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### Agenda Item Details

Meeting	Apr 11, 2019 - ESUHSD 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	16.02 Approve Minutes of February 12, 2019, Regular Board Meeting - Chris D. Funk, Superintendent
Access	Public
Type	Action, Minutes
Fiscal Impact	No
Budgeted	No
Recommended Action	It is recommended that the Board of Trustees approve the February 12, 2019, Regular Board Meeting minutes as presented.

### Public Content

Attached are the minutes of the February 12, 2019, Regular Board Meeting for review and approval by the Board of Trustees.

[BA\\_2019\\_02\\_12\\_Reg\\_Minutes.pdf \(141 KB\)](#)

### Executive Content

East Side Union High School District

**APPROVED**

Board of Trustees

*Agenda 4-11-19*



# 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  
February 12, 2019  
4:00 p.m.

### 1. CALL TO ORDER / ROLL CALL

#### 1.01 Roll Call

President Pattie Cortese called the meeting to order at 4:05 PM.

Present for roll call:

- President Pattie Cortese
- Clerk Van Le
- Member J. Manuel Herrera
- Member Lorena Chavez

Absent:

- Vice President Lan Nguyen

Present at beginning of Open Session:

- Student Governing Board Representative Christine Julia Pangan

**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.**

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 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):** None

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

- **Superintendent**

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

- **Supervisor of Child Nutrition Services**

Board vote:

Motion to approve the employment of Victoriano Frausto as Supervisor of Child Nutrition Services.

Motion by J Manuel Herrera, second by Van Le

Yea: J Manuel Herrera, Pattie Cortese, Van Le, Lorena Chavez

Absent: Lan Nguyen

Vote: 4/0; Final Resolution: Motion Carries

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

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

**Agency Designated Representatives:**

**Board President**

**Chris D. Funk, Superintendent**

**Dr. John Rubio, Associate Superintendent of Human Resources**

**Chris Jew, Associate Superintendent of Business Services**

**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:**

**Superintendent and Associate Superintendents**

**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**

Present at beginning of Open Session:

- Student Governing Board Representative Christine Julia Pangan

#### **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 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)**

There were no changes to the agenda.

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

**6.01 Independence High School Guinness World Record**

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

**7.01 Christine Julia Pangan, Student Governing Board Representative**

**7.02 James Lick High School**

- Brian Baltazar, ASB President

**7.03 Santa Teresa High School**

- Lucas Chaves Meyle
- Kylie Watanabe
- Kavina Desai
- Isha Gonugunta
- Paige Watanabe
- Michelle Bakin
- Wassim Zahzah

**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, Consideration and/or Action regarding Selection/Appointment of Board Audit Committee Members - Lan Nguyen, Board Audit Committee Chair, and Lorena Chavez, Board Audit Committee Vice Chair**

It is recommended that the Board of Trustees select/appoint Rajesh Godbole and Divvy Muthukumaar to serve on the Board Audit Committee. The selected/appointed member will serve a two-year term, February, 2019, through January 31, 2021. The selected/appointed alternate member will serve a one-year term, February, 2019, through January 31, 2020.

Christine Julia Pangan, Student Governing Board Representative:  
Vote: In favor of motion

Board vote:  
Motion by J Manuel Herrera, second by Van Le  
Yea: J Manuel Herrera, Pattie Cortese, Van Le, Lorena Chavez  
Absent: Vice President Nguyen  
Vote: 4/0; Final Resolution: Motion Carries

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

**9.01 Hold Public Hearing at Approximately 6:15 p.m. to Receive and Sunshine the Initial Proposal for Successor Agreement for 2019-2020: From California School Employees Association, Chapter 187 to East Side Union High School District – Dr. John Rubio, Associate Superintendent of Human Resources**

Public hearing held

Public speaker:  
•Julio Pardo, CSEA President

**9.02 Hold Public Hearing at Approximately 6:20 p.m. - regarding the Proposed Adoption of the Amended Initial Proposal for Successor Contract: From East Side Union High School District to the East Side Teachers Association/CTA/NEA - Dr. John Rubio, Associate Superintendent of Human Resources**

Public hearing held

Public speaker:  
•Neil Wilson

**9.03 Discussion and/or Action Regarding the Proposed Adoption of the Amended Initial Proposal for Successor Contract: From East Side Union High School District to the East Side Teachers Association/CTA/NEA - Dr. John Rubio, Associate Superintendent of Human Resources**

It is recommended that the Board of Trustees adopt the District's Amended Initial Proposal for Successor Contract: from the East Side Union High School District to the East Side Teachers Association/CTA/NEA.

