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Agenda Item Details

Meeting Jun 21, 2018 - ESUHS D REGULAR BOARD MEETING - 4:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133 -- AMENDED

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

Subject 16.04 Approve Minutes of March 8, 2018, Regular Board Meeting

Access Public

Type Action, Minutes

Recommended Action It is recommended that the Board of Trustees approve the March 8, 2018, 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 March 8, 2018, Regular Board Meeting

Attached are the minutes of the March 8, 2018, Regular Board Meeting for review and approval by the Board of Trustees.

FISCAL IMPACT:
None

FUNDING SOURCE:
None

RECOMMENDATION:
It is recommended that the Board of Trustees approve the March 8, 2018, Regular Board Meeting minutes as presented.

[BA_2018_03_08_Reg_Minutes.pdf \(188 KB\)](#)

Executive Content

East Side Union High School District

APPROVED

Board of Trustees

M. Miller 6-21-18



Each student graduates prepared for college and career,
empowered to thrive in a global society.

EAST SIDE UNION HIGH SCHOOL DISTRICT

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
March 8, 2018
4:00 p.m.**

1. CALL TO ORDER / ROLL CALL

1.01 Roll Call

President J. Manuel Herrera called the meeting to order at 4:04 PM.

Present for roll call:

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

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

Persons wishing to address the Board on Closed Session items or any subject not on the agenda must fill out a speaker request form, which is located at the entrance of the Board Room.

Rogelio Ruiz, Legal Counsel:

At the February 13 Board meeting, the Board passed and adopted Resolution #2017/2018-16 the resolution ordering an election for the purpose of submitting to the qualified electors of the District the question of levying an education parcel tax upon each parcel in the District for educational purposes and establishing the specifications of the election order. The staff delivered this Resolution, including the approved ballot language to the Registrar of Voters today and the Registrar of Voters has rejected the ballot language because, in the Registrar's opinion, the ballot measure, the short statement, exceeds the 75word limit by two words. The Resolution authorized and delegated to the Superintendent the authority to make any changes to the text of the ballot measure as required upon the advice of the District's Legal Counsel to conform to any requirements of the Registrar of Voters.

However, in light of the fact that the deadline for filing is tomorrow, my recommendation would be that the Board adopt an amended resolution with the revised ballot language that way there is no question or issue for dispute tomorrow when this is filed with the Registrar of Voters.

Under the Brown Act Government Code Section 54954.2 and notwithstanding the 72-hour notice for agendaing and posting agendas, the Board can take action on an item of business not appearing on the posted agenda if upon a determination by a two-thirds vote of this Board that there is a need to take immediate action and that the need for the action came to the attention of the District subsequent to the agenda being posted.

My recommendation is that the Board place on the agenda for today Amendment to Resolution 2017-2018-16 in the open session because there is the need to take immediate action since the filing deadline is tomorrow and that need did not come to the attention of the District until just today, which was after the agenda was posted.

Motion to place on the March 8, 2018, Board meeting agenda, under open session, an Amendment to Resolution 2017-2018-16. There is the need to take immediate action since the filing deadline is tomorrow and that need did not come to the attention of the District until just today, which was after the agenda was posted.

Motion by Pattie Cortese, second by Frank Biehl
Yea: J Manuel Herrera, Pattie Cortese, Lan Nguyen, Frank Biehl, Van Le
Vote: 5/0; Final Resolution: Motion Carries

This item will be available for public view. It will be placed on the agenda as item 11.01. Announcement of the addition of the item will be made at the start of open session.

1.03 Recess to Closed Session in the Superintendent's Conference Room (Open Session will resume at the end of Closed Session in the Board Room 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 Mindfulness Practice

2.02 Expulsion(s)

- **17-18-012**

Student 17-18-012:

Motion to approve the expulsion of Student 17-18-012.

