

**EAST SIDE UNION HIGH SCHOOL DISTRICT**  
**Regular Meeting of the Board of Trustees**  
**830 N. Capitol Avenue**  
**San Jose, CA 95133**

**AGENDA**  
**November 20, 2014**

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 72 hours prior to the 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.

**Closed Session will begin at 4:00 P.M.**

The Regular Board Meeting will begin at 4:00 p.m. in the Board Room of the Education Center. Anyone wishing to address the Board regarding Closed Session items may speak at this time. The Board will then adjourn to Closed Session in the Superintendent's Conference Room.

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

1.01 Roll Call

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

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

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)**

**Closed Session**

2.01 Expulsion(s): A-C

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

- *Superintendent*

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

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*

*Juan Cruz, Associate Superintendent of Educational Services*

*Cari Vaeth, Associate Superintendent of Human Resources*

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*

2.06 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 L. Rutab; and*
- *Two (2) Potential Cases*

2.07 Conference with Legal Counsel – Anticipated Litigation:  
Initiation of litigation pursuant to subdivision (d)(4) of Government Code Section 54956.9

- *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 to the Board Room.

**5. Adoption of Agenda**

5.01 For consideration by the Board of Trustees

**6. Board Special Recognition(s)**

6.01 Four-Year Navy ROTC Scholarship Award

- Tina Le, Piedmont Hills High School

**7. Student Board Liaisons (5 minutes each)**

7.01 Independence High School

- Lamanh Le, ASB President
- Kelly Vo, ASB Vice President of Special Events

7.02 James Lick High School

- Crystal Nguyen
- Michael Orozco
- Jaelyn Fitzgerald

**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 Report on Latino/Latina Role Model Conference - Esau Herrera, Conference Director

8.03 Discussion and/or Action regarding Follow Up to Board Study Session of November 13, 2014: Budget Update - Chris D. Funk Superintendent

**9. Public Hearing(s) - Operational Items/Board Discussion and/or Action**

9.01 Hold Public Hearing at Approximately 6:15 p.m. regarding Proposed Amended Board Policy #3290, including Internal Controls to protect the Integrity of the Public Funds and to Ensure that Funds raised benefit Public Education, and that the Contracts are entered into on a Competitive Basis Pursuant to Procedures contained in Section 20111 of the Public Contract Code or through the Issuance of a Request for Proposal (Education Code Section 35182.5)

**10. 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.

**11. Board of Trustees/Superintendent - Operational Items/Board Discussion and/or Action**

- 11.01 Pending Board Vacancy: Process for Appointment and Provisional Appointment to the Governing Board - J. Manuel Herrera, Board President
- 11.02 Discussion and/or Action regarding Call for Nominations to CSBA Delegate Assembly – Frank Biehl, Board Member
- 11.03 Discussion and/or Action to Receive and Adopt Third Reading of Amended Board ByLaw #9270 Conflict of Interest and Revolving Door Restrictions and Reauthorize Resolution #2014/2015-06

**12. Educational Services/Student Services - Operational Items/Board Discussion and/or Action**

- 12.01 Discussion and Information regarding No Child Left Behind and Magnet Program Transfers - Juan Cruz, Associate Superintendent of Educational Services

**13. Business Services - Operational Items/Board Discussion and/or Action**

- 13.01 Presentation, Discussion and/or Action regarding the Child Nutrition Services Program - Marcus Battle, Associate Superintendent of Business Services, and Julie Kasberger, Director of General Services
- 13.02 Discussion and/or Action to Approve One Day Material Decrease of School Attendance for Santa Teresa High School due to School Threats and Rumors of Shooting and Bombing on October 9, 2014 - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance
- 13.03 Discussion and/or Action to Approve the Contract(s) for Professional Services Over \$25,000 - Marcus Battle, Associate Superintendent of Business Services, André Bell, Assistant Director of Capital Accounting and Purchasing, and Donna Bertrand, C.P.M., Contracts Administration Coordinator
- 13.04 Discussion and/or Action to Receive and Adopt Second Reading of Amendment to Board Policy #3320 and Approve Accompanying Resolution #2014/2015-08 (Claims and Actions Against the District; Resolution Delegating Authority to the Superintendent to Allow, Compromise, or Settle Certain Claims) (Government Code Section 935.4) – Marcus Battle, Associate Superintendent of Business Services
- 13.05 Discussion and/or Action to Receive and Adopt Third Reading of Amendment to Board Policy #3350 Travel Expenses - Marcus Battle, Associate Superintendent of Business Services

**14. Human Resources - Operational Items/Board Discussion and/or Action**

- 14.01 Discussion and/or Action to Approve Provisional Internship Permit Requests for Certificated Employees - Cari Vaeth, Associate Superintendent of Human Resources

**15. Facilities - Operational Items/Board Discussion and/or Action**

- 15.01 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, Assistant Director of Capital Accounting and Purchasing, and Janice Unger, Capital Projects Purchasing Manager
- 15.02 Discussion and/or Action to Ratify CUPCAA Informal Bond Project(s) - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, André Bell, Assistant Director of Capital Accounting and Purchasing, and Janice Unger, Capital Projects Purchasing Manager
- 15.03 Discussion and/or Action to Determine that Design-Build Delivery for the Yerba Buena High School New Student Union and Quad Modernization Project will Reduce Project Costs, Expedite the Project's Completion, or Provide Features not Achievable through the Design-Bid-Build Process - Marcus Battle, Associate Superintendent of Business Services, and Linda da Silva, Director of Construction, Maintenance and Facilities
- 15.04 Adopt Resolution #2014/2015-07 Approving Use of the Design-Build Delivery Method for the Yerba Buena High School New Student Union and Quad Modernization Project - Marcus Battle, Associate Superintendent of Business Services, and Linda da Silva, Director of Construction, Maintenance and Facilities

