

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

**AGENDA**  
**June 8, 2017**

**AMENDED**

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 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 6:30 p.m.)  
**SEE ITEM 2 ON AGENDA (CLOSED SESSION)**

**Closed Session**

2.01 Mindfulness Practice

2.02 Expulsion(s): None



- 2.03 Public Employee Performance Evaluation  
(Government Code Section 54957)
- Superintendent
  - Senior Manager of Internal Controls
- 2.04 Public Employment/Public Employee Appointment  
(Government Code Section 54957)
- Director of Finance (1)
  - Associate Principal (2)
  - Dean (2)
- 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, 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

- 2.07 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 S. Byrd; and,
  - Four (4) Potential Cases



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

One (1) Case:

- Office of Administrative Hearings: Case No. 2017050839

**3. Resume 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 speaker request form, which is located at the entrance of the Board Room.

3.01 Pledge of Allegiance

**4. Welcome and Explanation to Audience**

4.01 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 The Superintendent and/or Board Member(s) may request that items be removed from the agenda for consideration and/or carried to a future Board meeting for consideration and/or action, and/or that the Board take action in a regular meeting on a subject not listed on the published agenda on an emergency basis or other basis allowed by law. (Gov. Code 54954.2)

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

6.01 Spring Sports Champions

**Andrew Hill High School**

Swimming, West Valley Division, Blossom Valley Athletic League Champions  
Tennis, West Valley Division, Blossom Valley Athletic League Champions

**Evergreen Valley High School**

Badminton, Mt. Hamilton Division, Blossom Valley Athletic League Champions  
Girls Track, Santa Teresa Division, Blossom Valley Athletic League Champions

**Independence High School**

Softball, West Valley Division, Blossom Valley Athletic League Champions  
Boys Track, West Valley Division, Blossom Valley Athletic League Champions

**James Lick High School**

Badminton, West Valley Division, Blossom Valley Athletic League Champions  
Girls Track, West Valley, Blossom Valley Athletic League Champions



**Mt. Pleasant High School**

Baseball, West Valley Division, Blossom Valley Athletic League Champions  
Golf, West Valley Division, Blossom Valley Athletic League Champions

**Piedmont Hills High School**

Swimming, Santa Teresa Division, Blossom Valley Athletic League Champions

**Santa Teresa High School**

Boys Track, Mt. Hamilton Division, Blossom Valley Athletic League Champions  
Girls Track, Mt. Hamilton Division, Blossom Valley Athletic League Champions

**Silver Creek High School**

Softball, Santa Teresa Division, Blossom Valley Athletic League Champions  
Arianna Fisher, Girls Triple Jump, CCS Champion  
Jazlynn Shearer, Girls Track, 100 Meter Hurdles, CCS Champion

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

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 on Charter Petition for KIPP East Side High School - Glenn Vander Zee, Associate Superintendent of Educational Services, Kirsten King, Director of Assessment & Accountability, and Lucretia Peebles, Ph.D., Administrator for Charter School Oversight

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

9.01 Presentation and Discussion regarding Proposed Annual Update to Local Control Accountability Plan (LCAP) - Glenn Vander Zee, Associate Superintendent of Educational Services

9.02 Hold Public Hearing at Approximately 6:45 p.m. regarding the Proposed Annual Update to the Local Control Accountability Plan (LCAP). A copy of the Local Control Accountability Plan is available for inspection at the District Office (Instructional Services Department, 830 N. Capitol Avenue, San Jose) - Glenn Vander Zee, Associate Superintendent of Educational Services

9.03 Presentation and Discussion regarding the Preliminary Budget as Recommended for Fiscal Year 2017 - 2018; Receive First Reading of Proposed Resolution #2016/2017-36 to Confirm East Side Union High School District's Commitment to Fiscal Solvency - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance



