

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

**AGENDA**  
**August 20, 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 – NONE
- 2.02 PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE/COMPLAINTS/  
ADMINISTRATIVE LEAVE (Government Code Section 54957)
- 2.03 CONFERENCE WITH LABOR NEGOTIATORS  
(*Government Code Section 54957.6*)  
  
Agency Designated Representatives:  
Dan Moser, Acting Superintendent  
Jerry Kurr, Associate Superintendent of Administration and Business Services  
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 – EXISTING LITIGATION  
Subdivision (b) of Section 54956.9 of the Government Code:  
Claim for damages of R. Campos
- 2.04b 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
- 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)**
  - 6.01 Presentation of Check by Save Our Sports (SOS) Committee to East Side Union High  
School District
- 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 New Textbooks: Access: Introduction to Travel and Tourism,  
Cengage Delmar Learning: Hospitality and Tourism, Glencoe/McGraw Hill;  
Graphics Design Solutions, Thomson Delmar Learning – Dan Moser, Acting Superintendent  
and Robert Ibarra, Coordinator of Professional Development
  - 9.02 Approve New Course: Psychology and Education – Dan Moser, Acting Superintendent  
and Robert Ibarra, Coordinator of Professional Development
- 10. **Superintendent/Board of Trustees - Operational Items/Board Discussion and/or Action**
  - 10.01 Approve Retainer Agreement for Independent Investigation/Legal Services with the  
Law Office of Hanson Bridgett, LLP – Dan Moser, Acting Superintendent

10.02 Approve Retainer Agreement for Counsel Legal Services for 2009-2010 with the Law Offices of Rheon & Roberts – Dan Moser, Acting Superintendent

10.03 Report on Legal Services – Dan Moser, Acting Superintendent

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

*None*

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

12.01 Hold Public Hearing at Approximately 6:30 p.m. – Receive Initial Proposal for Successor Contract: From CSEA to ESUHSD; From ESUHSD to CSEA - Jerry Kurr, Associate Superintendent of Administration and Business Services and Vida Branner-Siders, Director of Compensation and Classified Employee Relations

12.02 Adopt ESUHSD Initial Bargaining Proposal for the Upcoming Successor Agreement with California School Employees Association - 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 Resolution #2009/2010-02 Authorizing Filing of Application for Qualified School Construction Bond (“QSCB”) Allocation with the California Department of Education – Jerry Kurr, Associate Superintendent of Administration and Business Services

13.02 Adopt Resolution #2009/2010-03 Inter-Fund Temporary Transfer for Cash Flow Purposes – Jerry Kurr, Associate Superintendent of Administration and Business Services

13.03 Adopt Resolution #2009/2010-04 to Authorize Adjustments to Expenditures and Adopt Resolution #2009/2010-05 to Authorize Adjustments of Revenues between Undistributed Reserve - Jerry Kurr, Associate Superintendent of Administration and Business Services

13.04 Acceptance of Donations, Grants and Awards - Jerry Kurr, Associate Superintendent of Administration and Business Services

13.05 Approve Purchase Orders Presented on August 20, 2009 - Jerry Kurr, Associate Superintendent of Administration and Business Services

13.06 Approve Contracts for Professional Services - Jerry Kurr, Associate Superintendent of Administration and Business Services - ATTACHMENT B

13.07 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 Measure G and Measure E Citizens’ Bond Oversight Committee Third Quarter Report – Alan Garofalo, Associate Superintendent of Student Services and Facilities and John Moore, Chairperson of Citizens’ Bond Oversight Committee

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

15.01 Approve Carl D. Perkins 1132 Grant 2009-2010 Grant Application for East Side Adult Education Program - Alan Garofalo, Associate Superintendent of Student Services and Facilities, and Cari Vaeth, 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**

17.01 Warrant Register Issued for Month of July 2009

**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 Dan Moser, Acting 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 August 20, 2009

16.02 Ratify/Approve Certificated Personnel Actions Presented August 20, 2009

16.03 Ratify/Approve Student Aide Personnel Actions Presented August 20, 2009

16.04 Ratify Awarding the Request for Proposals (RFP), RFP-01-09-10, for a Contract for the Purchase of Food Service Equipment for Yerba Buena & W.C. Overfelt High Schools

16.05 Ratify Awarding the Request for Proposals (RFP), RFP-05-08-09, for a Contract for the Purchase of Security Guard Services for the Adult Education Program

16.06 Ratify Awarding the Bid Award B-16-08-09 for Food and Nutrition Services

16.07 Award of Bids

16.08 Approve Minutes of June 4, 2009, Regular Board Meeting

16.09 Approve Minutes of June 18, 2009, Regular Board Meeting

16.10 Approve Minutes of June 25, 2009, Special Board Meeting

16.11 Approve Minutes of July 28, 2009, Special Board Meeting

16.12 Approve Minutes of July 31, 2009, Special Board Meeting