

**EAST SIDE UNION HIGH SCHOOL DISTRICT**  
**Regular Meeting of the Board of Trustees**  
**Independence High School – Large Gymnasium**  
**1776 Educational Park Drive**  
**San Jose, CA 95133**

**AGENDA**  
**March 10, 2009**

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 large gymnasium at Independence High School. Anyone wishing to address the Board regarding Closed Session items may speak at this time. The Board will then adjourn to Closed Session in Conference Room C-05.

**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 large gymnasium at Independence High School at approximately 6:00 p.m.)  
**SEE ITEM 2 ON AGENDA (CLOSED SESSION)**

**2. Closed Session**

- 2.01 EXPULSIONS – A-F
- 2.02 PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE  
(*Government Code §Section 54957*)
- 2.03 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)

- 2.04 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code: Two (2) potential cases

- 2.05 CONFERENCE WITH REAL PROPERTY NEGOTIATORS
- 2.06 PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
(Government Code §Section 54957)
- 2.07 PUBLIC EMPLOYMENT/PUBLIC EMPLOYEE APPOINTMENT  
(Government Code §Section 54957)

**Open Session 6:00 P.M. – Independence High School – Large Gymnasium**

- 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 gymnasium.
- 5. **Consideration of Proposed Amendments to Agenda**
- 6. **Board Special Recognition(s)**  
*None*
- 7. **Student Board Liaisons**  
*None*
- 8. **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 gymnasium.
- 9. **Superintendent/Board of Trustees - Operational Items/Board Discussion and/or Action**
  - 9.01 Request to State Board of Education for Temporary Waiver of Budget Reserve Requirement  
(Discussion Only) – Bob Nuñez, Superintendent
  - 9.02 Update: District Conversion to Renewable/Alternative Energy – Bob Nuñez, Superintendent, and Rogelio Ruiz, Legal Counsel
  - 9.03 Update: Potential Impact of Federal Stimulus Package on ESUHSD – Jerry Kurr, Associate Superintendent of Administration and Business Services
  - 9.04A Review, Consideration and Adoption of Resolution #2008/2009-28 Authorizing Reduction or Elimination of Classified Services – Bob Nuñez, Superintendent
  - 9.04B Review, Consideration and Adoption of Resolution #2008/2009-29 Authorizing Reduction or Elimination of Classified Services – Bob Nuñez, Superintendent
  - 9.04C Review, Consideration and Adoption of Resolution #2008/2009-30 Authorizing Reduction or Elimination of Classified Services – Bob Nuñez, Superintendent
  - 9.05 Review, Consideration and Adoption of Resolution #2008/2009-31 Authorizing Reduction or Elimination in Certificated Workforce – Bob Nuñez, Superintendent
  - 9.06 Approve Recommendation for Sports Program – Bob Nuñez, Superintendent
- 10. **Instructional Services - Operational Items/Board Discussion and/or Action**  
*None*
- 11. **Student Services - Operational Items/Board Discussion and/or Action**  
*None*
- 12. **Human Resources - Operational Items/Board Discussion and/or Action**
  - 12.01 Approve Provisional Internship Permit Requests for Certificated Employees – Dan Moser, Associate Superintendent of Instruction and Human Relations - **ATTACHMENT E**
  - 12.02 Rescind the Adoption of Resolution #2008/2009-21 Declaring the Observance of Cesar Chavez Day on March 30, 2009 – Dan Moser, Associate Superintendent of Instruction and Human Relations

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

- 13.01 Approve Second Interim Report – Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.02 Approve Contracts for Professional Services - Jerry Kurr, Associate Superintendent of Administration and Business Services - **ATTACHMENT B**
- 13.03 Approve Memoranda of Understanding - Jerry Kurr, Associate Superintendent of Administration and Business Services - **ATTACHMENT C**
- 13.04 Approve Recommendation for the Measures E and G Pre-Approved Construction Management Firms (CM) List – Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.05 Approve Recommendation for the Measures E and G Pre-Approved DSA Project Inspection Service/Inspector of Record (IOR) List – Jerry Kurr, Associate Superintendent of Administration and Business Services

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

*None*

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

*None*

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

*See Attachment A – Administration recommends approval of the consent items shown on Attachment A.*

**17. Written Reports/Recommendation**

- 17.01 Notification of Truancy Program Audit Report – Patricia Martinez-Roach, Board President

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

- 18.01 Board of Trustees
  - J. Manuel Herrera, Vice President
  - Frank Biehl, Clerk
    - MetroED Board Update
  - Lan Nguyen, Member
  - Eddie Garcia, Member
  - Patricia Martinez-Roach, President

- 18.02 Bob Nuñez, Superintendent

**19. Report Closed Session Action(s)**

**20. Adjournment**

## Attachment A - Consent Calendar

**16. 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.**

- 16.01 Ratify and Approve Classified Personnel Actions Presented March 10, 2009
- 16.02 Ratify and Approve Certificated Personnel Actions Presented March 10, 2009
- 16.03 Ratify and Approve Student Aide Personnel Actions Presented March 10, 2009
- 16.04 Approve School Field Trips
- 16.05 Approve CAHSEE Local Waivers for Special Education Students
- 16.06 Approve Notice of Completion for Andrew Hill High School Phase III Additions and Modernizations (Thermal Mechanical)
- 16.07 Approve Notice of Completion for Andrew Hill High School Phase III Additions and Modernizations (Mastria, Inc.)
- 16.08 Approve Notice of Completion for Andrew Hill High School Phase III Additions and Modernizations, General Trades (Beals Martin, Inc.)
- 16.09 Approve Notice of Completion for Andrew Hill High School Phase III Additions and Modernization, Roofing (Andy's Roofing Company)
- 16.10 Approve Notice of Completion for Andrew Hill High School Phase III Additions and Modernizations, Landscaping (Shooter & Butts, Inc.)
- 16.11 Approve Notice of Completion for Andrew Hill High School Phase III Additions and Modernizations, Concrete (Joseph J. Albanese, Inc.)
- 16.12 Approve Notice of Completion for Yerba Buena High School Modernization, Building 900 Vocational Ed Project (Valhalla Builders)
- 16.13 Approve Change Order #1 for James Lick High School, New Restroom Building (Zolman Construction and Development, Inc.)