- 9.04 Hold Public Hearing at Approximately 6:50 p.m. regarding the Proposed Budget Adoption for 2017 - 2018. The Proposed Budget is available for inspection at the District Office (Business Services Department, 830 N. Capitol Avenue, San Jose) - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance
- 9.05 Presentation and Public Hearing at Approximately 6:55 p.m. regarding Proposed Power Efficiency Agreement with GCN Storage Solutions, LLC ("GCN") for Energy (Battery) Storage at W.C. Overfelt High School (Government Code Section 4217.12) - Marcus Battle, Associate Superintendent of Business Services, André Bell, Director of Purchasing and Capital Accounting, Julio Lucas, Director of Construction, Maintenance and Facilities, and Janice Unger, Capital Projects Purchasing Manager
- 9.06 Discussion and/or Action to Approve Proposed Power Efficiency Agreement with GCN Storage Solutions, LLC ("GCN") for Energy (Battery) Storage at W.C. Overfelt High School (Government Code Section 4217.12) - Marcus Battle, Associate Superintendent of Business Services, André Bell, Director of Purchasing and Capital Accounting, Julio Lucas, Director of Construction, Maintenance and Facilities, 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 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 Adopt Point-Counterpoint Report - J. Manuel Herrera, Board Vice President
- 11.02 Discussion and/or Action to Receive First Reading of Proposed Amendments to Include Measure Z in Citizens' Bond Oversight Committee Bylaws - Chris D. Funk, Superintendent, and Mariel Caballero, Chairperson of the Citizens' Bond Oversight Committee for Measures G, E, I, Education Technology I and Z
- 11.03 Discussion, Consideration and/or Action regarding the Selection / Appointment of Member(s) to Citizens' Bond Oversight Committee for Measures G, E, I, Education Technology I and Z - Frank Biehl, Board President, Van Le, Board Member, and Bud Lomonaco, Member of the Citizens' Bond Oversight Committee for Measures G, E, I, Education Technology I and Z



- 11.04 Discussion and/or Action to Adopt Resolution #2016/2017-37 In Support of Preservation of Daylight Saving Time and Positive Impacts of District Sports Programs On Student Growth and Achievement - Frank Biehl, Board President
- 11.05 Discussion and/or Action to Adopt Proposed Amendments to 2017-2018 Board Meeting Calendar - Chris D. Funk, Superintendent
- 11.06 Discussion and/or Action to Receive First Reading of Proposed Amendments to Board Policy #9100 Organization - Chris D. Funk, Superintendent
- 11.07 Discussion and/or Action Discussion and/or Action to Amend Lease Agreement Between East Side Union High School District and KIPP Bay Area Schools – Chris D. Funk, Superintendent

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

- 12.01 No Items on Calendar Under this Section

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

- 13.01 Discussion and/or Action to Adopt Resolution #2016/2017-38 regarding the Education Protection Account (EPA) - Marcus Battle, Associate Superintendent of Business Services, and 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 No items on calendar under this section

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

- 15.01 Presentation, Discussion and/or Action to Receive First Reading of Proposed Amendments to Board Policy #1330 Use of Facilities and Board Policy Exhibit #1330 Use of School Facilities - Marcus Battle, Associate Superintendent of Business Services, André Bell, Director of Purchasing and Capital Accounting, and Debbie Ramirez, Facility Rental Manager
- 15.02 Discussion and/or Action to Approve Proposed Program Management Services Provider for Measure Z Bond Program - Marcus Battle, Associate Superintendent of Business Services, André Bell, Director of Purchasing and Capital Accounting, Julio Lucas, Director of Construction, Maintenance and Facilities, and Janice Unger, Capital Projects Purchasing Manager



- 15.03 Discussion and/or Action to Approve Construction Cost Escalation Projects Using Measure Z Site Allocation for James Lick High School, Oak Grove High School, and Piedmont Hills High School - Marcus Battle, Associate Superintendent of Business Services, Julio Lucas, 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 Approve Additional Funding for Construction Cost Escalation of Independence Adult Center New Administration Building and Miscellaneous Improvements - Marcus Battle, Associate Superintendent of Business Services, Julio Lucas, 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 “Infrastructure - Exterior Painting” at Independence High School, Andrew Hill High School, Evergreen Valley High School, and Yerba Buena High School - Marcus Battle, Associate Superintendent of Business Services, Julio Lucas, Director of Construction, Maintenance and Facilities, André Bell, Director of Purchasing and Capital Accounting, and Janice Unger, Capital Projects Purchasing Manager
- 15.06 Discussion and/or Action to Approve the Bond/Capital Projects Contract(s) Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, André Bell, Director of Purchasing and Capital Accounting, Julio Lucas, Director of Construction, Maintenance and Facilities, 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



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

17.01 Ratify/Approve School Field Trips

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

18.01 Approve Use of Carnival Equipment at Evergreen Valley High School for Homecoming Celebration and Multi-Cultural Winterfest

