

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

**AGENDA**  
**May 21, 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 24 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 Special Board Meeting will begin at 4:00 p.m. in the large gymnasium of 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 room C-05 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 large gymnasium at approximately 6:00 p.m.)  
**SEE ITEM 2 ON AGENDA (CLOSED SESSION)**

**2. Closed Session**

- 2.01 EXPULSIONS – A-C
- 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)

- 2.04a CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code: Four (4) potential cases
- 2.04b CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Subdivision (a) of Section 54956.9 of the Government Code: One (1) Case
- 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 Possible Parcel Tax Measure - Bob Nuñez, Superintendent
  - 9.02 Discussion and/or Action regarding the District’s Sports/Athletics Program for the 2009-2010 School Year; Direction to the Superintendent – Bob Nuñez, Superintendent
  - 9.03 Receive Second Reading to Amend Board By Law 9270 Conflict of Interest – Patricia Martinez-Roach, Board President
  - 9.04 Electronic Board Guidelines – Patricia Martinez-Roach, Board President
- 10. **Instructional Services - Operational Items/Board Discussion and/or Action**
  - 10.01 Authorization to Issue Notice of Remedy to MACSA Academia Calmecac Charter School – Dan Moser, Associate Superintendent of Instruction and Human Relations
  - 10.02 Adopt Resolution #2008/2009-34 to Grant Continuance of Agreement with the Child Development Program and CDE – CRPM-8150 – Dan Moser, Associate Superintendent of Instruction and Human Relations
  - 10.03 Present District/School Goals – Dan Moser, Associate Superintendent of Instruction and Human Relations, Juan Cruz, Principal, Yerba Buena High School and Grettel Castro-Stanley, Independence High School

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

- 11.01 Accept 2009-2010 Comprehensive School Safety Plan – Alan Garofalo, Associate Superintendent of Student Services and Facilities
- 11.02 Approve Designation of California Interscholastic Federation Representatives to League for 2009-2010 – Alan Garofalo, Associate Superintendent of Student Services and Facilities
- 11.03 Update on Sports/Athletics Program – Alan Garofalo, Associate Superintendent of Student Services and Facilities
- 11.04 Acceptance of Donations, Grants and Awards – Bob Nuñez, Superintendent

**12. Human Resources - Operational Items/Board Discussion and/or Action**

- 12.01 Approve Classified Job Description and Salary Range for Child Care Assistant II – Jerry Kurr, Associate Superintendent of Administration and Business Services
- 12.02 Approve Certificated Administrative Job Description and Reduction in Salary Range for Dean of Students – Dan Moser, Associate Superintendent of Instruction and Human Relations
- 12.03 Declaration of Need for Fully Qualified Educators as Needed – Dan Moser, Associate Superintendent of Instruction and Human Relations
- 12.04 Approve Student/Certificated/Classified/Management Calendar for the 2009-2010 School Year – Dan Moser, Associate Superintendent of Instruction and Human Relations
- 12.05 Approve Adult Education Calendar for the 2009-2010 School Year – Dan Moser, Associate Superintendent of Instruction and Human Relations

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

- 13.01 Hold Public Hearing at 7:30 p.m. regarding the Usage of Tier III Categorical Program Funds as Unrestricted Funds - Jerry Kurr, Associate Superintendent of Administration and Business Services, and Dan Moser, Associate Superintendent of Instruction and Human Relations
- 13.02 Adopt Resolution #2008/2009-35 An Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546 – Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.03 Approve Purchase Orders Presented on May 21, 2009 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.04 Approve Budget Transfers Presented on May 21, 2009 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.05 Approve Contracts for Professional Services - Jerry Kurr, Associate Superintendent of Administration and Business Services - **ATTACHMENT B**
- 13.06 Approve Memoranda of Understanding – Jerry Kurr, Associate Superintendent of Administration and Business Services – **ATTACHMENT C**
- 13.07 Approve Second Reading and Adoption of Board Policies 3000 Series - 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**

- 15.01 Adult Education Program Presentation – Richard Uribe, Director of Adult Education

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

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

**17. Written Reports/Recommendation**

*None*

**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/Approve Classified Personnel Actions/Retirements Presented May 21, 2009
  - 16.02 Ratify/Approve Certificated Personnel Actions Presented May 21, 2009
  - 16.03 Ratify/Approve Student Aide Personnel Actions Presented May 21, 2009
  - 16.04 Approve School Field Trips
  - 16.05 Approve CAHSEE Local Waivers for Special Education Students
  - 16.06 Approve New Courses: Carpentry 1 and 2
  - 16.07 Approve Updated Course Descriptions: Business, Career Technical Education and Industrial Education
  - 16.08 Approve New Textbooks and Novels: Carpentry, American Technical Publishers; Modern Cabinetmaking, Goodheart -Wilcox; Ender's Game, Heyday Books; A Lesson Before Dying, Knopf Publishing Group
  - 16.09 Approve the Amended General Child Care & Development Program Agreement with CDE – CCTR-8404
  - 16.10 Approve the Child Development Program Agreement with CDE – CIMS-8634
  - 16.11 Approve the Child Development Program Agreement with CDE – CSCC-8343
  - 16.12 Approve the Child Development Program Agreement with CDE – CCAP-8412
  - 16.13 Approve Change Order #1 for Independence High School, Vocational Ed Modernization Project (Beals Martin, Inc)
  - 16.14 Approve Change Order #1 for W.C. Overfelt High School Phase IV New Science Building Increment II Project (American Steel & Stairways, Inc.)
  - 16.15 Approve Change Order #1 for W.C. Overfelt High School Phase IV New Science Building Increment II Project (BCI Builders, Inc.)
  - 16.16 Approve Change Order #1 for W.C. Overfelt High School Phase IV New Science Building Increment II Project (Dolan Concrete Construction)
  - 16.17 Approve Change Order #1 for W.C. Overfelt High School Phase IV New Science Building Increment II Project (George E. Masker, Inc.)
  - 16.18 Approve Change Order #1 for W.C. Overfelt High School Phase IV New Science Building Increment II Project (Jensen Corporation Landscape Contractors)
  - 16.19 Approve Change Order #1 for W.C. Overfelt High School Phase IV New Science Building Increment II Project (Ray L. Hellwig Mechanical Company, Inc.)
  - 16.20 Approve Change Order #1 for W.C. Overfelt High School Phase IV New Science Building Increment II Project (Reinhart Roofing, Inc.)
  - 16.21 Approve Change Order #1 for W.C. Overfelt High School Phase IV New Science Building Increment II Project (Sasco Electric)

- 16.22 Notice of Completion for James Lick High, Yerba Buena and Piedmont Hills High Schools Restroom Modification Project (Rodan Builders, Inc.)
- 16.23 Approve Minutes of January 24, 2009, Special Board Meeting
- 16.24 Approve Minutes of February 7, 2009, Special Board Meeting
- 16.25 Approve Minutes of February 19, 2009, Regular Board Meeting
- 16.26 Approve Minutes of March 2, 2009, Special Board Meeting
- 16.27 Approve Minutes of March 10, 2009, Regular Board Meeting
- 16.28 Approve Minutes of April 9, 2009, Regular Board Meeting
- 16.29 Approve Minutes of April 21, 2009, Special Board Meeting