**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.

**16. Board of Trustees / Superintendent - Consent / Action Calendar**

- 16.01 Ratify/Approve Board Member(s) Lawful Expenses/Mileage to Conferences/ Workshops/Meetings
- 16.02 Approve Minutes of September 25, 2014, Board Meeting/Study Session
- 16.03 Approve Minutes of October 16, 2014, Regular Board Meeting

**17. Educational Services/Student Services - Consent / Action Calendar**

17.01 Approve School Field Trips

17.02 Approve Academic Criterion for Reclassification of English Learners to English Proficient Students - Juan Cruz, Associate Superintendent of Educational Services, and Nguyet Dinh, Administrator of Language Minority Program

**18. Business Services - Consent / Action Calendar**

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

18.02 Approve Memoranda of Understanding

18.03 Approve Purchase Orders

18.04 Approve Change Orders to Purchase Orders

18.05 Accept Report of Credit Card Purchases for Statement Dated September 22, 2014

18.06 Approve Budget Transfers

18.07 Accept Warrant Register for the Month of October, 2014

**19. Human Resources - Consent / Action Calendar**

19.01 Ratify/Approve Classified Personnel Actions Presented November 20, 2014

19.02 Ratify/Approve Certificated Personnel Actions Presented November 20, 2014

19.03 Ratify/Approve Student Aide Personnel Actions Presented November 20, 2014

**20. Facilities - Consent / Action Calendar**

20.01 Ratification of Bond/Capital Projects Contract(s) for Professional Services At or Below \$50,000

20.02 Approve Award of Bids and Request for Proposals for Bond/Capital Projects

20.03 Approve Final Change Order #1 for Independence High School Modernization of Building G and N Project No. E-065-004/005 (Gonsalves & Stronk Construction Company, Inc.)

**21. Written Reports/Recommendations**

21.01 Receive Annual Developer Fees Report

21.02 Receive Self-Insured Schools of California (SISC) GASB 45 Quarterly Report Ending September 30, 2014

21.03 Receive Silicon Valley Community Foundation Quarterly Statement for the Go For It! Scholarship Fund as of September 30, 2014

21.04 Receive Update to Previously Approved Allowance for the Current Andrew Hill High School New Building 100 Classroom Modernization

21.05 Receive Quarterly Report on the County of Santa Clara Treasury Investment Portfolio Status as of September 30, 2014

**22. Future Agenda Items**

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

22.02 Future Items:

**Board President J. Manuel Herrera & Board Member Frank Biehl**

<b>Item</b>	<b>Date (tentative)</b>	<b>Type</b>
PE Credit	January, 2015	Presentation/Discussion

**Board Vice President Van Le**

<b>Item</b>	<b>Date (tentative)</b>	<b>Type</b>
Failed Courses	Quarterly	Report
After School Programs/Homework Centers	December, 2014	Report
ELD Report	January, 2015	Report

**Board Member Frank Biehl**

<b>Item</b>	<b>Date (tentative)</b>	<b>Type</b>
Establish Task Force to Review Schools' Start Times	January, 2015	Discussion/Action

**Board Member Lan Nguyen**

<b>Item</b>	<b>Date (tentative)</b>	<b>Type</b>
International Baccalaureate (IB) Program	March, 2015	Presentation/Discussion

## 22.03 Annual Governance Calendar

<b>July</b>
Summer School Program (concludes session)
Summer School Graduation

<b>August</b>
Board Retreat
Expulsion Hearing Panel Committee
First Day of School
Williams Quarterly Report

<b>September</b>
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
Unaudited Actuals

<b>October</b>
Bond Program Presentation
Solar Energy Presentation
Student Achievement Presentation
Superintendent's Annual Evaluation
Williams Quarterly Report

<b>November</b>
Board Study Session/Workshop
Election Orientation for New Board Members

<b>December</b>
Annual Organizational Board Meeting
CSBA Annual Conference
Election Orientation for New Board Members
End of First Semester
First Interim Report
Receive Annual Developer Fees Report
Superintendent's Mid-Year Evaluation

<b>January</b>
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
Policies & ByLaws (Begin Review by Series)
Sports Recognitions (Fall)
Technology Report
Williams Quarterly Report

<b>February</b>
African American Students Achievement Awards
Audit Committee Charter Amendment(s)
CSBA Delegate Assembly Election
Non-Re-Elects

<b>March</b>
Cesar Chavez Writing, Art & Multi-Media Awards Luncheon
Latino Student Awards
March 15 Notices
Safety Plan Goals for Each Site
Second Interim Report
SJPD Secondary Employment Application
Vietnamese Students Achievement Awards

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

<b>May</b>
Board Self-Evaluation
Budget (Preliminary/Draft) Presentation
Employee Recognition Event
Graduations
Honor Nights
Last Day of School
Sports Recognitions (Winter/Spring)

<b>June</b>
Budget (Preliminary) with May Revisions Public Hearing (first June Board Meeting)
Budget Adoption (second June Board Meeting)
Employee Retirement Celebration
ESTA Safety Survey
Master Contracts for Capitol Projects
Plan for Expelled Youth (due every three years – 2015)
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

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

23.02 Chris D. Funk, Superintendent

**24. Report Closed Session Action(s)**

24.01 Legal Counsel will Report on Closed Session Action Item(s)

**25. Adjournment**

25.01 President Adjourns the Meeting