

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

**AGENDA**  
**September 18, 2008**

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 Board Meeting will begin at 4:00 p.m. in the Board Room. 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*)
- 1.03 Recess to Closed Session (Open Session will resume at the end of Closed Session in the Board Room at approximately 6:00 p.m.)  
**SEE ITEM 12 ON AGENDA (CLOSED SESSION)**

**Open Session 6:00 P.M. – Board Room**

**2. Pledge of Allegiance**

**3. 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.

**4. Consideration of Proposed Amendments to Agenda**

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

- 5.01 Teacher of the Year
  - Christine Griffin-Janisch – Andrew Hill High School
- 5.02 California Association of Latino Superintendents and Administrators (CALSA) Scholarship Recipients
  - Melanie Reyes – Mt. Pleasant High School
  - Angel Rodriguez – Mt. Pleasant High School
  - Michelle Sanchez – Mt. Pleasant High School
  - Gabriel Soto – Mt. Pleasant High School
  - Lucina Sanchez – Wm. C. Overfelt High School
  - Mari Garcia – Santa Teresa High School

**6. Public Members Who Wish to Address the Board of Trustees**

Persons wishing to address the Board must fill out a "gold" request form, which is located at the entrance of the Board Room.

7. **Student Board Liaisons**

- 7.01 Kathleen Nguyen, ASB President - Evergreen Valley High School
- 7.02 Joey Flores, ASB President - Yerba Buena High School

8. **Operational Items/Board Discussion and/or Action**

- 8.01 Citizens' Bond Oversight Committee Report – John Moore, Chairperson of Citizens' Bond Oversight Committee
- 8.02 Hold Public Hearing at 6:15 p.m. to Adopt Resolution Regarding Sufficiency of Textbooks and Instructional Materials per Education Code 60119 – Dan Moser, Associate Superintendent of Instruction and Human Relations
- 8.03 Adopt Resolution #2008/2009-03 Regarding the Sufficiency of Textbooks and Instructional Materials per Education Code 60119 - Dan Moser, Associate Superintendent of Instruction and Human Relations
- 8.04 Hold Public Hearing at 6:20 p.m. to Adopt Gann Spending Limit per Education Code Sections 42123 and 1629 – Jerry Kurr, Associate Superintendent of Administration and Business Services
- 8.05 Adopt Resolution #2008/2009-04 Gann Spending Limit - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 8.06 Responses to Santa Clara County Civil Grand Jury Report – Inventory Practices Inadequate in Santa Clara County School Districts – Jerry Kurr, Associate Superintendent of Administration and Business Services and Julie Kasberger, Director of General Services
- 8.07 Alternative Career Technical Training (ACTT) High School – Alan Garofalo, Associate Superintendent of Student Services and Facilities, John Fox, CCOC Director and Geri Forte, Director of Career Services
- 8.08 Approve Unaudited Actuals for 2007-2008, Jerry Kurr, Associate Superintendent of Administration and Business Services
- 8.09 Adopt Resolution #2008/2009-05 to Authorize Adjustments of Expenditures and Adopt Resolution 2008/2009-06 to Authorize Adjustments of Revenues between Undistributed Reserve – Jerry Kurr, Associate Superintendent of Administration and Business Services
- 8.10 Adopt Resolution #2008/2009-07 to Issue Tax and Revenue Anticipation Notes for Fiscal Year 2008/09 – Jerry Kurr, Associate Superintendent of Administration and Business Services
- 8.11 Adopt Resolution #2008/2009-08 to Endorse and Support Measure W Parcel Tax – Bob Nuñez, Superintendent
- 8.12 Request a One-Time Waiver of Board Policy 5142.1 to allow for a Fireworks Display at Andrew Hill High School – Jerry Kurr, Associate Superintendent of Administration and Business Services and Jil Kauffman, Coordinator of Risk Management
- 8.13 Request a One-Time Waiver of Board Policy 5142.1 to allow for a Fireworks Display at Independence High School – Jerry Kurr, Associate Superintendent of Administration and Business Services and Jil Kauffman, Coordinator of Risk Management
- 8.14 Request a One-Time Waiver of Board Policy 5142.1 to allow for a Fireworks Display at Yerba Buena High School – Jerry Kurr, Associate Superintendent of Administration and Business Services and Jil Kauffman, Coordinator of Risk Management
- 8.15 Program Management Services Agreement with The Seville Group, Inc. Measure E General Obligation School Facilities Bond Program – Jerry Kurr, Associate Superintendent of Administration and Business Services
- 8.16 Award Contract for Demographic Services – Jerry Kurr, Associate Superintendent of Administration and Business Services
- 8.17 Approve the change in Governance Operations of KIPP San Jose Collegiate from KIPP Heartwood Academy to KIPP: Bay Area Schools – Dan Moser, Associate Superintendent of Instruction and Human Relations
- 8.18 Approve Amendment to MetroED Joint Powers Agreement (JPA) regarding Temporary Second Alternate Board Member Process– Bob Nuñez, Superintendent
- 8.19 California School Boards Association (CSBA) Candidate Nomination for Directors-at-Large: Asian/Pacific Islander and Hispanic – Bob Nuñez, Superintendent
- 8.20 Second Reading and Adoption of 5000 Board Policy Series – Bob Nuñez, Superintendent and Alan Garofalo, Associate Superintendent of Student Services and Facilities
- 8.21 Second Reading and Adoption of 7000 Board Policy Series– Bob Nuñez, Superintendent and Alan Garofalo, Associate Superintendent of Student Services and Facilities

