



Preparing every student to thrive in a global society.

July 29, 2014

**EAST SIDE UNION HIGH SCHOOL DISTRICT  
NOTICE OF  
SPECIAL MEETING  
OF THE BOARD OF TRUSTEES**

In compliance with the Americans with Disabilities Act, if you need special assistance, disability-related modifications or accommodations, including auxiliary aids or services, in order to participate in the public meeting of the Board of Trustees, please contact the office of the District Superintendent at (408) 347-5010. Notification 24 hours prior to the Special Meeting will enable the District to make reasonable arrangements to ensure accommodation and accessibility to this meeting. Upon request, the District shall also make available this agenda and all other public records associated with this meeting in appropriate alternative formats for persons with a disability.

Two members of the Board of Trustees intend to participate in the Special Meeting by teleconference from the following location, which shall be freely accessible to the public:

J. Manuel Herrera, Board President  
Metropolitan Education District (MetroED)  
760 Hillsdale Avenue  
Building 400, Large Conference Room  
San Jose, CA 95136  
Telephone Number: (408) 839-7912

Van T. Le, Board Vice President  
State Farm Insurance  
301 North Jackson Avenue, Suite 12  
San Jose, CA 95133-2344  
(408) 259-8826

**To: Board of Trustees**

Written notice is hereby given in accordance with Government Code Section 54956 that a Special Meeting of the Governing Board of the East Side Union High School District shall be held:

**BOARD OF TRUSTEES**  
**SPECIAL BOARD MEETING**

**Date/Time:** July 31, 2014, at 12:00 PM (approximately)  
**Place:** East Side Union High School District  
Superintendent's Conference Room  
830 N. Capitol Avenue  
San Jose, CA 95133

Members of the public shall have an opportunity to address the Board of Trustees on the agenda items identified below. (Government Code §Section 54954.3)

830 N. Capitol Ave. | San Jose, CA 95133 | T 408.347.5000 | F 408.347.5015 | esuhd.org

East Side Union High School District Board of Trustees

J. Manuel Herrera, President | Van Thi Le, Vice President | Magdalena Carrasco, Clerk | Frank Biehl, Member | Lan Nguyen, Member  
Chris D. Funk, Superintendent

The Special Board Meeting will begin at approximately 12:00 PM in the Superintendent's Conference Room of the East Side Union High School District. The business to be transacted at the Special Board Meeting shall be limited to the following:

1. **Call to Order/ Roll Call**

1.01 Roll Call

2. **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 to Superintendent's Conference Room.

3. **Adoption of Agenda**

4. **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. When your name is called, please come to the podium, state your name for the record, and limit your remarks to three (3) minutes.

Any person may address the Board from either teleconference location or the Superintendent's Conference Room meeting location regarding any item on the meeting agenda. Persons present in the Superintendent's Conference Room wishing to address the Board must fill out a gold request form, which is located at the entrance of the Superintendent's Conference Room. Persons wishing to address the Board from either of the teleconference locations should state his/her name before speaking.

5. **Board/Superintendent - Operational Items/Board Discussion and/or Action**

5.01 Discussion and/or Action to Adopt Resolution #2014/2015-01 of the Board of Trustees of the East Side Union High School District Amending Resolution #2013/2014-25 relating to a School Bond Election to be held on November 4, 2014 - Marcus Battle, Associate Superintendent of Business Services, Dale Scott, Financial Advisor, Dale Scott & Company, and Charles F. Adams, Bond Counsel, Jones Hall, A Professional Law Corporation

6. **Adjournment**

  
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Chris D. Funk, Superintendent  
East Side Union High School District

**EAST SIDE UNION HIGH SCHOOL DISTRICT**  
**Board Special Meeting**  
**Education Center – Superintendent’s Conference Room**  
**830 N. Capitol Avenue**  
**San Jose, CA 95133**

**AGENDA**  
**July 31, 2014**

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Van T. Le, Board Vice President  
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301 North Jackson Avenue, Suite 12  
San Jose, CA 95133-2344  
Telephone Number: (408) 259-8826

**Open Session will begin at 12:00 p.m.**

The Special Meeting of the Board of Trustees will begin at 12:00 p.m.  
in the Superintendent’s Conference Room of the Education Center.

