

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

**AGENDA**  
**June 18, 2009**

**AMENDED**

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-B
- 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: One (1) potential case

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 Approve the 2009 - 2010 Single School Plan for Student Achievement – Dan Moser, Associate Superintendent of Instructional Services and Human Relations

9.02 Approve the Appointment of Representatives to the South East Special Education Local Planning Areas Community Advisory Council Meetings – Dan Moser, Associate Superintendent of Instructional Services and Human Relations

9.03 Approval of Consolidated Program Application Part I for 2009-2010 – Dan Moser, Associate Superintendent of Instructional Services and Human Relations

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

- 10.01 Hold Public Hearing at approximately 6:45 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 Approve Expenditure from Capital Fund for qualified Future Measure G Project – Bob Nuñez, Superintendent
- 10.03 East Side Education Foundation Update – Bob Nuñez, Superintendent
- 10.04 Waiver Authorizing Use of Capital Funds for Operational Purposes; Discussion Only – Patricia Martinez-Roach, Board President
- 10.05 Review, Consideration and Adoption of Resolution #2008/2009-37 Authorizing Reduction or Elimination in Certificated Workforce - Bob Nuñez, Superintendent
- 10.06 Review, Consideration and Adoption of Resolution #2008/2009-39 Authorizing Decrease in Number of Certificated Administrative Employees - Bob Nuñez, Superintendent
- 10.07 MACSA Academia Calmecac Charter School: Hold Public Hearing at approximately 7:30 p.m. to determine whether Evidence Exists to Revoke MACSA Academia Calmecac Charter - Bob Nuñez, Superintendent

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

- 11.01 Accept Donations, Grants and Awards - Alan Garofalo, Associate Superintendent of Student Services and Facilities and Jerry Kurr, Associate Superintendent of Administration and Business Services

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

- 12.01 Receive California School Employees Association (CSEA) Initial Bargaining Proposals - Jerry Kurr, Associate Superintendent of Administration and Business Services and Vida Branner-Siders, Director of Compensation and Classified Employee Relations

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

- 13.01 Hold Public Hearing at approximately 7:00 p.m. regarding the 2009-2010 Proposed Budget - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.02 Approve Purchase Orders Presented on June 18, 2009 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.03 Approve Budget Adjustments - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.04 Approve Fund Number Change:
  - From: Fund 19 General Reserve
  - To: Fund 17 General Reserve FundJerry 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

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

- 14.01 Scope and Funding Adjustments to Measure E Projects for Independence, Mt. Pleasant, Santa Teresa and Evergreen Valley High Schools, the Project Assignment for the District-Wide Technology Allocation, *and the Modernization of the Calero Site* – Alan Garofalo, Associate Superintendent of Student Services and Facilities

**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**

*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 Presented June 18, 2009

16.02 Ratify/Approve Certificated Personnel Actions Presented June 18, 2009

16.03 Ratify/Approve Student Aide Personnel Actions Presented June 18, 2009

16.04 Approve School Field Trips

16.05 Award of Bids

16.06 Approve Superintendent or Designee to Authorize Summer Projects

16.07 Approve Minutes of May 12, 2009, Special Board Meeting

16.08 Approve Minutes of May 21, 2009, Special Board Meeting