

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

AMENDED

AGENDA
September 17, 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 4:30 P.M.

The Regular Board Meeting will begin at 4:30 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
- 2.04b CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code: Three (3) 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: Dan Moser, Acting 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
- Under Negotiation: Price and Terms
- 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 Mel Goertz
6.02 Robert Enright
7. **Student Board Liaisons**
None – Scheduled for October Board Meeting
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 James Lick High School Presentation – Dan Moser, Acting Superintendent and Glenn VanderZee, Principal
- 9.02 Mt. Pleasant High School Presentation – Dan Moser, Acting Superintendent and Teresa Marquez, Principal
- 9.03 Accept the Second Valenzuela/CASHEE and Williams Settlement Uniform Complaints Quarterly Report for Period Covering April 1, 2009 through June 30, 2009 as required by EC 35186 (Williams Settlement Legislation SB550 and AB2727) – Dan Moser, Acting Superintendent and Robert Ibarra, Coordinator of Professional Development
- 9.04 Adopt Resolution #2009/2010-06 to Authorize Signature for the Department of Rehabilitation Contract – Dan Moser, Acting Superintendent and Carole Hersom, Coordinator of Special Services
- 9.05 Adopt Resolution #2009/2010-07 and Contract -CSPP-9585 California State Preschool Program - Dan Moser, Acting Superintendent and Deborah Barnes, Coordinator of Child Development
- 9.06 Adopt Resolution #2009/2010-09 and Contract - CCTR-9321 General Child Care & Development Program - Dan Moser, Acting Superintendent and Deborah Barnes, Coordinator of Child Development

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

- 10.01 Presentation on Oakland Raiders Fundraising – Paul Engl, Premium Sales and Fundraising Manager and Patricia Martinez-Roach, Board President
- 10.02 Receive First Reading to Amend Board Policy #3350 Travel Expenses – Patricia Martinez-Roach, Board President
- 10.03 Update/Discussion/Action regarding Ad Hoc Board Audit Committee - Frank Biehl, Board Clerk and J. Manuel Herrera, Board Vice President
- 10.04 Discussion and Ratification on Administration’s Response to Santa Clara County Civil Grand Jury Report: Santa Clara County Schools, Inventory Practices – Dan Moser, Acting Superintendent
- 10.05 Discuss, Consider and Approve Response to Santa Clara County Civil Grand Jury Report re: Board Compensation, Superintendent Compensation and Legal Expenses – Dan Moser, Acting Superintendent
- 10.06 Proposed Compensation and Compensation for Acting Superintendent – Patricia Martinez-Roach, Board President
- 10.07 [California School Boards Association \(CSBA\) Candidate Nomination for Directors-at-Large: American Indian, Black and County](#)

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

- 11.01 Approve Rates of Pay Increase for Campus Police Officers - Alan Garofalo, Associate Superintendent of Student Services and Facilities

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

- 12.01 Approve Variable Term Waiver Request for Certificated Employees - Dan Moser, Acting Superintendent and Cathy Giammona, Director, Human Resources - **ATTACHMENT D**
- 12.02 Approve Provisional Internship Permit Requests for Certificated Employees – Dan Moser, Acting Superintendent and Cathy Giammona, Director, Human Resources - **ATTACHMENT E**
- 12.03 Approve Request for Use of Education Code Section 44258.3 - Teachers on Special Assignment Authorizations for the 2009-2010 School Year - Dan Moser, Acting Superintendent and Cathy Giammona, Director, Human Resources

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

- 13.01 Hold Public Hearing Approximately at 6:30 p.m. for Gann Spending Limit - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.02 Adopt Resolution #2009/2010-08 Gann Spending Limit - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.03 Hold Public Hearing Approximately at 6:45 p.m. for Cellular and Wireless Internet Installations on School Sites – Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.04 Approve Proceeding with Negotiations for Agreements for Cellular and Wireless Internet Installations on School Sites - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.05 Approve Unaudited Actuals for 2008-2009 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.06 Approve East Side Union High School District and Metropolitan Education District Master Business Relationship Agreement for 2009/10 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.07 Request for One-Time Waivers of Board Policy 5142.1 to Allow for a Fireworks Display at Evergreen Valley High School on October 30, 2009 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.08 Request for One-Time Waivers of Board Policy 5142.1 to Allow for a Fireworks Display at Independence High School on October 9, 2009 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.09 Request for One-Time Waivers of Board Policy 5142.1 to Allow for a Fireworks Display at Yerba Buena High School on October 16, 2009 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.10 Acceptance of Donations, Grants and Awards - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.11 Accept Warrant Register for the Month of August 2009 - Jerry Kurr, Associate Superintendent of Administration and Business Services

- 13.12 Approve Budget Transfers Presented September 17, 2009 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.13 Approve Purchase Orders Presented September 17, 2009 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.14 Approve a Five (5) Year Lease/Purchase Agreement with Daimler Truck Finance for the Lease/Purchase of Seven (7) Thomas Built Saf-T-Liner C2 191TS School Buses – Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.15 Approve Contracts for Professional Services at or below \$50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services - **ATTACHMENT B-1**
- 13.16 Approve Contracts for Professional Services over \$50,001 - Jerry Kurr, Associate Superintendent of Administration and Business Services - **ATTACHMENT B-2**
- 13.17 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 Approve Participation for Earth Day Network Project at William C. Overfelt High School - Alan Garofalo, Associate Superintendent of Student Services and Facilities, and Vito Chiala, Principal of William C. Overfelt High School
- 14.02 Discussion on Electronic Board Guidelines – Dan Moser, Acting Superintendent and 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

- 17.01 Quarterly Report on Santa Clara County Treasury Investment Portfolio Status as of June 30, 2009
- 17.02 Extraordinary Audit of the Mexican American Community Services Agency (MACSA's) El Portal Leadership Academy and Academia Calmecac Charter Schools

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 September 17, 2009
 - 16.02 Ratify/Approve Certificated Personnel Actions Presented September 17, 2009
 - 16.03 Ratify/Approve Student Aide Personnel Actions Presented September 17, 2009
 - 16.04 Approve Field Trips
 - 16.05 Award of Bids
 - 16.06 Award the Request for Proposals (RFP), RFP-04-08-09, the Network Infrastructure Upgrade and Telecommunications System, which falls under the District Technology Plan and is a Board approved Measure E Project
 - 16.07 Award the Request for Proposals (RFP), RFP-02-09-10, for Contracts for the Purchase of Stores Warehouse Supplies
 - 16.08 Approve Notice of Completion for Evergreen Valley High School, Building B Kiln Room Project (Rodan Builders, Inc.)
 - 16.09 Approve Minutes of July 31, 2009, Special Board Meeting