Motion by Van Le, second by Lan Nguyen

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

Vote: 5/0 Final Resolution: Motion Carries

2.03 Public Employee Performance Evaluation (Government Code Section 54957)

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

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

Motion to approve Resolution #2017/2018-26 authorizing a Notice of Release to Temporary Certificated Employees, seven temporary certificated employees, and directing that the Superintendent shall serve those employees with written notice of release no later than March 15, 2018,

Motion by Frank Biehl, second by Lan Nguyen

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

Vote: 5/0; Final Resolution: Motion Carries

Motion to approve Resolution #2017/2018-27 authorizing a Notice of Release of Non-Reelection of one probationary certificated administrator and directing that the Superintendent shall serve that employee with written notice of release and non-re-election no later than March 15, 2018.

Motion by Van Le, second by Lan Nguyen

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

Vote: 5/0; Final Resolution: Motion Carries

2.06 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, Associate 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 Employees:

**Administrators
Managers
Confidential Employees**

2.07 Conference with Legal Counsel – Anticipated Litigation:

**Significant exposure to litigation pursuant to subdivision (d)(2) of
Government Code Section 54956.9:**

- **Four (4) Potential Cases**

**3. RESUME OPEN SESSION AT APPROXIMATELY 6:00 P.M. - EDUCATION CENTER
BOARD ROOM**

3.01 Pledge of Allegiance

4. WELCOME AND EXPLANATION TO AUDIENCE

4.01 Any person may address the Board on any item on the meeting agenda. Information explaining Board meeting procedures and how citizens can address the Board will be read. Persons wishing to address the Board must fill out a speaker request form, which is located at the entrance of the Board Room. Written information is located near the entrance to the Board Room.

5. ADOPTION OF AGENDA

5.01 The Superintendent and/or Board Member(s) may request that items be removed from the agenda for consideration and/or carried to a future Board meeting for consideration and/or action, and/or that the Board take action in a regular meeting on a subject not listed on the published agenda on an emergency basis or other basis allowed by law. (Gov. Code 54954.2)

Item 8.04 moved/carried to the March 22, 2018, meeting.

Legal Counsel

Pursuant to the Brown Act Government Code 54954.2, the Board, at the opening of this meeting at 4 PM upon a unanimous vote determined that there is a need to take immediate action and the need for action came to the attention of the District subsequent to the agenda being posted for this Board meeting. The action for the new agenda item is specified in 11.01, which is Discussion and/or Action to Adopt Resolution #2017/2018-28 to amend the parcel tax resolution that was adopted by the Board on February 13, 2018. The reason articulated to the Board and why immediate action is necessary is the last day for filing the parcel tax resolution is tomorrow. Staff attempted to file the resolution today, but the resolution was

rejected by the Registrar of Voters because the word count in the ballot measure exceeded the 75-word limit. 11.01 is an action and recommendation for the Board to take action to address that word count issue.

6. BOARD SPECIAL RECOGNITION(S)

No Items on Calendar under this Section

7. STUDENT BOARD LIAISON(S) (5 minutes each school)

No Items on Calendar under this Section

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

8.01 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.

8.02 Discussion and/or Action to Adopt Resolution #2017/2018-22 to Confirm East Side Union High School District's Commitment to Fiscal Solvency - Marcus Battle, Associate Superintendent of Business Services, and Silvia Pelayo, Director of Finance

Motion to adopt Resolution #2017/2018-22 to confirm East Side Union High School District's commitment to Fiscal Solvency as presented.

Public speakers:

- Brian LoBue
- Jenny Ludwig
- Jennifer Black
- Daniel Kokoski

Motion by Frank Biehl, second by Lan Nguyen

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

Vote: 5/0; Final Resolution: Motion Carries

8.03 Presentation, Discussion and/or Action to Receive and Approve the Second Interim Financial Report for Fiscal Year 2017/2018 - Marcus Battle, Associate Superintendent of Business Services, and Silvia Pelayo, Director of Finance

Motion to approve the positive certification of the Second Interim Financial Report to the operating budget as presented for fiscal year 2017/2018.

