed in total of \$175,000.00 will be bought back to the Board for approval. (Attachment B)

On June 18, 2015, (Item 15.01), the Board of Trustees approved Change Order No.05 for an increase to the contract and purchase order in the amount of \$49,239.00. (Attachment C)

On August 20, 2015, (Item 15.01), the Board of Trustees approved Change Order Nos. 06 and 07 for an increase to the contract and purchase order in the amount of \$185,053.00. (Attachment D)

On September 17, 2015, (Item 15.05) the Board of Trustees approved Change Order No. 08 for an increase total amount of 61,034.00. (Attachment E)

This Change Order #9 is being recommended to the Board of Trustees for approval for an increase total amount of \$92,524.00. Change Order #9 (Attachment F) is for PCO #'s 030, 085R2, 086R1, 090R2, 095, 102R1, 111R2, 112, 116, 119 and 121. To date total change order percentage = 5.9%.

Original Contract Amount	\$9,461,006.00
Previous Change Order Amounts	\$463,746.00
Contract Amount Prior to these Change Orders	\$9,924,752.00
Total Amount of Change Orders (cumulative) to date	\$556,270.00
Revised Contract Amount	\$10,017,276.00

RECOMMENDATION

It is recommended that the Board of Trustees approve Change Order No. 09 to Purchase Order #501337 with **McCarthy Building Companies, Inc., for an increased amount of \$92,524.00** for the Independence High School Performing Arts Center - Building F (Project No.: E-065-003).

2. Strawn Construction, Inc.

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Linda da Silva Marcus Battle Andre Bell Janice Unger	June 12, 2015 – February 17, 2017	\$350,000.00 (not to exceed increased amount) Measure E	Yerba Buena/Facilities Tom Huynh, Principal Linda da Silva, Director of Construction, Maintenance & Facilities

East Side Union High School District (ESUHSD) Administration is requesting that the Board approve Change Order No. 01 to Purchase Order #503550 to increase design/build agreement for the District Wide Swimming Pool Modernization Project, (Z-060-601).

On May 14, 2015, (Item No. 15.01) the Board of Trustees awarded a design/build agreement for the Districtwide Swimming Pool Modernization Project with Strawn Construction, Inc. in the amount of \$18,900,985.00. (Attachment G)

This Change Order #1 is being recommended to the Board of Trustees for approval for an increase design/build agreement total amount of \$350,000.00 to add (2) competition lanes to the Yerba Buena swimming pool and for all related pool equipment and building improvements needed. (Attachment H)

Original Contract Amount	\$18,900,985.00
Change Order #1(Increase Design/Build agreement	350,000.00
Revised Contract Amount	\$19,250,985.00

RECOMMENDATION

It is recommended that the Board of Trustees approve Change Order #1 to Purchase Order #503550 with **Strawn Construction, Inc.** for the District Wide Swimming Pool Modernization Project, (Z-060-601) in the increased amount not to exceed \$350,000.00.

3. Swenson and Associates, Inc.

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Linda da Silva Marcus Battle Andre Bell Janice Unger	N/A	\$104,643.00 (not to exceed increased amount) Measure E	Oak Grove/Facilities Martha Brazil, Principal Linda da Silva, Director of Construction, Maintenance & Facilities

East Side Union High School District (ESUHSD) Administration is requesting that the Board approve Change Order No. 07 to Purchase Order #501618 to increase contract agreement for the Oak Grove High School Building U & I Modernization Project, (E-050-005/E-050-006).

On October 16, 2014, (Item No. 20.02) the Board of Trustees awarded a contract agreement for the Oak Grove High School Buildings U & I Modernization Project with Swenson & Associates, Inc. in the amount of \$3,621,000.00. (Attachment I)

On June 18, 2015, (Item No. 20.03) the Board of Trustees ratified change order nos. 1, 2 for an increase amount of \$62,723.00. Per the Board's instructions and following Board Policy 3312.1, change orders for construction projects that exceed in total of \$175,000.00 will be bought back to the Board for approval. (Attachment J)

On August 20, 2015, (Item No. 20.03) the Board of Trustees ratified change order nos. 3, 4 and 5 for an increase amount of \$99,940.00. (Attachment K)

On December 10, 2015, (Item No. 21.01) the Board of Trustees is being asked to ratified change order no. 6 for an increase amount of \$6,286.00. (Attachment L)

This Change Order #7 is being recommended to the Board of Trustees for approval for an increase amount of \$104,643.00. Change order #7 is for PCO 037, 038, 051R1, 052, 055, 061, 062R1, 064, 065R1, 066R1, 067R2, 070R1, 072, 074, and 075R1. To date total change order percentage = 7.6%. (Attachment M)

Original Contract Amount	\$3,621,000.00
Previous Change Order Amounts	\$168,949.00
Contract Amount Prior to these Change Orders	\$3,789,949.00
Total Amount of Change Orders (cumulative) to date	\$273,592.00
Revised Contract Amount	\$3,894,592.00

RECOMMENDATION

It is recommended that the Board of Trustees approve Change Order #7 to Purchase Order #501618 with **Swenson & Associates, Inc.** for the Oak Grove High School Buildings U & I Modernization Project, (E-050-005/E-050-006) in the increased amount not to exceed \$104,643.00.

EAST SIDE UNION HIGH SCHOOL DISTRICT
Contract(s) for Professional Services At or Below \$25,000
Board Meeting of December 10, 2015 – Item 19.01

Consultant	Contract Period	Contract Amount	PO Number	Location of Services	Description of Services	Date Contract Assigned
Autism Center of Northern California	November 10, 2015 – June 30, 2016	\$7,000.00	601838	Education Center	Provide independent education evaluation, psycho-educational assessment for one ESUHSD special education student per settlement agreement.	November 18, 2015
Backflow Guy Inc.	July 1, 2015 – June 30, 2016	\$8,000.00	601764	All Sites	Provide services to repair, test and certify all backflow devices at all ESUHSD sites as needed in accordance with the contract and Exhibit “A” (Scope of Services).	November 12, 2015
Franklin-McKinley School District	July 1, 2015 – June 30, 2016	\$21,750.00	601820	Education Center	Provide services for the College Connection Academy (CCA) to students and parents of grades 7 to 12 helping them to achieve the program goals for attending a university program after high school. This contract was entered into an agreement with Franklin-McKinley School District and ESUHSD.	November 13, 2015
MaxPoint Interactive	December 28, 2015 – February 21, 2016	\$10,000.00	601840	Education Center	Provide Mobile Display and Display Internet Ads for ESUHSD.	November 16, 2015
Pandora	November 30, 2015 – January 17, 2016	\$7,200.00	601839	Education Center	Provide 30 seconds of Audio and Display Everywhere Ads for ESUHSD.	November 16, 2015
Pediatric Therapy Services	November 20, 2015 – June 30, 2015	\$6,000.00	601816	Education Center	Provide speech assessments for 2 East Side Union High School District special education students per IEP requirements and settlement agreement.	November 13, 2015

Smith's Gopher Trapping Service	July 1, 2015 – June 30, 2016	\$12,000.00	601765	All Sites	Provide pest control services, specifically, gopher control services at all ESUHSD sites as needed in accordance with the contract and Exhibit "A" (Scope of Services).	November 12, 2015
Zaretta Hammond	December 7, 2015	\$1,800.00	601817	Yerba Buena	Provide a 3-hour presentation based on her book "Culturally Responsive Teaching and the Brain" for the purpose of building learning partnerships with diverse students.	November 12, 2015