

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

AGENDA
September 22, 2016

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. 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 speaker 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-B*



2.02 Public Employee Performance Evaluation
(Government Code Section 54957)

- Superintendent

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

- Associate Principal (1)
- Assistant Director of Facilities, Construction, Maintenance & Operations (1)
- Coordinator of Student Services (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, Associate 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 D. Nguyen;
- Claim for Damages of K. Mick;
- Claim for Damages of L. Nguyen; and,
- Three (3) Potential Cases



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 speaker 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.

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

9.01 Hold Public Hearing at Approximately 6:10 p.m. for Resolution #2016/2017-05 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 #2016/2017-05 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 6:15 p.m. for Resolution #2016/2017-06 Regarding the Sufficiency of Textbooks and Instructional Materials per Education Code 60119 - Glenn Vander Zee, Associate Superintendent of Educational Services



- 9.04 Discussion and/or Action to Adopt Resolution #2016/2017-06 Regarding the Sufficiency of Textbooks and Instructional Materials - Glenn Vander Zee, Associate 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 speaker 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 and/or Action to Approve Resolution #2016/2017-07 to Adopt Conflict of Interest Code and to Receive and Adopt Second Reading of Amended Board Bylaw 9270 E(b) Conflict of Interest Code: Revolving Door Policy, Designated Positions/Disclosure Categories - Chris D. Funk, Superintendent, and Rogelio Ruiz, Legal Counsel
- 11.02 Discussion and/or Action to Approve Senior Manager of Internal Controls' Proposed Work Plan for 2016-2017 – Kelly Kwong, Senior Manager of Internal Controls
- 11.03 Discussion and/or Action to Adopt Resolution 2016/2017-08 in Support of Proposition 56: The California Healthcare, Research and Prevention Tobacco Tax Act of 2016 – Lan Nguyen, Board President
- 11.04 Discussion and/or Action to Adopt Resolution 2016/2017-10 in Support of Proposition 58: The LEARN Initiative - Frank Biehl, Board Vice President

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

- 12.01 Discussion and/or Action to Receive First Reading of Proposed Amendments to Board Policy #1312.3 Uniform Complaint Procedures and Exhibit 1312.3E Uniform Complaint Procedures - Glenn Vander Zee, Associate Superintendent of Educational Services

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

- 13.01 Presentation, Discussion and/or Action to Accept the Unaudited Actual Financial Report for Fiscal Year 2015/2016 - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance



- 13.02 Discussion and/or Action to Receive and Adopt Second Reading of Proposed Amendments to the following Board Policies: BP 3000 Concepts and Roles, BP 3100 Budget, BP 3312 Contracts and BP 3553 Free and Reduced Price Meals - Marcus Battle, Associate Superintendent of Business Services
- 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, Director of Purchasing and Capital Accounting, and Francine Brissey, General Purchasing Manager
- 13.04 Discussion and/or Action to Ratify CUPCCAA Informal General Purchasing Project(s) - Marcus Battle, Associate Superintendent of Business Services, André Bell, Director of Purchasing and Capital Accounting, and Francine Brissey, General Purchasing Manager
- 13.05 Discussion and/or Action Rescind Award of Contract and to Approve the Termination of Contract/Purchase Orders Issued as a Result of RFP GP051516: Food for Child Nutrition Services, between East Side Union High School District and Gold Star Foods - Marcus Battle, Associate Superintendent of Business Services, André Bell, Director of Purchasing and Capital Accounting, Julie Kasberger, Director of General Services, and Francine Brissey, General Purchasing Manager
- 13.06 Discussion and/or Action to Approve the Award of Contract/Purchase Orders for RFP GP051516 Food for Child Nutrition Services: Between East Side Union High School District and Chef's Choice Produce Company; and East Side Union High School District and Sysco - Marcus Battle, Associate Superintendent of Business Services, André Bell, Director of Purchasing and Capital Accounting, Julie Kasberger, Director of General Services, 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 Permit Request for Certificated Employees – Cari Vaeth, Associate Superintendent of Human Resources
- 14.02 Discussion and/or Action to Approve Variable Term Waiver Requests for Certificated Employees - Cari Vaeth, Associate Superintendent of Human Resources
- 14.03 Approve Request for Use of Education Code Section 44258.3 – Teachers on Special Assignment Authorizations for the 2016-2017 School Year - 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, Julio Lucas, Interim Director of Capital Planning and Design, 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, Julio Lucas, Interim Director of Capital Planning and Design, 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 Ratify/Approve Superintendent's Attendance and Lawful Expenses to Conferences/Workshops/Meetings
- 16.03 Approve Minutes of June 23, 2016, Regular Board Meeting
- 16.04 Approve Minutes of August 18, 2016, Regular Board Meeting

