

EAST SIDE UNION HIGH SCHOOL DISTRICT
Regular Meeting of the Board of Trustees
East Side Union High School District
Board Room
830 N. Capitol Avenue
San Jose, CA 95133

AMENDED

AGENDA
September 17, 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 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 6:30 p.m.)
SEE ITEM 2 ON AGENDA (CLOSED SESSION)



Closed Session

- 2.01 Expulsion(s): *A-B*
- 2.02 Appeal of Denial of Grade Change - Student A
(*Education Code sections 35146 and 49066*)
- 2.03 Public Employee Performance Evaluation
(*Government Code Section 54957*)
 - *Superintendent*
- 2.04 Public Employment/Public Employee Appointment
(*Government Code Section 54957*)
- 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:

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

- 2.07 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 E. Gomez;*
 - *Claim for Damages of M. Calderon, M. Calderon, O. Calderon
by their Parent M. Amayun; and*
 - *Two (2) Potential Cases*



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

- *Two (2) Potential Cases*

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

Open Session at Approximately 6:30 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)

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 Discussion and/or Action to Approve Request for a One-Time Waiver of Board Policy 5142.1 to Allow for a Fireworks Display at Piedmont Hills High School on October 2, 2015 - Marcus Battle, Associate Superintendent of Business Services, and Traci Williams, Principal, Piedmont Hills High School

8.03 Discussion and/or Action to Approve Use of Carnival Equipment at Evergreen Valley High School for Homecoming Celebration and Multi-Cultural Winterfest - Marcus Battle, Associate Superintendent of Business Services, Lauren Kelly, Principal, and Virginia Yenter Yanowsky, Activities Director, Evergreen Valley High School



- 8.04 Presentation and Discussion Regarding the Results of the Sale of 2012 General Obligation Bonds and 2014 Ed-Tech Bonds - Marcus Battle, Associate Superintendent of Business Services, and Dale Scott, Financial Advisor, Dale Scott & Company
- 8.05 Presentation and Discussion Regarding the Results of the Sale of 2014 General Obligation Refunding Bonds - Marcus Battle, Associate Superintendent of Business Services, and Dale Scott, Financial Advisor, Dale Scott & Company
- 8.06 Presentation, Discussion and/or Action Regarding Proposed Ground Lease Agreement with KIPP Bay Area Schools for Prop. 39 Facilities - Marcus Battle, Associate Superintendent of Business Services, April Chou, Director of Operations, KIPP Bay Area Schools, and Adam Kaye, Director of Real Estate

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

- 9.01 Hold Public Hearing at Approximately 6:35 p.m. for Resolution #2015/2016-05 Regarding the GANN Spending Limit - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance
- 9.02 Discussion and/or Action to Adopt Resolution #2015/2016-05 Establishing Appropriations GANN Spending Limit - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance
- 9.03 Hold Public hearing at Approximately 6:40 p.m. for Resolution #2015-2016-06 Regarding the Sufficiency of Textbooks and Instructional Materials per Education Code 60119 - Glenn Vander Zee, Assistant Superintendent of Educational Services
- 9.04 Adopt Resolution #2015-2016-06 Regarding the Sufficiency of Textbooks and Instructional Materials - Glenn Vander Zee, Assistant Superintendent of Educational Services

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 Presentation, Discussion and/or Action to Accept the Unaudited Actual Financial Report for Fiscal Year 2014/2015 - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance



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

- 12.01 Discussion and/or Action to Approve of District Representative and alternate to the South Bay Consortium for Adult Education (SBCAE), Steering Committee as per AB104 - Glenn Vander Zee, Assistant Superintendent of Educational Services, and Richard Uribe, Director Adult Education

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

- 13.01 Discussion and/or Action to Approve Emergency One-Day School Closure for Piedmont Hills High School on August 27, 2015, Due to Water Pipe Rupture - Marcus Battle, Associate Superintendent of Business Services, Karen Poon, Director of Finance
- 13.02 Discussion and/or Action to Approve the Contract(s) for Professional Services Over \$25,000 - Marcus Battle, Associate Superintendent of Business Services, André Bell, Director of Purchasing and Capital Accounting, and Francine Brissey, General Purchasing Manager

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/Bond - Operational Items/Board Discussion and/or Action

- 15.01 Presentation, Discussion and/or Action of Measure E Board/Cabinet Contingency Distribution - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Farshid Samsami, Program Manager, SGI
- 15.02 Discussion and/or Action to Award a Site and Facilities Lease Agreements for Independence High School Building B Commons (Project NO. Z-065-601) Lease Leaseback Construction Project with McCarthy Building Companies, Inc. - 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
- 15.03 Discussion and/or Action to Approve Qualified Professional Service Providers - 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
- 15.04 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, Director of Purchasing and Capital Accounting, and Janice Unger, Capital Projects Purchasing Manager
- 15.05 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 Janice Unger, Capital Projects Purchasing Manager



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 June 20, 2015, Board Retreat
- 16.04 Approve Minutes of June 20, 2015, Special Board Meeting

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

- 17.01 Ratify/Approve School Field Trips
- 17.02 Approve the Amendment to Title III Plan and Budget for English Learners and Immigrant Students for the 2015-2016 School Year

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 Accept Report of Credit Card Purchases for Statements Dated June 22 and July 22, 2015
- 18.04 Approve Memoranda of Understanding
- 18.05 Approve Facilities Use Agreements
- 18.06 Approve Change Orders to Purchase Orders
- 18.07 Approve Budget Transfers for the Month of August, 2015
- 18.08 Accept Warrant Register for the Month of August, 2015



19. Human Resources - Consent / Action Calendar

- 19.01 Ratify/Approve Classified Personnel Actions Presented September 17, 2015
- 19.02 Ratify/Approve Certificated Personnel Actions Presented September 17, 2015
- 19.03 Ratify/Approve Student Aide Personnel Actions Presented September 17, 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

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.

No Items on Calendar Under this Section

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
Vietnamese & Chinese Language Classes Update	November 19, 2015	Presentation/Discussion

Board Vice President Lan Nguyen

Item	Date (tentative)	Type
Anti-Bullying Efforts	September 24, 2015	Presentation/Discussion
International Baccalaureate Program (IB) Plan for Recruitment and Expansion	April 21, 2016	Presentation/Discussion

Board Clerk Frank Biehl

Item	Date (tentative)	Type
Charter Schools - Protocol	October 15, 2015	Presentation/Discussion
Livestream	October 15, 2015	Presentation/Discussion

Board Member J. Manuel Herrera

Item	Date (tentative)	Type
Convert to All Electric Bus Fleet	October 15, 2015	Presentation/Discussion
Broadcast Board Meetings	October 15, 2015	Presentation/Discussion

Board Member Pattie Cortese

Item	Date (tentative)	Type
Restorative Justice	September 24, 2015	Presentation/Discussion
School Involvement in the Participatory Budgeting Process	September 24, 2015	Presentation/Discussion
Schedule of LCAP Presentations/Timeline	September 24, 2015	Presentation/Discussion
Plan to Bring Back Expelled Students	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
Asian American/Pacific Islander History Month: Poster & Essay Contest Awards/Celebration
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)
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