18.02 Ratify/Approve Contract(s) for Professional Services At or Below \$25,000

18.03 Ratify/Approve Change Orders to Purchase Orders

18.04 Approve Award of Bids and Request for Proposals

18.05 Approve Memorandum of Understanding

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

No items on calendar under this section

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

20.01 Approve the Capital Program Budget Adjustment Report

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

20.03 Ratify Bond/Capital Projects Contract(s) for Professional Services At or Below \$50,000

20.04 Ratify CUPCCAA Informal Bond Project(s)

20.05 Ratification of Bond/Capital Projects Change Orders to Construction Contracts and Purchase Orders At or Below \$175,000

**21. Written Reports/Recommendation**

21.01 Receive Quarterly Report on the County of Santa Clara Treasury Investment Portfolio as of March 31, 2017

21.02 Receive Update on Bond Staffing Report

**22. Future Agenda Items**

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





22.02 Future Items:

**Frank Biehl, Board President**

Item	Date (tentative)	Type
Foreign Exchange Program <ul style="list-style-type: none"> <li>• Criteria</li> <li>• Process</li> </ul>	June 22, 2017 (Annually)	Presentation/Discussion
Bond Projects	TBD	Report

**J. Manuel Herrera, Board Vice President**

Item	Date (tentative)	Type
STEAM	TBD	Presentation/Discussion
IPC Annual Update <ul style="list-style-type: none"> <li>• Activities To-Date</li> </ul>	Annually (beginning February 2018)	Presentation/Discussion

**Pattie Cortese, Board Clerk**

Item	Date (tentative)	Type
Teen Parents <ul style="list-style-type: none"> <li>• Education</li> <li>• Support</li> <li>• Child Care at James Lick HS</li> </ul>	August 17, 2017	Presentation/Discussion
Community Liaisons vs. PCIS and Attendance Clerks <ul style="list-style-type: none"> <li>• Delineation of Roles and Expectations and How they Work Together</li> </ul>	TBD	Presentation/Discussion

**Van Le, Board Member**

Item	Date (tentative)	Type
Accel Program	June 22, 2017	Report
Adult Education	August 17, 2017	Report
Challenge Exams for Course Advancement	August 17, 2017	Report
Grading Policy	Fall, 2017	Presentation/Discussion
Role of PCIS vs. Liaisons <ul style="list-style-type: none"> <li>• Ethnicity/Diversity compared to Site Enrollment</li> <li>• Roles and Responsibilities</li> </ul>	TBD	Presentation/Discussion

**Lan Nguyen, Board Member**

Item	Date (tentative)	Type
After School Programs	August 17, 2017	Presentation/Discussion



## 22.03 Annual Governance Calendar

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

<b>August</b>
Board Members' Expenses Report (Apr/May/June)
Expulsion Hearing Panel Committee
First Day of School
Superintendent's Annual Evaluation
Williams Quarterly Report

<b>September</b>
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

<b>October</b>
Board Members Expenses' Report (July/Aug/Sept)
Bond Program Presentation
Solar Energy Presentation
Student Achievement Presentation
Williams Quarterly Report

<b>November</b>
Academic Success Analysis Biannual Presentation
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

<b>January</b>
Audit Report
Board Audit Committee Selections/Appointments
Board Members' Expenses Report (Oct/Nov/Dec)
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

<b>February</b>
African American Students Achievement Awards
Audit Committee Charter Amendment(s)
CSBA Delegate Assembly Election
IPC Annual Presentation
Non-Re-Elects
Safety Plan Goals for Each Site
State of the District

<b>March</b>
Academic Success Analysis Biannual Presentation
Cesar Chavez Writing, Art & Multi-Media Awards Luncheon
Latino Student Awards Recognition Ceremony
March 15 Notices
NSBA Annual Conference ( <i>March or April</i> )
Second Interim Report
SJPD Secondary Employment Application
Superintendent's Mid-Year Evaluation
Vietnamese Students Achievement Awards

<b>April</b>
Board Members' Expenses Report (Jan/Feb/Mar)
Board Study Session/Workshop
Form 700 – Statement of Economic Interests Due to Santa Clara County (filing)
Honor Nights (April/May)
Migrant Education Awards Night
Williams Quarterly Report

<b>May</b>
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
Preliminary Review of Proposed LCAP

<b>June</b>
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
Foreign Exchange Program Annual Presentation
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
Sports Recognitions (Winter/Spring)
Summer School Program (session begins)

**23. Board of Trustees/Superintendent Communications/Comments**

23.01 Board of Trustees

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