Public speakers:

- Marisa Hanson, ESTA President
- Kristin N. Rivers, Ph.D.
- Kevin Murphy

Motion by Van Le, second by Pattie Cortese
Yea: J Manuel Herrera, Pattie Cortese, Lan Nguyen, Frank Biehl, Van Le
Vote: 5/0; Final Resolution: Motion Carries

8.04 Presentation, Discussion and/or Action to Approve Award of Bids and Request for Proposals for Third Party Administrators - Benefits - Cari Vaeth, Associate Superintendent of Human Resources

Item moved/carried to the March 22, 2018, meeting.

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

9.01 Hold a Public Hearing at Approximately 6:20 p.m. on a Revised Charter Renewal Petition Submitted by Escuela Popular del Pueblo for Escuela Popular Center for Training and Careers - Glenn Vander Zee, Associate Superintendent of Educational Services

Motion to hold Public Hearing at approximately 6:20 p.m. to consider the level of support for the renewal petition submitted by Escuela Popular del Pueblo for Escuela Popular Center for Training and Careers.

Public hearing held

Public speaker:
•Olivia Cortes

10. PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD

10.01 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 speaker 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 speakers:

- Peter Ortiz
- Ruth Reyes
- Marisa Hanson, ESTA President • Barbara Boone – Support for PHHS Principal

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

11.01 Discussion and/or Action to Adopt Resolution #2017/2018-28 amending Resolution 2017/2018-16 as Specified Herein and Authorizing and Directing Superintendent and His Designee to Make Any Changes to the Text of the Proposition as required, Upon the Advice of the District’s Legal Counsel, to Conform to Any Requirements of the Law or the Santa Clara County Registrar of Voters - Marcus Battle, Associate Superintendent of Business Services and Chris D. Funk, Superintendent

Motion to adopt Resolution #2017/2018-28 amending Resolution 2017/2018-16 as Specified Herein and Authorizing and Directing Superintendent and His Designee to Make Any Changes to the Text of the Proposition as required, Upon the Advice of the District’s Legal Counsel, to Conform to Any Requirements of the Law or the Santa Clara County Registrar of Voters.

Public speaker:
•Marisa Hanson, ESTA President

Motion by Lan Nguyen, second by Pattie Cortese
Yea: J Manuel Herrera, Pattie Cortese, Lan Nguyen, Frank Biehl, Van Le
Vote: 5/0; Final Resolution: Motion Carries

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

12.01 No Item on Calendar Under this Section

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

13.01 Discussion and/or Action to Delegate Authority to the Superintendent or Designee to Award a Contract for the Federal E-Rate Program Eligible Category 2 Products and Services RFP 2018-180008475 - Marcus Battle, Associate Superintendent of Business Services, Randy Phelps, Chief Technology Officer, and Janice Unger, Director of Purchasing and Capital Accounting

Motion to authorize delegation of authority to the Superintendent or designee to enter into contract with an E-Rate provider and public works contractor for the Category 2 Products and Services project (RFP 2018-180008475) and will bring back the names and contract amounts of those awarded at the next regular board meeting for ratification.

Motion by Frank Biehl, second by Lan Nguyen
Yea: J Manuel Herrera, Pattie Cortese, Lan Nguyen, Frank Biehl, Van Le
Vote: 5/0; Final Resolution: Motion Carries

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

14.01 Review, Consideration and Adoption of Resolution #2017/2018-23 - Authorizing Reduction in Classified Workforce (1 IEP Paraeducator) - Cari Vaeth, Associate Superintendent of Human Resources

Motion to adopt Resolution #2017/2018-23 Authorizing Reduction in Classified Workforce (1 IEP Paraeducator).

Motion by Frank Biehl, second by Van Le

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

Vote: 5/0; Final Resolution: Motion Carries

14.02 Review, Consideration and Adoption of Resolution #2017/2018-24 Authorizing Reduction in Certificated Workforce (3 Children's Center Instructors) - Cari Vaeth, Associate Superintendent of Human Resources

Motion to adopt Resolution #2017/2018-24 authorizing reduction in certificated workforce.

