

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

**AGENDA**  
**August 17, 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 4:00 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 6:30 p.m.)  
**SEE ITEM 2 ON AGENDA (CLOSED SESSION)**

**Closed Session**

2.01 Mindfulness Practice

2.02 Expulsion(s):

- Student 16-17-19
- Student 16-17-20



2.03 Public Employee Performance Evaluation  
(Government Code Section 54957)

- Superintendent

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

- Superintendent (1)
- Director of Purchasing and Capital Accounting (1)
- Dean (1)
- Coordinator of Child Development (1)
- Capital Projects Purchasing Manager (1)
- **Fiscal and Payroll Manager (1)**

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

- Four (4) Potential Cases



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

Two (2) Cases:

- Office of Administrative Hearings: Case No. 2017050258
- Steve Smith Enterprises, Inc. v. East Side Union High School District, et al., Santa Clara County Superior Court Case No. 17CV312817

2.09 Conference with Real Property Negotiators

Property: Portion of Independence High School site located at  
1776 Educational Park Drive, San Jose, CA 95133  
for charter school facilities use agreement

District Negotiator: Chris D. Funk, Superintendent

Negotiating Parties: East Side Union High School District and  
KIPP Bay Area Schools

Under Negotiation: Price and terms of payment

**3. Resume Open Session at Approximately 6:30 P.M. – Education Center Board Room**

3.01 Pledge of Allegiance

**4. Welcome and Explanation to Audience**

4.01 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. 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 ESUHSD First Robotics Mentors & Team Members – 2017

- Andrew P. Hill High School - Team 5027 - Event Horizon
- Apollo High School - Team 4543 - The Illuminators
- Evergreen Valley High School - Team 2517 - The Prototypes
- Santa Teresa High School - Team 2643 - Dark Matter

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

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 Presentation, Discussion and/or Action to Receive Citizens' Bond Oversight Committee's 2015-2016 Bond Program Annual Report for Measures G, E, I, Technology I, and Z - Marcus Battle, Associate Superintendent of Business Services, Janice Unger, Director of Purchasing and Capital Accounting, and Vince Tran, Chairperson of Measure G, Measure E, Measure I, Technology Measure I, and Measure Z of the Citizens' Bond Oversight Committee

8.03 Discussion and/or Action to Adopt Resolution #2017/2018-01 Certification of the Number of District Unhoused Pupils to be Housed by the Applicant Charter Schools under the State School Facilities Program - Marcus Battle, Associate Superintendent of Business Services

8.04 Discussion and/or Action to Receive and Adopt Proposed Project Labor Agreement (PLA) for Measures G, E, I and Z Bond Projects over \$175,000 for the East Side Union High School District - Marcus Battle, Associate Superintendent of Business Services, Julio Lucas, Director of Construction, Maintenance, and Facilities, and Janice Unger, Director of Purchasing and Capital Accounting

8.05 Discussion and/or Action to Approve Final Proposition 39 Facilities Use Agreement with KIPP - Marcus Battle, Associate Superintendent of Business Services, Julio Lucas, Director of Construction, Maintenance and Facilities, and Rogelio M. Ruiz, Legal Counsel

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

9.01 Hold Public Hearing at Approximately 6:30 p.m. on the Charter School Petition submitted by KIPP Bay Area Schools for KIPP East Side High School – Glenn Vander Zee, Assistant Superintendent of Educational Services



- 9.02 Discussion and/or Action to Consider new Charter Petition submitted by KIPP Bay Area for KIPP East Side High School - 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 regarding Board Member Participation at Local Progress Conference - Pattie Cortese, Board Clerk
- 11.02 Discussion and/or Action regarding Superintendent's Employment Contract – Frank Biehl, Board President
- 11.03 Discussion and/or Action to Ratify/Approve Senior Manager of Internal Controls' Attendance and Lawful Expenses to Conferences / Workshops / Meetings – Kelly Kwong, CPA, Senior Manager of Internal Controls

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

- 12.01 Discussion and/or Action to receive the Second Quarterly Williams Settlement Uniform Complaint Report for period covering April 1, 2017 through June 30, 2017 as required by EC 35186 (Williams Settlement Legislation SB550 and AB2727) - Glenn Vander Zee, Associate Superintendent of Educational Services

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

- 13.01 Discussion and/or Action to Receive and Adopt Second Reading of New Board Policy #3230 Federal Grant Funds - Marcus Battle, Associate Superintendent of Business Services, and Francine Brissey, General Purchasing Manager
- 13.02 Adopt Resolution #2017/2018-02 and New Contract #30464 Transition Partnership Program with the State of California Health and Human Services Agency, Department of Rehabilitation - Marcus Battle, Associate Superintendent of Business Services, Janice Unger, Director of Purchasing and Capital Accounting, and Francine Brissey, General Purchasing Manager



- 13.03 Discussion and/or Action to Approve the Contract(s) for Professional Services Over \$25,000 - Marcus Battle, Associate Superintendent of Business Services, Janice Unger, 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 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