**1. Call to Order/ Roll Call**

1.01 Roll Call

**2. Welcome and Explanation to Audience**

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**6. Adjournment**

AMENDED  
redline to show  
proposed changes

**EAST SIDE UNION HIGH SCHOOL DISTRICT**

**ADOPT RESOLUTION #2014/2015-01 OF THE BOARD OF  
TRUSTEES OF THE EAST SIDE UNION HIGH SCHOOL  
DISTRICT AMENDING RESOLUTION #2013/2014-25  
RELATING TO A SCHOOL BOND ELECTION TO BE HELD  
ON NOVEMBER 4, 2014**

**WHEREAS**, at its meeting on May 15, 2014, the Board of Trustees (the "Board") of the East Side Union High School District (the "District"), adopted its Resolution #2013/2014-25, calling an election on November 4, 2014, on the question of whether general obligation bonds of the District shall be issued and sold in the principal amount of \$113,200,000; and

**WHEREAS**, said resolution constitutes the order of the District to call such election and the "specifications of the election order" pursuant to Education Code Section 5322; and

**WHEREAS**, said resolution specifies the full text of the ballot measure in Appendix A which is attached thereto, and the abbreviated form of the ballot measure to appear on the ballot in Appendix B which is attached thereto; and

**WHEREAS**, the Board has determined that it is advisable to amend the abbreviated form of the ballot measure at this time, by making conforming changes to Appendix A and Appendix B attached to Resolution #2013/2014-25;

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE EAST SIDE UNION HIGH SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

**Section 1. Amendment of Prior Resolution.** The Board hereby amends Appendix A and Appendix B attached to Resolution #2013/2014-25, to read in their entirety as set forth in Appendix A and Appendix B which are attached to this Resolution and incorporated herein by this reference.

**Section 2. Delivery of this Resolution.** The Clerk of the Board is hereby directed to send a copy of this Resolution to (1) the Santa Clara County Superintendent of Schools, (2) the Santa Clara County Registrar of Voters (the "County Registrar") and (3) the Santa Clara County Clerk of the Board of Supervisors. Pursuant to Education Code Section 5322, the Resolution shall be received by the County Registrar no later than 88 days prior to the election date, unless otherwise permitted by law.

The County Registrar is hereby requested to print the full text of the ballot measure in the ballot materials as it appears on Appendix A hereto and to

publish the Notice of School Bond Election in a newspaper of general circulation within the District.

**Section 3. Effect of Amendments on Prior Resolution.** Except as expressly amended by Section 1 of this Resolution, all of the provisions of Resolution #2013/2014-25 shall remain in full force and effect.

**Section 4. Effective Date.** This resolution shall take effect on and after its adoption.

\* \* \* \* \*

The foregoing Resolution was adopted by the Board of Trustees of the East Side Union High School District of Santa Clara County, being the Board authorized by law to make the designations therein contained by the following vote, on July 31, 2014.

Ayes:

Noes:

Absent:

Absention:

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Clerk of the Board of Trustees  
of the East Side Union High School  
District

**APPENDIX A**  
**BALLOT PROPOSITION**  
**FULL TEXT**

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To increase student computer access; upgrade educational software; keep pace with 21<sup>st</sup> century technological innovations; and implement statewide testing requirements at Andrew Hill, Calero, Evergreen Valley, Foothill, Independence, James Lick, Mt. Pleasant, Oak Grove, Piedmont Hills, Santa Teresa, Silver Creek, Yerba Buena, W.C. Overfelt, ~~adult~~[Adult-Ed](#), alternative, and District charter schools; shall East Side Union High School District issue \$113,200,000 of bonds with rates below legal limits, independent citizen oversight, and no funds for administrator~~s salaries~~ or use by the State?

Bonds—Yes

Bonds—No

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**BOND AUTHORIZATION**

By approval of this proposition by at least 55 percent of the registered voters voting on the measure, the District will be authorized to issue and sell bonds of up to \$113,200,000 in aggregated principal at interest rates not in excess of the legal limit and to provide financing for the specific school facilities projects listed in the Bond Project List described below, subject to all the accountability requirements specified below.

The Bonds may be issued under the provisions of the California Education Code (starting at Section 15100), under the provisions of the California Government Code (starting at Section 53506), or under any other provision of law authorizing the issuance of general obligation bonds by school districts. The Bonds may be issued in series by the District from time to time, and each series of Bonds shall mature within the legal limitations set forth in the applicable law under which the Bonds are issued.

**FINANCING PLAN**

The District intends to use the Bonds to provide for an ongoing source of funding for the evolving educational technology needs of its students and staff. In addition, the District intends to match as closely as possible the term of each series of Bonds to the useful life of the technology equipment being financed. As such, the District anticipates that the amortization (or repayment period) of each series of Bonds will be approximately three years and will in no case be in excess of five years. Based on current assumptions, the District estimates that the proposed Bond will provide for its technological funding needs for approximately 18 years into the future.

All Bonds will be sold as current interest bonds and the use of capital appreciation bonds will not be permitted. No series of Bonds will be issued if such issuance would cause the tax rate levied to pay debt service on all of the outstanding Bonds to exceed \$9.00 per year per \$100,000 of taxable property, based on projections made by the District at the time of issuance of such series of Bonds.

## **ACCOUNTABILITY REQUIREMENTS**

The provisions in this section are specifically included in this proposition in order that the voters and taxpayers in the District may be assured that their money will be spent wisely. Expenditures to address specific facilities needs of the District will be in compliance with the requirements of Article XIII A, Section 1(b)(3), of the State Constitution and the Strict Accountability in Local School Construction Bonds Act of 2000 (codified at Education Code Sections 15264 and following).