- 8.22 Approve Variable Term Waiver Requests for Certificated Employees – Dan Moser, Associate Superintendent of Instruction and Human Relations – **Attachment D**
- 8.23 Approve Provisional Internship Permit Requests for Certificated Employees - Dan Moser, Associate Superintendent of Instruction and Human Relations - **Attachment E**
- 8.24 Contracts for Professional Services – Jerry Kurr, Associate Superintendent of Administration and Business Services – **Attachment B**
- 8.25 Memoranda of Understanding – Jerry Kurr, Associate Superintendent of Administration and Business Services – **Attachment C**

9. **Attachment A - Consent Calendar Items**

See Attachment A

10. **Written Reports/Recommendation**

None

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

11.01 Board of Trustees

- Eddie Garcia, Vice President
- Frank Biehl, Member
  - MetroEd Board Update
- George Shirakawa, Clerk
- J. Manuel Herrera, Member
- Lan Nguyen, President

11.02 Bob Nuñez, Superintendent

- Budget Update
  - Letter from the County Superintendent of Schools
- Academic Master Plan
- Jose Valdes Math Program
- Update on the East Side Union High School District Foundation

12. **Closed Session**

12.01 RECONSIDERATION OF EXPULSION – STUDENT A

12.02 PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE  
(Government Code §Section 54957)

12.03 CONFERENCE WITH LABOR NEGOTIATORS  
(*Government Code §Section 54957.6*)

Agency Designated Representatives:

Bob Nuñez, Superintendent

Jerry Kurr, Associate Superintendent of Administration and Business Services

Dan Moser, Associate Superintendent of Instruction and Human Relations

Cathy Giammona, Director of Human Resources

Vida Branner-Siders, Director of Compensation and Classified Employee Relations

Employee Organizations:

American Federation of Teachers (AFT)

California School Employees Association (CSEA)

East Side Teachers Association (ESTA)

12.04 CONFERENCE WITH LEGAL COUNSEL

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Subdivision (a) of Section 54956.9 of the Government Code:

Tessa Cavazos v. East Side Union High School District, et al. (Santa Clara County Superior Court Case No. 107CV085424)

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54969.9 of the Government Code: Three (3) potential cases, claim for damages from Clara Behashti, claim for damages from Elena Castro, and claim for damages from Rosie Zamora.

12.05 CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: Pala Middle School, 149 N. White Road, San Jose, CA 95127  
Alum Rock Union Elementary School District  
District Negotiators: Bob Nuñez, Superintendent  
Jerry Kurr, Associate Superintendent of Administration and  
Business Services  
Rogelio Ruiz, Legal Counsel  
Negotiating Parties: ESUHSD and Alum Rock Union Elementary School District  
Under Negotiation: Property Exchange Terms

Property: ESUHSD Educational Center, 830 N. Capitol Avenue, San Jose,  
CA 95133  
District Negotiators: Bob Nuñez, Superintendent  
Jerry Kurr, Associate Superintendent of Administration and  
Business Services  
Rogelio Ruiz, Legal Counsel  
Negotiating Parties: ESUHSD and Party to be Determined

12.06 PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
(*Government Code §Section 54957*)

12.07 PUBLIC EMPLOYMENT/PUBLIC EMPLOYEE APPOINTMENT  
(*Government Code §Section 54957*)

13 **Report Closed Session Action(s)**

14 **Adjournment**

## Attachment A - Consent Calendar

9. Superintendent asserts that the attached 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.

- 9.01 Ratify and Approve Classified Personnel Actions Presented September 18, 2008
- 9.02 Ratify and Approve Certificated Personnel Actions Presented September 18, 2008
- 9.03 Ratify and Approve Student Aide Personnel Actions Presented September 18, 2008
- 9.04 Purchase Orders Presented September 18, 2008
- 9.05 Approve School Field Trips
- 9.06 Notice of Completion for Flooring at Various School sites (Harry L. Murphy, Inc.) Bid #B-28-07-08
- 9.07 Notice of Completion for the Asphalt at Various School Sites (Galeridge Construction, Inc.) Bid #B-27-07-08
- 9.08 Notice of Completion for the Painting Services of Andrew Hill High School (A & A Painting Services) Bid #B-28-07-08
- 9.09 Notice of Completion for the Roofing at Various School Sites (Andy's Roofing Company) Bid #B-27-07-08
- 9.10 Notice of Completion for Evergreen Valley High School Scoreboard and Sound System
- 9.11 Notice of Completion for Independence High School Stadium Fence Project
- 9.12 Notice of Completion for James Lick High School Stadium Lights Project
- 9.13 Notice of Completion for the Oak Grove High School Building P Modernization Project
- 9.14 Approve Minutes of Special Board Meeting dated July 3, 2008
- 9.15 Approve Minutes of Special Board Meeting #1 dated August 19, 2008
- 9.16 Approve Minutes of Special Board Meeting #2 dated August 19, 2008