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

- 17.01 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 Approve Award of Bids and Request for Proposals
- 18.05 Approve Memoranda of Understanding



- 18.06 Adopt Resolution #2016/2017-09 Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546
- 18.07 Approve Facilities Use Agreement
- 18.08 Accept Warrant Register for the Month of August, 2016
- 18.09 Approve Budget Transfers for the Month of August, 2016
- 18.10 Approve Use of Carnival Equipment at Evergreen Valley High School for Homecoming Celebration and Multi-Cultural Winterfest

19. Human Resources - Consent / Action Calendar

- 19.01 Ratify/Approve Classified Personnel Actions Presented September 22, 2016
- 19.02 Ratify/Approve Certificated Personnel Actions Presented September 22, 2016
- 19.03 Ratify/Approve Student Aide Personnel Actions Presented September 22, 2016

20. Facilities - Consent / Action Calendar

- 20.01 Approve Award of Bids and Request for Proposals for Bond/Capital Projects
- 20.02 Ratification of Bond/Capital Projects Contract(s) for Professional Services At or Below \$50,000
- 20.03 Ratification of Bond/Capital Projects Change Orders to Construction Contracts and Purchase Orders At or Below \$175,000
- 20.04 Approve the Capital Program Budget Adjustment Report
- 20.05 Approve Qualified Professional Service Providers

21. Written Reports/Recommendation

- 21.01 Receive Report of Legal Expenses for Fiscal Year 2015-16
- 21.02 Receive the Annual Energy Savings and Performance Report of the Solar Program, Year 5
- 21.03 Receive Self Insured Schools of California GASB 45 Trust B (SISC) Annual Financial Report Ending June 30, 2016
- 21.04 Receive Report regarding Common Vision Orchard Installation Program at Santa Teresa High School



22. Future Agenda Items

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

22.02 Future Items:

Lan Nguyen, President

Item	Date (tentative)	Type
Special Education Program	November 3, 2016 Study Session	Presentation/Discussion

Frank Biehl, Vice President

Item	Date (tentative)	Type
Guidance Plan / Naviance	September 29, 2016 Study Session	Presentation/Discussion
LCAP Matrix	September 29, 2016 Study Session	Presentation/Discussion
Lease Leaseback Projects (2) at Independence High School <ul style="list-style-type: none">• Presentation/Analysis	September 22, 2016	Presentation/Discussion

J. Manuel Herrera, Board Clerk

Item	Date (tentative)	Type
STEAM	November 3, 2016 Study Session	Presentation/Discussion

Van Le, Board Member

Item	Date (tentative)	Type
Failed Courses	Twice Year: October & March	Report
ACES Request for 2.25%	October 20, 2016	Discussion
Accel Program	November 3, 2016 Study Session	Presentation/Discussion
Vietnamese Heritage Language Program	October 20, 2016	Report
Career Pathways	March, 2017	Presentation/Discussion

Pattie Cortese, Board Member

Item	Date (tentative)	Type
Teen Parents <ul style="list-style-type: none">• Education• Support• Child Care at James Lick HS	October 20, 2016	Presentation/Discussion
Parent Community Involvement Specialists (PCIS) – LCAP Update	September 29, 2016 Study Session	Presentation/Discussion



22.03 Annual Governance Calendar

July
Summer School Program (concludes session)
Summer School Graduation

August
Board Members' Expenses Report (Apr/May/June)
Expulsion Hearing Panel Committee
First Day of School
Superintendent's Annual Evaluation
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
Board Members Expenses' Report (July/Aug/Sept)
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
End of First Semester
First Interim Report

January
Audit Report
Board Audit Committee Selections/Appointments
Board Members' Expenses Report (Oct/Nov/Dec)
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
Sports Recognitions (Fall)
Technology Report
Williams Quarterly Report

February
African American Students Achievement Awards
Audit Committee Charter Amendment(s)
Board Retreat
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 (March or April)
NSBA Annual Conference
Second Interim Report
SJPD Secondary Employment Application
Superintendent's Mid-Year Evaluation
Vietnamese Students Achievement Awards

April
Board Members' Expenses Report (Jan/Feb/Mar)
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
Board Study Session/Workshop
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
LCAP Public Hearing (first June Board Meeting)
LCAP Adoption (second June Board Meeting)
Master Contracts for Capital Projects
Plan for Expelled Youth (due every three years – next due date: 2018)
Program Improvement Update
Safety Plan Assessment for Each School
Single Plan for Student Achievement (SPSA) for Each School
Summer School Program (session begins)

23. Board of Trustees/Superintendent Communications/Comments

23.01 Board of Trustees

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

23.02 Chris D. Funk, Superintendent

24. Report Closed Session Action(s)

24.01 Legal Counsel will Report on Closed Session Actions

25. Adjournment

25.01 President Adjourns the Meeting