Motion by Van Le, second by Pattie Cortese

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

Vote: 5/0; Final Resolution: Motion Carries

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

15.01 Discussion and/or Action to Approve/Ratify Second Amendment to Program Management Agreement with Seville Group, Inc., (SGI) for the Bond Program Measures G, E, and I for the Phase-Out and Transition of Services to the District's In-House Staff - Marcus Battle, Associate Superintendent of Business Services, Julio Lucas, Director of Construction, Maintenance, and Facilities, and Janice Unger, Director of Purchasing and Capital Accounting

Motion to approve/ratify Amendment No. 02 to the Program Management Agreement with SGI as presented, with an increase to the agreement in the amount of not to exceed \$858,358.24 without Board Approval.

Motion by Lan Nguyen, second by Pattie Cortese

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

Vote: 5/0; Final Resolution: Motion Carries

15.02 Discussion and/or Action to Approve Amendment No. 3 to the Contract with Terris Barnes Walters Boigon Heath in the Amount of \$45,000 for the Purpose of Providing Updated Parcel Tax Information to the East Side Union High School District Community - Chris Funk, Superintendent, and Francine Brissey, General Purchasing Manager

Motion to approve Amendment No. 3 with Terris Barnes Walters Boigon Heath and East Side Union High School Districts agreement in the increased amount of \$45,000.00.

Motion by Frank Biehl, second by Lan Nguyen
Yea: J Manuel Herrera, Pattie Cortese, Lan Nguyen, Frank Biehl, Van Le
Vote: 5/0; Final Resolution: Motion Carries

**Consent / Action Calendar
Sections 16-20**

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 to approve the entire consent calendar as presented.

Motion by Frank Biehl, second by Van Le
Yea: J Manuel Herrera, Pattie Cortese, Lan Nguyen, Frank Biehl, Van Le
Vote: 5/0; Unanimous; Motion Carries

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

No Item on Calendar Under this Section

17. EDUCATIONAL SERVICES / STUDENT SERVICES - CONSENT/ACTION CALENDAR

17.01 Ratify/Approve School Field Trips

17.02 Accept the 2018-2019 School Safety Plan Goals

18. BUSINESS SERVICES - CONSENT/ACTION CALENDAR

18.01 Approve Budget Transfers for the Month of January, 2018

18.02 Accept Warrant Register for the Month of January, 2018

19. HUMAN RESOURCES - CONSENT/ACTION CALENDAR

19.01 No Item on Calendar Under this Section

20. FACILITIES/BOND - CONSENT/ACTION CALENDAR

No Item on Calendar Under this Section

21. WRITTEN REPORTS/RECOMMENDATIONS

No Items on Calendar under this Section

22. FUTURE AGENDA ITEMS

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

22.02 Future Items

Board Vice President Pattie Cortese

Item	Date (tentative)	Type
Teen Parents •Education •Support •Identification	March, 2018	Presentation/Discussion
Recycling Program	March, 2018	Presentation/Discussion
Burns Institute	March, 2018	Presentation/Discussion

Board Member Van Le

Item	Date (tentative)	Type
Alternative Schools	March, 2018	Presentation/Discussion
Status of Construction Building Projects	June, 2018	Report

