

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

**AGENDA**  
**June 4, 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 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*)
- 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 2 ON AGENDA (CLOSED SESSION)**

**2. Closed Session**

- 2.01 EXPULSIONS – A-E
- 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: Six (6) potential cases
- 2.05 CONFERENCE WITH REAL PROPERTY NEGOTIATORS
- Property: ESUHSD Educational Center, or portion thereof  
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  
Real Estate Representatives Sam Swan, Bob Hunt and Andre Hunt
- Negotiating Parties: ESUHSD and Party To Be Determined
- 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. – Education Center Board Room**

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 Board Room.
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 Board Room.
9. **Instructional Services - Operational Items/Board Discussion and/or Action**
- 9.01 Foothill High School Presentation - Dan Moser, Associate Superintendent of Instruction and Human Relations, and Lynne Murray, Principal, Foothill High School
- 9.02 Independence High School Presentation - Dan Moser, Associate Superintendent of Instruction and Human Relations, and Grettel Castro-Stanley, Principal, Independence High School
- 9.03 Update on Summer School 2009 - Dan Moser, Associate Superintendent of Instruction and Human Relations

9.04 Petition for Proposed Downtown College Prep – Alum Rock Charter School - Dan Moser, Associate Superintendent of Instruction and Human Relations

**10. Superintendent/Board of Trustees - Operational Items/Board Discussion and/or Action**

- 10.01 Hold Public Hearing at Approximately 7:00 p.m. Regarding the Consideration of an Energy Conservation Project – Jerry Kurr, Associate Superintendent of Administration and Business Services, Alan Garofalo, Associate Superintendent of Student Services and Facilities, and Rogelio Ruiz, Legal Counsel
- 10.02 Approval to Proceed with Solar and Energy Efficiency Project and Accept the California Solar Initiative Reservation Letter/Program Contract for Energy Incentives to Install Solar Projects – Jerry Kurr, Associate Superintendent of Administration and Business Services, Alan Garofalo, Associate Superintendent of Student Services and Facilities, and Rogelio Ruiz, Legal Counsel
- 10.03 Presentation on 21st Century Collaborative and Educational High Speed Network – Alan Garofalo, Associate Superintendent of Student Services and Facilities, Dan Moser, Associate Superintendent of Instruction and Human Relations, Jerry Kurr, Associate Superintendent of Administration and Business Services, and Maz Zabaneh, Cisco Public Sector Account Manager
- 10.04 Foundation Update – Eddie Garcia, Board Member and Cindy Chavez, California Leadership Services, LLC
- 10.05 Adopt Resolution #2008/2009-36 Senate Constitutional Amendment 6 (Simitian) - Frank Biehl, Board Clerk
- 10.06 District Asset Evaluation, Utilization and Disposition Plan: District Office Property – Patricia Martinez-Roach, Board President

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

- 11.01 ESTA Safety Survey Results - Alan Garofalo, Associate Superintendent of Student Services and Facilities, and Marisa Hanson, ESTA President
- 11.02 Adopt Santa Clara County Office of Education / East Side Union High School District's Expelled Plan for Youth - Alan Garofalo, Associate Superintendent of Student Services and Facilities

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

*None*

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

- 13.01 Budget Update – 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 Facilities/Construction Update

**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 Approve School Field Trips
- 16.02 Approve CAHSEE Local Waivers for Special Education Students
- 16.03 Approve Change Order #1 for W. C. Overfelt High School Science Building Audio/Visual System and Security Camera Project (Cupertino Electric, Inc.)
- 16.04 Approve Notice of Completion for Independence High School, Vocational Ed Modernization Project (Beals Martin, Inc.)
- 16.05 Approve Notice of Completion for W. C. Overfelt High School Phase IV New Science Building Increment II Project (American Steel & Stairways, Inc.)
- 16.06 Approve Notice of Completion for W. C. Overfelt High School Phase IV New Science Building Increment II Project (BCI Builders, Inc.)
- 16.07 Approve Notice of Completion for W. C. Overfelt High School Phase IV New Science Building Increment II Project (Dolan Concrete Construction)
- 16.08 Approve Notice of Completion for W. C. Overfelt High School Phase IV New Science Building Increment II Project (George E. Masker Inc.)
- 16.09 Approve Notice of Completion for W. C. Overfelt High School Phase IV New Science Building Increment II Project (Jensen Corporation Landscape Contractors)
- 16.10 Approve Notice of Completion for W.C. Overfelt High School Phase IV New Science Building Increment II Project (Ray L. Hellwig Mechanical Company)
- 16.11 Approve Notice of Completion for W.C. Overfelt High School Phase IV New Science Building Increment II Project (Reinhardt Roofing Inc.)
- 16.12 Approve Notice of Completion for W.C. Overfelt High School Phase IV New Science Building Increment II Project (Sasco Electric)
- 16.13 Approve Notice of Completion for W.C. Overfelt High School Science Building Audio/Visual System and Security Camera Project (Cupertino Electric, Inc.)