Christine Julia Pangan, Student Governing Board Representative:

Vote: In favor of motion

Board vote:

Motion by Van Le, second by J Manuel Herrera

Yea: J Manuel Herrera, Pattie Cortese, Van Le, Lorena Chavez

Absent: Vice President Nguyen

Vote: 4/0; Final Resolution: Motion Carries

**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.**

There were no public speakers.

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

**11.01 Discussion and/or Action to Adopt Proposed Amendment to 2018-2019 Board Meeting Calendar - Pattie Cortese, Board President**

**It is recommended that the Board of Trustees amend the 2018-2019 Board Meeting Calendar, specifically the rescheduling of the April 18, 2019, Board meeting to April 11, 2019, and set a date for a second Board Retreat to June 1, 2019.**

Christine Julia Pangan, Student Governing Board Representative:

Vote: In favor of motion

Board vote:

Motion by Van Le, second by Lorena Chavez

Yea: J Manuel Herrera, Pattie Cortese, Van Le, Lorena Chavez

Absent: Vice President Nguyen

Vote: 4/0; Final Resolution: Motion Carries

**11.02 Discussion and/or Action regarding 2018 California School Boards Association (CSBA) Delegate Assembly Election - Chris D. Funk, Superintendent**

It is recommended that the Board of Trustees vote for no more than six (6) candidates for submission of the Official 2019 Delegate Assembly Ballot for Region 20 (Santa Clara County) to CSBA. Candidates submitted for vote on ballot are as follows:

- Van Le
- George Sanchez
- David Cohen
- Bonnie Mace
- Andres Quintero
- Reid Myers

Christine Julia Pangan, Student Governing Board Representative:  
Vote: In favor of motion

Board vote:  
Motion by J Manuel Herrera, second by Van Le.  
Yea: J Manuel Herrera, Pattie Cortese, Van Le, Lorena Chavez  
Absent: Vice President Nguyen  
Vote: 4/0; Final Resolution: Motion Carries

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

**12.01 Presentation, Discussion and/or Action regarding plan for use of funds allocated through the Low Performing Students Block Grant (LPSBG) - Glenn Vander Zee, Associate Superintendent of Educational Services**

It is recommended that the Board of Trustees accept the plan as presented.

Christine Julia Pangan, Student Governing Board Representative:  
Vote: In favor of motion

Board vote:  
Motion by J Manuel Herrera, second by Van Le  
Yea: J Manuel Herrera, Pattie Cortese, Van Le, Lorena Chavez  
Absent: Vice President Nguyen  
Vote: 4/0; Final Resolution: Motion Carries

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

#### **13.01 Discussion and/or Action to Approve the Contract(s) for Professional Services over \$25,000 - Chris Jew, Associate Superintendent of Business Services, André Bell, Director of General Purchasing, and Francine Brissey, General Purchasing Manager**

It is recommended the Board of Trustees approve the contract(s) for professional services over \$25,000 as presented 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.

Christine Julia Pangan, Student Governing Board Representative:  
Vote: In favor of motion

Board vote:

Motion by J Manuel Herrera, second by Lorena Chavez

Yea: J Manuel Herrera, Pattie Cortese, Van Le, Lorena Chavez

Absent: Vice President Nguyen

Vote: 4/0; Final Resolution: Motion Carries

#### **13.02 Discussion and/or Action to Approve Two Days Material Decrease of School Attendance on November 16, 2018, and November 20, 2018 due to Bad Air Quality Caused by Local Fires - Chris Jew, Associate Superintendent of Business Services, and Silvia Pelayo, Director of Finance**

It is recommended the Board of Trustees approve submission of Form J-13A for the two days material decrease of average daily attendance (ADA) on Friday, November 16, 2018 and Tuesday, November 20, 2018 for various school sites.

Christine Julia Pangan, Student Governing Board Representative:  
Vote: In favor of motion

Board vote:

Motion by Van Le, second by Lorena Chavez

Yea: J Manuel Herrera, Pattie Cortese, Van Le, Lorena Chavez

Absent: Vice President Nguyen

Vote: 4/0; Final Resolution: Motion Carries



**13.03 Discussion and/or Action to Receive First Reading of Proposed Amendments to Board Policy 3515c Video Camera Safety - Chris Jew, Associate Superintendent of Business**

Public speakers:

- Julio Pardo, CSEA President
- Jack Hamner, ESTA President

Received first reading

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

**14.01 Discussion and/or Action to Approve Provisional Permit Request for Certificated Employees - Dr. John Rubio, Associate Superintendent of Human Resources**

It is recommended that the Board of Trustees approve the provisional internship permit request for certificated employees as specified.