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

- 15.01 Presentation, Discussion and/or Action to Approve Request for Qualifications and Proposals for the Selection of a Program Management Firm for the District’s Measures G, E, I and Z Bond Program - Marcus Battle, Associate Superintendent of Business Services, Julio Lucas, Director of Construction, Maintenance, and Facilities, and Janice Unger, Director of Purchasing and Capital Accounting
- 15.02 Discussion and/or Action to Approve the Bond/Capital Projects Contract(s) Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, Julio Lucas, Director of Construction, Maintenance and Facilities, and Janice Unger, Director of Purchasing and Capital Accounting
- 15.03 Presentation and/or Discussion regarding Measure Z General Obligation Bond funding of Infrastructure Improvements: Synthetic Turf Field, ADA Walkway, Electrical Services, Site [Hardscape](#), and Post Senior North Projects - Marcus Battle, Associate Superintendent of Business Services, Julio Lucas, Director of Maintenance, Construction, and Facilities, Janice Unger, Director of Purchasing and Capital Accounting, and Abbas Daenabi, Deputy Bond Program Manager, SGI
- 15.04 Discussion and/or Action to Approve Measure Z General Obligation Bond funding of the "Infrastructure - Synthetic Turf Field" Project at Andrew Hill, Foothill, James Lick, Oak Grove, [Piedmont Hills](#), and Yerba Buena High Schools - Marcus Battle, Associate Superintendent of Business Services, Julio Lucas, Director of Maintenance, Construction, and Facilities, Janice Unger, Director of Purchasing and Capital Accounting, and Abbas Daenabi, Deputy Bond Program Manager, SGI
- 15.05 Discussion and/or Action to Approve Measure Z General Obligation Bond funding of the "Infrastructure - ADA Walkway" at Andrew Hill, Independence, and Yerba Buena High Schools - Marcus Battle, Associate Superintendent of Business Services, Julio Lucas, Director of Maintenance, Construction, and Facilities, Janice Unger, Director of Purchasing and Capital Accounting, and Abbas Daenabi, Deputy Bond Program Manager, SGI



- 15.06 Discussion and/or Action to Approve Measure Z General Obligation Bond funding of the "Infrastructure - Electrical Services" at Independence High School - Marcus Battle, Associate Superintendent of Business Services, Julio Lucas, Director of Maintenance, Construction, and Facilities, Janice Unger, Director of Purchasing and Capital Accounting, and Abbas Daenabi, Deputy Bond Program Manager, SGI
- 15.07 Discussion and/or Action to Approve Measure Z General Obligation Bond funding of the "Infrastructure - Site Hardscape" at Andrew Hill, Santa Teresa. and Yerba Buena High Schools - Marcus Battle, Associate Superintendent of Business Services, Julio Lucas, Director of Maintenance, Construction, and Facilities, Janice Unger, Director of Purchasing and Capital Accounting, and Abbas Daenabi, Deputy Bond Program Manager, SGI
- 15.08 Discussion and/or Action to Approve Measure Z General Obligation Bond funding of the "Alternative Education - Post Senior North" Project - Marcus Battle, Associate Superintendent of Business Services, Julio Lucas, Director of Maintenance, Construction, and Facilities, Janice Unger, Director of Purchasing and Capital Accounting, and Abbas Daenabi, Deputy Bond Program Manager, SGI

## **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





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

- 17.01 Ratify/Approve School Field Trips
- 17.02 Approve Administrative Hearing Panel Personnel for the 2017-2018 School Year
- 17.03 Discussion and/or Action on Safety Plan Goals Assessment for 2016-2017 School Year

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

- 18.01 Approve Award of Bids and Request for Proposals for General Purchasing
- 18.02 Ratify/Approve Contract(s) for Professional Services At or Below \$25,000
- 18.03 Approve Purchase Orders Dated June 12, through July 31, 2017
- 18.04 Ratify/Approve Change Orders to Purchase Orders
- 18.05 Accept Report of Credit Card Purchases for Statements Dated January 23, 2017, through March 22, 2017
- 18.06 Ratify/Approve Memoranda of Understanding
- 18.07 Adopt Resolution #2017/2018-03 Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546
- 18.08 Ratify/Approve CUPCCAA Informal General Purchasing Project(s)
- 18.09 Adopt Resolution #2017/2018-04 Authorized Signatures
- 18.10 Approve Budget Transfers for the Month of June, 2017
- 18.11 Accept Warrant Register for the Month of June, 2017

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

- 19.01 Ratify/Approve Classified Personnel Actions Presented August 17, 2017
- 19.02 Ratify/Approve Certificated Personnel Actions Presented August 17, 2017
- 19.03 Ratify/Approve Student Aide Personnel Actions Presented August 17, 2017

**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 Ratification of Bond/Capital Projects Change Orders to Construction Contracts and Purchase Orders At or Below \$175,000
- 20.05 Ratify CUPCCAA Informal Bond Project(s)
- 20.06 Ratify 2017 Summer Projects
- 20.07 Approve the Facility Lease Agreement Between East Side Union High School District and Santa Clara County Office of Education

**21. Written Reports/Recommendation**

- 21.01 Receive the Annual Energy Savings and Performance of the Solar Program, Year 6
- 21.02 Receive Report on Lead Sampling of Drinking Water in Schools
- 21.03 Receive Report of Board Members Expenses for April, May and June of the 2016/17 Fiscal Year



## 22. Future Agenda Items

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

22.02 Future Items:

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

<b>Item</b>	<b>Date (tentative)</b>	<b>Type</b>
STEAM	TBD	Presentation/Discussion

### **Pattie Cortese, Board Clerk**

<b>Item</b>	<b>Date (tentative)</b>	<b>Type</b>
Teen Parents <ul style="list-style-type: none"><li>• Education</li><li>• Support</li><li>• Child Care at James Lick HS</li></ul>	September 19, 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**

<b>Item</b>	<b>Date (tentative)</b>	<b>Type</b>
Challenge Exams for Course Advancement	November 16, 2017	Report
Grading Policy	November 16, 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**

<b>Item</b>	<b>Date (tentative)</b>	<b>Type</b>
After School Programs	September 19, 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 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 Retiree & Recognition Event
Graduations
Honor Nights
Last Day of School
Preliminary Review of Proposed LCAP

<b>June</b>
Annual Consolidated Program Application (CONAPP)
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
International Student 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

