

EAST SIDE UNION HIGH SCHOOL DISTRICT
Regular Meeting of the Board of Trustees
Independence High School
Villa C Commons
1776 Educational Park Drive
San Jose, CA 95133

AGENDA
August 20, 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 4:00 P.M.

The Regular Meeting of the Board of Trustees will begin at 4:00 p.m. at Independence High School in Villa C Commons. 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 Administration 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 Villa C Commons.

1.03 Recess to Closed Session in the Administration Conference Room (Open Session will resume at the end of Closed Session in Villa C Commons 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*)
- *Superintendent*
- 2.03 Public Employment/Public Employee Appointment
(*Government Code Section 54957*)
- *Principal (1)*
 - *Associate Principals (3)*
 - *Dean of Students (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

Cari Vaeth, Associate Superintendent of Human Resources

Glenn Vander Zee, Assistant 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

- 2.06 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 T. Nguyen; 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. – Villa C Commons

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 Villa C Commons.

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 Villa C Commons.

5. Adoption of Agenda

5.01 For consideration by the Board of Trustees

6. Board Special Recognition(s)

No Items on Calendar Under this Section

7. Student Board Liaisons (5 minutes each)

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 Receive Citizens' Bond Oversight Committee's 2013-2014 Bond Program Annual Report for Measures G, E and I - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, André Bell, Director of Purchasing and Capital Accounting, Mariel Caballero, Chairperson, Joshua Barousse, Ramon Martinez, and Barry Schimmel of Measure G, Measure E, Measure I, and Technology Measure I Citizens' Bond Oversight Committee
- 8.03 Presentation, Discussion and/or Action Regarding 2015-16 Budget Updates - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance



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

- 9.01 Hold Public Hearing at Approximately 6:05 p.m. for District Wide Energy Efficiency Project and Proposed District Wide Energy Services Contract (Government Code Section 4217.10 - 4217.18) - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, André Bell, Director of Purchasing and Capital Accounting, and Janice Unger, Capital Projects Purchasing Manager
- 9.02 Adopt Resolution #2015/2016-01 Finding and Determining that the Anticipated Cost of Energy Conservation Measures will be Less than the Anticipated Marginal Cost to the District of Energy that would have been Consumed in the Absence of Those Purchases, Authorizing Execution of an Energy Services Contract with OpTerra Energy Services, and Approving Use of School Facilities Fund 35 to Bridge the Funding Gap Until Receipt of Proposition 39 Clean Energy Job Creation Fund and Utility Rebate Proceeds - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, André Bell, Director of Purchasing and Capital Accounting, and Janice Unger, Capital Projects Purchasing Manager

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 Villa C Commons. 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 and/or Action regarding California School Boards Association (CSBA) Candidate Nominations for Directors-at-Large: African American, American Indian - Frank Biehl, Board Clerk

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

- 12.01 Receive the Second Quarterly Valenzuela/CAHSEE and Williams Settlement Uniform Complaints Quarterly Report for Period covering April 1, 2015, through June 30, 2015, as required by EC 35186 (Williams Settlement Legislation SB550 and AB2727) of Educational Services - Glenn Vander Zee, Assistant Superintendent of Educational Services

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

- 13.01 Presentation and/or Discussion regarding Water Conservation Efforts - Marcus Battle, Associate Superintendent of Business Services, and Linda da Silva, Director of Construction, Maintenance and Facilities



- 13.02 Discussion and/or Action to Adopt Resolution #2015/2016-02 Pertaining to the Education Protection Account (EPA) - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance
- 13.03 Discussion and/or Action to Adopt Resolution #2015/2016-03 regarding Authorized Signatures - Marcus Battle, Associate Superintendent of Business Services
- 13.04 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, Director of Purchasing and Capital Accounting

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

- 14.01 Discussion and/or Action to Approve Variable Term Waiver Requests for Certificated Employees - Cari Vaeth, Associate Superintendent of Human Resources
- 14.02 Discussion and/or Action to approve Provisional Permit Requests for Certificated Employees - Cari Vaeth, Associate Superintendent of Human Resources
- 14.03 Review, Consideration and Adoption of Resolution #2015/2016-04 - Authorizing Reduction in Classified Workforce - Cari Vaeth, Associate Superintendent of Human Resources

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 - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, André Bell, Director of Purchasing and Capital Accounting, 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, Director of Purchasing and Capital Accounting, 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 Approve Minutes of June 9, 2015, Regular Board Meeting
- 16.03 Approve Minutes of June 11, 2015, Special Board Meeting
- 16.04 Approve Minutes of June 18, 2015, Regular Board Meeting

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

- 17.01 Ratify/Approve School Field Trips
- 17.02 Approve Expulsion Hearing Committee Personnel for 2015-2016
- 17.03 Approval of Consolidated Program Application (Con App) Part I for 2015- 2016

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 Statements Dated May 22, 2015
- 18.05 Approve Memoranda of Understanding
- 18.06 Approve Facilities Use Agreement



- 18.07 Approve Award of Bids and Request for Proposals
- 18.08 Approve Budget Transfers for the Months of June 2015 and July 2015
- 18.09 Accept Warrant Register for the Months of June 2015 and July 2015

19. Human Resources - Consent / Action Calendar

- 19.01 Ratify/Approve Classified Personnel Actions Presented August 20, 2015
- 19.02 Ratify/Approve Certificated Personnel Actions Presented August 20, 2015
- 19.03 Ratify/Approve Student Aide Personnel Actions Presented August 20, 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 Ratification of Bond/Capital Projects Change Orders to Construction Contracts and Purchase Orders At or Below \$175,000

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 Self-Insured Schools of California (SISC) GASB 45 Quarterly Report Ending June 30, 2015
- 21.02 Receive Report of Legal Expenses for Fiscal Year 2014-15
- 21.03 Receive Report of Board Members Expenses for Fiscal Year 2014-15
- 21.04 Receive Silicon Valley Community Foundation Quarterly Statement for the Go for It! Scholarship Fund as of June 30, 2015
- 21.05 Receive Quarterly Report on the County of Santa Clara Treasury Investment Portfolio as of June 30, 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	Twice Year: October & March	Report
Construction Projects Update	October 15, 2015	Presentation/Discussion

Board Vice President Lan Nguyen

Item	Date (tentative)	Type
Anti-Bullying Efforts	September 24, 2015	Presentation/Discussion

Board Member J. Manuel Herrera

Item	Date (tentative)	Type
Convert to All Electric Bus Fleet	September 17, 2015	Presentation/Discussion

Board Member Pattie Cortese

Item	Date (tentative)	Type
Restorative Justice	September 24, 2015	Presentation/Discussion
Early Warning System	April 21, 2016	Presentation/Discussion

22.03 Annual Governance Calendar

July
Summer School Program (concludes session)
Summer School Graduation

August
Expulsion Hearing Panel Committee
First Day of School
Superintendent's Annual Evaluation
Williams Quarterly Report

September
Board Retreat
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
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

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
Latino Student Awards Recognition Ceremony
March 15 Notices
NSBA Annual Conference
Second Interim Report
SJPD Secondary Employment Application
Superintendent's Mid-Year Evaluation
Vietnamese Students Achievement Awards

April
Board Study Session/Workshop
Form 700 – Statement of Economic Interests Due to Santa Clara County (filing)
Honor Nights
Migrant Education Awards Night
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 – 2018)
Program Improvement Update
Safety Plan Assessment for Each School
Single Plan for Student Achievement (SPSA) for Each School
Summer School Program (session begins)



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