Christine Julia Pangan, Student Governing Board Representative:

Vote: In favor of motion

Board vote:

Motion by Van Le, second by Lorena Chavez

Yea: J Manuel Herrera, Pattie Cortese, Van Le, Lorena Chavez

Absent: Vice President Nguyen

Vote: 4/0; Final Resolution: Motion Carries

**14.02 Discussion and/or Action to Receive First Reading of Proposed Amendments to Board Policy #4136/4236/4336 - Nonschool Employment - Dr. John Rubio, Associate Superintendent of Human Resources**

Received first reading

**14.03 Discussion and/or Action to Approve New Teacher Hiring Incentives - Dr. John Rubio, Associate Superintendent of Human Resources**

It is recommended that the Board of Trustees authorize and approve a new teacher hiring incentive of \$10,000 to be offered to teachers with appropriate credentials in the specific areas of Speech Therapy, Psychologists and Special Education.

Christine Julia Pangan, Student Governing Board Representative:

Vote: In favor of motion

Board vote:

Motion by J Manuel Herrera, second by Van Le

Yea: J Manuel Herrera, Pattie Cortese, Van Le, Lorena Chavez

Absent: Vice President Nguyen

Vote: 4/0; Final Resolution: Motion Carries

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

### **15.01 Discussion and/or Action to Approve the Bond/Capital Projects Contract(s) Over \$50,000 - Chris Jew, Associate Superintendent of Business Services, Julio Lucas, Senior Manager of the Bond Program, Janice Unger, Director of Bond Purchasing and Contracts, and Tu Nguyen, Capital Projects Purchasing Manager**

It is recommended the Board of Trustees approve the bond/capital projects contract(s) as presented; and to 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.

Christine Julia Pangan, Student Governing Board Representative:

Vote: In favor of motion

Board vote:

Motion by J Manuel Herrera, second by Lorena Chavez

Yea: J Manuel Herrera, Pattie Cortese, Van Le, Lorena Chavez

Absent: Vice President Nguyen

Vote: 4/0; 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.

Student Governing Board Representative Christine Julia Pangan

Vote: In favor of motion

Board vote:

Motion by Van Le, second by J Manuel Herrera

Yea: J Manuel Herrera, Pattie Cortese, Van Le, Lorena Chavez

Absent: Vice President Nguyen

Vote: 4/0; Final Resolution: Motion Carries

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

**16.01 Ratify/Approve Senior Manager of Internal Controls' Attendance and Lawful Expenses to Conferences / Workshops / Meetings**

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

**17.01 Ratify/Approve School Field Trips**

**17.02 Approve Amendment to School Attendance Review Board (SARB) Representatives for 2018-2019 School Year**

### **18. BUSINESS SERVICES - CONSENT/ACTION CALENDAR**

**18.01 Ratify/Approve Memoranda of Understanding**

**18.02 Ratify/Approve Contract(s) for Professional Services at or Below \$25,000**

**18.03 Ratify/Approve Purchase Orders Dated January 1, through January 25, 2019**

**18.04 Ratify/Approve California Uniform Public Construction Cost Accounting Act (CUPCCAA) Informal General Purchasing Project(s)**

**18.05 Ratify/Approve Change Orders to Purchase Orders**

**18.06 Accept Report of Credit Card Purchases for Statements Dated October 22, November 23, and December 24, 2018**

**18.07 Accept Warrant Register for the Month of December 2018**

**18.08 Approve Budget Transfers for the Month of December 2018**

**18.09 Accept Donations, Grants and Awards for October, November and December of the 2018/19 School Year**

**18.10 Approve Oak Grove Eagles Booster Club, a School Connected Organization, pursuant to Education Code 51520(a) and 51521**