22.03 Annual Governance Calendar

<p>July:</p> <ul style="list-style-type: none"> •Summer School Program (concludes session) •Summer School Graduation <p>August:</p> <ul style="list-style-type: none"> •Board Members' Expenses Report (Apr/May/June) •Expulsion Hearing Panel Committee •First Day of School •Superintendent's Annual Evaluation •Williams Quarterly Report <p>September:</p> <ul style="list-style-type: none"> •Board Study Session/Workshop •College Night •Conflict of Interest Board Policy (updates) •Public Hearing and Adoption: Gann Spending Limit •Public Hearing: Sufficiency/Insufficiency of Textbooks •Receive Annual Developer Fees Report •Unaudited Actuals <p>October:</p> <ul style="list-style-type: none"> •Bond Program Presentation •Solar Energy Presentation •Student Achievement Presentation •Williams Quarterly Report <p>November:</p> <ul style="list-style-type: none"> •Academic Success Analysis Biannual Presentation •Board Members Expenses' Report (July/Aug/Sept) •Board Study Session/Workshop •Election Orientation for New Board Members <p>December:</p> <ul style="list-style-type: none"> •Annual Organizational Board Meeting •CSBA Annual Conference •Election Orientation for New Board Members •End of First Semester •First Interim Report <p>January:</p> <ul style="list-style-type: none"> •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 ESUHSD and MetroED •Policies & ByLaws (Begin Review by Series) •Sports Recognitions (Fall) •Technology Report •Williams Quarterly Report 	<p>February:</p> <ul style="list-style-type: none"> •African American Students Achievement Awards •Audit Committee Charter Amendment(s) •Board Members' Expenses Report (Oct/Nov/Dec) •CSBA Delegate Assembly Election •IPC Annual Presentation •Non-Re-Elects •Safety Plan Goals for Each Site •State of the District <p>March:</p> <ul style="list-style-type: none"> •Academic Success Analysis Biannual Presentation •Cesar Chavez Writing, Art & Multi-Media Awards Luncheon •Latino Student Awards Recognition Ceremony •March 15 Notices •NSBA Annual Conference (<i>March or April</i>) •Second Interim Report •SJPD Secondary Employment Application •Superintendent's Mid-Year Evaluation •Vietnamese Students Achievement Awards <p>April:</p> <ul style="list-style-type: none"> •Board Study Session/Workshop •Form 700 – Statement of Economic Interests Due to Santa Clara County (filing) •Honor Nights (April/May) •Migrant Education Awards Night •Williams Quarterly Report <p>May:</p> <ul style="list-style-type: none"> •Asian American/Pacific Islander History Month Poster & Essay Contest Awards/Celebration •Board Members' Expenses Report (Jan/Feb/Mar) •Board Self-Evaluation •Board Study Session/Workshop •Budget (Preliminary/Draft) Presentation •Employee Retiree & Recognition Event •Graduations •Honor Nights (April/May) •Last Day of School •Preliminary Review of Proposed LCAP <p>June:</p> <ul style="list-style-type: none"> •Annual Consolidated Program Application (CONAPP) •Budget (Preliminary) with May Revisions Public Hearing (first June Board Meeting) •Budget Adoption (second June Board Meeting) •Budget Advisory Committee: Nominate/Appoint Board Reps (2) & Alternative Board Rep (1) -- (2-yr term, fiscal year) •Employee Retirement Celebration •ESTA Safety Survey •International Student Program Annual Presentation •Master Contracts for Capital Projects •Plan for Expelled Youth (due every 3 years; due 2018) •Safety Plan Assessment for Each School •Single Plan for Student Achievement (SPSA) Each School •Sports Recognitions (Winter/Spring) •Summer School Program (session begins)
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23. BOARD OF TRUSTEES/SUPERINTENDENT COMMUNICATIONS/COMMENTS

23.01 Board of Trustees:

- **J. Manuel Herrera, President**
-- MetroED
- **Pattie Cortese, Vice President**
- **Lan Nguyen, Clerk**
- **Frank Biehl, Member**
-- Board Audit Committee
- **Van Le, Member**

23.02 Chris D. Funk, Superintendent

24. REPORT CLOSED SESSION ACTION(S)

24.01 Legal Counsel will Report on Closed Session Actions

25. ADJOURNMENT

25.01 President Adjourns the Meeting

Board President J. Manuel Herrera adjourned the meeting at 7:54 PM.

26. NEXT MEETING

- **March 22, 2018: Regular Board Meeting**
- **April 19, 2018: Regular Board Meeting**

Respectfully submitted,



Lan Nguyen

Board Clerk