**Evaluation of Needs.** The Board of Trustees of the District (the “Board of Trustees”) has identified detailed facilities needs of the District and has determined which projects to finance from a local bond at this time. The Board of Trustees hereby certifies that it has evaluated safety, class size reduction, enrollment growth, and information technology needs in developing the Bond Project List shown below.

**Independent Citizens’ Oversight Committee.** The Board of Trustees shall establish an Independent Citizens’ Oversight Committee under Education Code Section 15278 and following to ensure that bond proceeds are expended only on the school facilities projects listed below. The committee will be established within 60 days of the date when the results of the election appear in the minutes of the Board of Trustees.

**Performance Audits.** The Board of Trustees shall conduct an annual, independent performance audit to ensure that the bond proceeds have been expended only on the school facilities projects listed below.



**Financial Audits.** The Board of Trustees shall conduct an annual, independent financial audit of the bond proceeds until all of those proceeds have been spent for the school facilities projects listed below.

**Annual Report.** The Superintendent of the District will cause an annual report to be filed with the Board of Trustees, the first report to be filed not later than one year after the issuance of the first series of the bonds, which report will contain pertinent information regarding the amount of funds collected and expended, as well as the status of the projects listed in this measure, as required by applicable California law.

**Expenditure of Bond Proceeds.** The proceeds from the sale of the District's bonds will be used only for the purposes specified in this measure, and not for any other purpose. Such proceeds will be deposited into a Building Fund to be held by the Santa Clara County Treasurer, as required by the California Education Code.

### **FURTHER SPECIFICATIONS**

**No Administrator Salaries.** Proceeds from the sale of bonds authorized by this proposition shall be used only for the construction, reconstruction and/or rehabilitation of school facilities including the furnishing and equipping of school facilities or acquisition or lease of real property for school facilities and not for any other purpose, including teacher and administrator salaries and other school operating expenses.

### **BOND PROJECT LIST**

**Scope of Projects.** Bond proceeds will be expended to modernize, replace, renovate, acquire, install, equip, furnish, and otherwise improve educational technology equipment projects and supporting systems and software within the District. Projects which are described below include all related and incidental costs, including their share of the costs of the election and bond issuance and costs of design, engineering, architect and other professional services, inspections, site preparation, utilities, and other planning, legal, accounting and similar costs, independent annual financial and performance audits, a customary contingency, and other costs incidental to and necessary for completion of the listed projects.

Bond proceeds may also be expended to acquire equipment in any classroom or other educational facility within the District. The District may alter the scope and nature of any of the specific projects that are described below as required by conditions that arise overtime.

Whenever specific items are included in the following list, they are presented to provide examples and are not intended to limit the generality of the broader description of authorized projects. The order in which particular projects are listed is not intended to indicate priority for funding or completion.

Specific educational technology projects shall include but not be limited to:

### **Devices and Technology Systems**

- Computers, computer tablets and peripheral hardware
- Classroom technology tools
- Smart boards
- Document cameras
- Wireless microphones
- Printers, copiers and scanners
- Teacher-parent communication systems
- Data backup systems
- Classroom and district-wide security system hardware
- Technology equipment for use in science labs

### **Software**

- Educational software
- Student performance assessment software
- Telecommunications software
- Web site development and maintenance
- Vocational education training software
- Disaster recovery hardware and software
- Classroom and district-wide security software
- Document retention software
- Software related to the overall instructional services, business services, and human relation services of the District
- Remote learning software

### **Infrastructure**

- Capital technology projects including but not limited to the wiring of data centers, classrooms and school facilities
- Computer and technology wiring, servers, routers, switches and other information devices
- District-wide wireless access infrastructure.

### **Implementation**

- Installation and upgrading of various technology systems
- Costs of providing training related to the use and implementation of technology projects

- Future technology projects as set forth in the District's Board approved technology plan

**Projects Subject to Available Funding.** The foregoing list of projects is subject to the availability of adequate funding to the District. Approval of the bond measure does not guarantee that the proposed projects in the District that are the subject of bonds under the measure will be funded beyond the local revenues generated by the bond measure. The District's proposal for the projects may assume the receipt of matching state funds, which could be subject to appropriation by the Legislature or approval of a statewide bond measure.

**APPENDIX B**  
**BALLOT PROPOSITION**  
**ABBREVIATED FORM**

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To increase student computer access; upgrade educational software; keep pace with 21<sup>st</sup> century technological innovations; and implement statewide testing requirements at Andrew Hill, Calero, Evergreen Valley, Foothill, Independence, James Lick, Mt. Pleasant, Oak Grove, Piedmont Hills, Santa Teresa, Silver Creek, Yerba Buena, W.C. Overfelt, ~~adult~~Adult-Ed, alternative, and District charter schools; shall East Side Union High School District issue \$113,200,000 of bonds with rates below legal limits, independent citizen oversight, and no funds for administrators ~~s salaries~~ or use by the State?

Bonds—Yes

Bonds—No

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