**18.11 Approve the 2019 Budget Development Calendar for Fiscal Year 2019/20**

**19. HUMAN RESOURCES - CONSENT/ACTION CALENDAR**

**19.01 Ratify/Approve Classified Personnel Actions Presented February 12, 2019**

**19.02 Ratify/Approve Certificated Personnel Actions Presented February 12, 2019**

**19.03 Ratify/Approve Student Aide Personnel Actions Presented February 12, 2019**

**20. FACILITIES/BOND - CONSENT/ACTION CALENDAR**

**20.01 Approve the Capital Program Budget Adjustment Report**

**20.02 Ratify Bond/Capital Projects Contract(s) for Professional Services at or Below \$50,000**

**20.03 Ratify/Approve California Uniform Public Construction Cost Accounting Act (CUPCAA) Informal Bond Project(s)**

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

**21. WRITTEN REPORTS/RECOMMENDATIONS**

**21.01 Receive Report of Board Members Expenses for October, November and December of the 2018/19 Fiscal Year**

## 21. WRITTEN REPORTS/RECOMMENDATIONS

### 21.01 Receive Report of Board Members Expenses for July, August, and September of the 2018/19 Fiscal Year

Report received

## 22. FUTURE AGENDA ITEMS

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

Member Van Le

- AVID Program – Presentation
- Accel Program – Presentation
- College Connection Academy - Presentation

### 22.02 Future Items

#### Future Items:

##### Board Member Pattie Cortese

Item	Date (tentative)	Type
Cohort	March 2019	Presentation/Discussion

##### Board Member Lan Nguyen

Item	Date (tentative)	Type
Student Support Services <ul style="list-style-type: none"><li>• Mental Health Services</li></ul>	March 2019	Presentation/Discussion

##### Board Member Van Le

Item	Date (tentative)	Type
Naviance/Career Exploration & Ethnic Studies	May 2, 2019 Study Session	Presentation/Discussion
Safety Plan Goals	March 2019	Presentation/Discussion

##### Board of Trustees

Item	Date (tentative)	Type
Facilities Use and Framework	April 2019	Presentation/Discussion
Measure Z Bond Sales	March 2019	Presentation/Discussion

## 22.03 Annual Governance Calendar

### July:

Board Meeting not held in July

### August:

- Annual Audit Work Plan for Senior Manager of Internal Controls -- First Reading of Proposed Draft
- Board Members' Expenses Report (Apr/May/June)
- Expulsion Hearing Panel Committee
- Superintendent's Annual Evaluation
- Williams Quarterly Report

### September:

- Board Study Session/Workshop
- 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

### October:

- Annual Audit Work Plan for Senior Manager of Internal Controls -- Adopt Proposed Draft
- Bond Program Presentation
- Solar Energy Presentation
- Student Achievement Presentation
- Williams Quarterly Report

### November:

- Academic Success Analysis Biannual Presentation
- Board Members Expenses' Report (July/Aug/Sept)
- Board Study Session/Workshop
- Election Orientation for New Board Members

### December:

- Annual Organizational Board Meeting
- First Interim Report

### January:

- Audit Report
- Board Retreat
- Financial & Performance Audit Report for Bond Measures
- Master Business Relationship Agreement between ESUHSD and MetroED
- Policies & ByLaws (Begin Review by Series)
- Sports Recognitions (Fall)
- Technology Report
- Williams Quarterly Report

### February:

- Audit Committee Charter Amendment(s)
- Board Audit Committee Selections/Appointments
- 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

### March:

- Academic Success Analysis Biannual Presentation
- March 15 Notices
- Second Interim Report
- SJPD Secondary Employment Application
- Superintendent's Mid-Year Evaluation

### April:

- Board Study Session/Workshop
- Williams Quarterly Report

### May:

- Board Members' Expenses Report (Jan/Feb/Mar)
- Board Self-Evaluation
- Board Study Session/Workshop
- Budget (Preliminary/Draft) Presentation
- Employee Retiree & Recognition Event
- Preliminary Review of Proposed LCAP

### June:

- 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)
- 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)

## **23. BOARD OF TRUSTEES/SUPERINTENDENT COMMUNICATIONS/COMMENTS**

### **23.01 Board of Trustees:**

- **Pattie Cortese, President**
- **Lan Nguyen, Vice President**
  - **Board Audit Committee**
- **Van Le, Clerk**
  - **Santa Clara County School Boards Association**
- **J. Manuel Herrera, Member**
  - **MetroED**
- **Lorena Chavez, Member**

### **23.02 Chris D. Funk, Superintendent**

### **23.03 Meeting Evaluation**

## **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 8:03 PM

## **26. NEXT MEETING**

- **March 7, 2019: Regular Board Meeting**
- **March 21, 2019: Regular Board Meeting**

*Respectfully submitted,*



**Board Clerk**