



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

**AGENDA**  
**October 12, 2017**

**Servicios disponibles de traducción en español y en vietnamita.**  
**Có dịch vụ thông dịch sang tiếng Tây Ban Nha và tiếng Việt.**

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 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).

**2. CLOSED SESSION**

2.01 Mindfulness Practice

2.02 Expulsion(s):

- 17-18-001
- 17-18-002
- 17-18-003

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, 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 W. Garcia
- Claim for Damages of T. Nguyen
- Four (4) Potential Case

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

- OAH No. 2017010352

**3. RESUME OPEN SESSION AT APPROXIMATELY 6:00 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 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 No Items on Calendar under this Section

#### **7. STUDENT BOARD LIAISON(S) (5 minutes each school)**

7.01 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 a Public Hearing at Approximately 06:05 p.m. on a Charter Renewal Petition Submitted by KIPP Bay Area Schools for KIPP San Jose Collegiate High School - Glenn Vander Zee, Associate Superintendent of Educational Services

#### **10. PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD**

10.01 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 Proposed Amendment to 2017-2018 Board Meeting Calendar - Chris D. Funk, Superintendent

11.02 Discussion and/or Action to Receive and Adopt Second Reading of Proposed Amendments to Board Policy #5116 School Attendance Boundaries - Chris D. Funk, Superintendent

11.03 Discussion and/or Action to Receive First Reading of Proposed Amendments to Board Policy #0105 Equity - Chris D. Funk, Superintendent

## **12. EDUCATIONAL SERVICES/STUDENT SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION**

12.01 Discussion and/or Action to Receive Second Reading and Adopt Amended Board Policy #5141.52 Suicide Prevention - Glenn Vander Zee, Associate Superintendent of Educational Services

12.02 Discussion and/or Action to Receive First Reading of Additions, Proposed Amendments and Deletions to the following Board Policies: BP 5131 Conduct, BP 5137 Positive School Climate, BP 5144 Discipline, BP 5144.1 Suspension and Expulsion, BP 5145.1 Arrest of Minors, BP 5145.11 Questioning and Apprehension by Law Enforcement and BP 5145.12 Search and Seizure - Glenn Vander Zee, Associate Superintendent of Educational Services

## **13. BUSINESS SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION**

13.01 Presentation and/or Discussion regarding Progress with Community Wireless Project – Randy Phelps, Chief Technology Officer

13.02 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 Presentation, Discussion and/or Action Regarding Certificated Class Size Report - Compliance with 10/08/04 Stipulated Arbitrator's Award - Cari Vaeth, Associate Superintendent of Human Resources

14.02 Discussion and/or Action to Approve Provisional Permit Request 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 2017-2018 School Year - 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 or Reject Proposal for Design Build Services for the W.C. Overfelt High School Music, Art and Administration Building and Central Quad Modernization Project - Marcus Battle, Associate Superintendent of Business Services, Julio Lucas, Director of Construction, Maintenance and Facilities, Janice Unger, Director of Purchasing and Capital Accounting, and Abbas Daenabi, Deputy Bond Program Manager, SGI

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

### **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 Receive and Adopt Senior Manager of Internal Controls' Proposed Draft Annual Audit Work Plan

16.02 Ratify/Approve Board Member(s) Lawful Expenses/Mileage to Conferences/ Workshops/ Meetings

16.03 Approve Minutes of August 17, 2017, Regular Board Meeting

## **17. EDUCATIONAL SERVICES / STUDENT SERVICES - CONSENT/ACTION CALENDAR**

17.01 Ratify/Approve School Field Trips

17.02 Approval of Consolidated Program Application (CONAPP) for 2017-2018

17.03 Receive the Dashboard Alternative School Status (DASS) Eligibility Notification Letter from the San Jose Conservation Corps Charter School

17.04 Receive the Dashboard Alternative School Status (DASS) Eligibility Notification Letter from Escuela Popular Center for Training and Careers

17.05 Discussion and/or Action to receive the Third Quarterly Williams Settlement Uniform Complaint Report for period covering July 1, 2017 through September 30, 2017 as required by EC 35186 (Williams Settlement Legislation SB550 and AB2727)

## **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 September 1, through September 30, 2017

18.04 Ratify/Approve Change Orders to Purchase Orders

18.05 Ratify/Approve CUPCCAA Informal General Purchasing Project(s)

18.06 Ratify/Approve Memoranda of Understanding

18.07 Adopt Resolution #2017/2018-12 Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546

18.08 Accept Donations, Grants and Awards for July, August and September of the 2017/18 School Year

18.09 Accept Warrant Register for the Month of August, 2017

18.10 Approve Budget Transfers for the Month of August, 2017

## **19. HUMAN RESOURCES - CONSENT/ACTION CALENDAR**

19.01 Ratify/Approve Classified Personnel Actions Presented October 12, 2017

19.02 Ratify/Approve Certificated Personnel Actions Presented October 12, 2017

19.03 Ratify/Approve Student Aide Personnel Actions Presented October 12, 2017

## **20. FACILITIES/BOND - CONSENT/ACTION CALENDAR**

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

20.02 Ratify 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 Ratify CUPCCAA Informal Bond Project(s)

20.05 Approve the Capital Program Budget Adjustment Report

## 21. WRITTEN REPORTS/RECOMMENDATIONS

21.01 Receive Annual Developer Fees Report for 2016-17

21.02 Receive Santa Clara County Office of Education Adopted Budget Approval Letter

21.03 Receive Amended Non-Public School 5-Year Comparison

## 22. FUTURE AGENDA ITEMS

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

22.02 Future Items:

### President Frank Biehl

Item	Date (tentative)	Type
Charter Schools	December 7, 2017	Report

### Vice President J. Manuel Herrera

Item	Date (tentative)	Type
IPC Annual Update Annual Update	November, 2017	Presentation/Discussion

### Clerk Pattie Cortese

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>	December, 2017	Presentation/Discussion

### Board Member Van Le

Item	Date (tentative)	Type
Challenge Exams for Course Advancement	November 16, 2017	Presentation/Discussion
Grading Policy	February 3, 2018	Report

### Board Member Lan Nguyen

Item	Date (tentative)	Type
After School Programs	November 20, 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>
Bond Program Presentation
Solar Energy Presentation
Student Achievement Presentation
Williams Quarterly Report

<b>November</b>
Academic Success Analysis Biannual Presentation
Board Members Expenses' Report (July/Aug/Sept)
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 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)
Board Members' Expenses Report (Oct/Nov/Dec)
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 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 Members' Expenses Report (Jan/Feb/Mar)
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