

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

AGENDA
May 14, 2015

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 4:30 P.M.

The Regular Meeting of the Board of Trustees will begin at 4:30 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): *None*

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

- *Senior Manager of Internal Controls*

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

- *Director of Student Services (1)*
- *Principal (1)*
- *Associate Principal (2)*
- *Dean (1)*

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 J. Moore II;*
- *Claim for Damages of A. Valdez & G. Dagio on behalf of B. Valdez; 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*

2.08 Conference with Legal Counsel – Existing Litigation
(Paragraph (1) of subdivision (d) of Section 54956.9)

Open Session at Approximately 6:00 P.M. – Education Center Board Room

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 gold request form, which is located at the entrance of the 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 A Better Shelter Scholarship Recipients
- Ana Maria Valencia, Silver Creek High School
 - Saba Mahdavi, Silver Creek High School

7. Student Board Liaisons (5 minutes each)

- 7.01 Piedmont Hills High School
- Victoria Ysaguirre, ASB President
 - Annie Martin, ASB Vice President
 - Nathaniel Yeh, ASB Treasurer
 - Claire Phan, ASB Supreme Court Justice
 - Richard Nguyen, ASB Secretary
 - Brian Ward, 2015-2016 ASB President

- 7.02 Silver Creek High School
- Jacqueline Cao, ASB President
 - Julie Doan, ASB Vice President
 - Neha Cochinwala, ASB Secretary
 - Trisha Vuong, ASB Treasurer
 - Andrea Figueroa, ASB Spirit Leader



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 Presentation and/or Discussion regarding Royals Rise Up - Californians for Justice Steering Committee; Rosa de Leon, Lead Organizer, Californians for Justice
- 8.03 Presentation, Discussion and/or Action regarding Demography Services Study - Marcus Battle, Associate Superintendent of Business Services, and Ann Feng-Gagne, Executive Director, Dolinka Group, LLC
- 8.04 Discussion and/or Action to Approve First Amendment to MOU regarding Facilities Between ESUHSD and Leadership Public Schools, Inc. - Marcus Battle, Associate Superintendent of Business Services, Karen Poon, Director of Finance, and Linda da Silva, Director of Construction, Maintenance & Facilities
- 8.05 Discussion and/or Action to Approve Final Proposition 39 Facilities Offer and Facilities Use Agreement with Alpha: Cindy Avitia Charter High School - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Rogelio M. Ruiz, Esq., Legal Counsel
- 8.06 Presentation, Discussion and/or Action regarding KIPP Bay Area Charter Schools Prop 39 Facilities Ground Lease Proposal - Marcus Battle, Associate Superintendent of Business Services, and Adam Kaye, April Chou, KIPP Bay Area Schools
- 8.07 Presentation, Update and/or Discussion regarding the Local Control and Accountability Plan (LCAP) - Juan Cruz, Associate Superintendent of Educational Services
- 8.08 Presentation and/or Discussion regarding City Year - Juan Cruz, Associate Superintendent of Educational Services

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

- 9.01 Hold Public Hearing at Approximately 6:05 p.m. Regarding the Proposed Adoption of the Initial Proposal for Contract Reopeners for 2015-2016: From the East Side Union High School District to the California School Employees Association, Chapter 187 - Cari Vaeth, Associate Superintendent of Human Resources

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 Discussion, Consideration and/or Action Regarding the Selection/Appointment of Measures G, E, I and Ed-Tech I Citizens' Bond Oversight Committee Members - Frank Biehl, Board Clerk, Pattie Cortese, Board Member, and Bud LoMonaco, CBOC Member
- 11.02 Discussion, Consideration and/or Action to Amend the January 2014, through June, 2015, Board Meeting Calendar - Van T. Le, Board President

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

- 12.01 Presentation, Discussion, and/or Action regarding Summer School Three (3) Year Trend – Juan Cruz, Associate Superintendent of Educational Services
- 12.02 Presentation and Discussion regarding Independent Study Program - Juan Cruz, Associate Superintendent of Educational Services

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

- 13.01 Presentation, Discussion and/or Action of Preliminary Budget for 2015-2016 - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance
- 13.02 Presentation, Discussion and/or Action regarding the Annual Technology Update Report - Marcus Battle, Associate Superintendent of Business Services, and Randy Phelps, Director of Information Technology
- 13.03 Discussion and/or Action to Adopt Resolution #2014/2015-22 Authorized Signatures - Marcus Battle, Associate Superintendent of Business Services
- 13.04 Discussion and/or Action to Adopt Resolution #2014/2015-23 to Hire Short-Term Non-Certificated Summer Staff - Marcus Battle, Associate Superintendent of Business Services, and Vida Branner, Director of Compensation and Classified Employee Relations
- 13.05 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, Assistant Director of Capital Accounting and Purchasing

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

- 14.01 Discussion and/or Action Regarding the Amendment to the Student/Certificated Calendar for the 2015-2016 School Year - Cari Vaeth, Associate Superintendent of Human Resources



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

- 15.01 Presentation, Discussion and/or Action to Award a Contract for Design-Build Services for the Districtwide Swimming Pool Modernization Project - 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 CUPCCAA 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

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 Ratify/Approve Superintendent's Attendance and Lawful Expenses to Conferences/Workshops/Meetings
- 16.03 Approve Minutes of March 5, 2015, Regular Board Meeting
- 16.04 Approve Minutes of March 19, 2015, Regular Board Meeting

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

- 17.01 Accept Safety Plan Goals Assessment for 2014-2015
- 17.02 Ratify/Approve School Field Trips



18. Business Services - Consent / Action Calendar

- 18.01 Ratification of Contract(s) for Professional Services At or Below \$25,000
- 18.02 Approve Purchase Orders
- 18.03 Approve Change Orders to Purchase Orders
- 18.04 Accept Report of Credit Card Purchases for Statement Dated March 23, 2015
- 18.05 Approve Memorandum of Understanding
- 18.06 Approve Budget Transfers
- 18.07 Accept Warrant Register for the Month of April, 2015
- 18.08 Approve Award of Bids and Request for Proposals
- 18.09 Adopt Resolution #2014/2015-24 Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546

19. Human Resources - Consent / Action Calendar

- 19.01 Ratify/Approve Classified Personnel Actions Presented May 14, 2015
- 19.02 Ratify/Approve Certificated Personnel Actions Presented May 14, 2015
- 19.03 Ratify/Approve Student Aide Personnel Actions Presented May 14, 2015

20. Facilities/Bond - 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 Amended Final Change Order #2 for the Yerba Buena High School Title IX Modernization Project, E-060-003 (D.L. Falk Construction, Inc.)
- 20.04 Approve Amended Final Change Order #1 for the James Lick High School New Two Story Classroom Building 500 Project, E-030-001 (D.L. Falk Construction, Inc.)
- 20.05 Approve Amended Final Change Order #1 for the James Lick High School Fire Science Academy Project, G-030-026 (BRCO Constructors, Inc.)
- 20.06 Approve Final Change Order #1 for Andrew Hill New Classroom Building Project, E-025-003 (Duran & Venables, Inc.)



- 20.07 Approve Final Change Order #1 for Andrew Hill New Classroom Building Project, E-025-003 (Robert A. Bothman, Inc.)
- 20.08 Approve Final Change Order #1 for Andrew Hill New Classroom Building Project, E-025-003 (Beals Martin & Associates, Inc.)
- 20.09 Approve Final Change Order #1 for Andrew Hill New Classroom Building Project, E-025-003 (King's Roofing)
- 20.10 Approve Final Change Order #1 for Andrew Hill New Classroom Building Project, E-025-003 (George E. Masker Inc.)
- 20.11 Approve Final Change Order #1 for Andrew Hill New Classroom Building Project, E-025-003 (Environmental Systems, Inc.)
- 20.12 Approve Final Change Order #1 for Andrew Hill New Classroom Building Project, E-025-003 (Val's Plumbing & Heating, Inc.)
- 20.13 Approve Final Change Order #1 for Andrew Hill New Classroom Building Project, E-025-003 (Del Monte Electric Co, Inc.)

21. Written Reports/Recommendation

Items under section 21 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.

- 21.01 Receive Second Interim Financial Report Certification Letter from Santa Clara County Office of Education
- 21.02 Receive Self-Insured Schools of California (SISC) GASB 45 Quarterly Report Ending March 31, 2015
- 21.03 Receive Silicon Valley Community Foundation Quarterly Statement for the Go For It! Scholarship Fund as of March 31, 2015



22. Future Agenda Items

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

22.02 Future Items:

Board President Van Le

Item	Date (tentative)	Type
Failed Courses	Quarterly	Report
Camera Project Update	June, 2015	Presentation/Discussion
Construction Projects Update	October 15, 2015	Presentation/Discussion

Board Vice President Lan Nguyen

Item	Date (tentative)	Type
Anti-Bullying Efforts	June, 2015	Presentation/Discussion

Board Clerk Frank Biehl

Item	Date (tentative)	Type
Water Conservation Efforts	August 20, 2015	Presentation/Discussion

Board Member J. Manuel Herrera

Item	Date (tentative)	Type
Convert to All Electric Bus Fleet	August 20, 2015	Presentation/Discussion

Board Member Pattie Cortese

Item	Date (tentative)	Type
Restorative Justice	September 24, 2015	Presentation/Discussion

22.03 Annual Governance Calendar

July
Summer School Program (concludes session)
Summer School Graduation

August
Board Retreat
Expulsion Hearing Panel Committee
First Day of School
Williams Quarterly Report

September
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
Superintendent's Annual Evaluation
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
Superintendent's Mid-Year Evaluation

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
March 15 Notices
Second Interim Report
SJPD Secondary Employment Application
Vietnamese Students Achievement Awards

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

May
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 – 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



24. Board of Trustees/Superintendent Communications/Comments

24.01 Board of Trustees

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

24.02 Chris D. Funk, Superintendent

25. Report Closed Session Action(s)

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

26. Adjournment

26.01 President Adjourns the Meeting