

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

**AGENDA**  
**October 8, 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

Kinetics Mechanical Services, Inc. vs. East Side Union High School District,  
Santa Clara County Superior Court

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

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*)

- *Title: Superintendent*

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 Dedication of the Sand Volleyball Court at Independence High School

6.02 2010 National Merit Scholarship Program Semi-Finalists

**Andrew Hill High School**

- *James Tran*

Evergreen Valley High School

- *Tsu-Hsien (Jeff) Chan*
- *Josh W. Chen*
- *Akash A. Gupta*
- *Lichen Han*
- *Lucia Y. Huang*
- *Katie J. Kim*
- *Neha Palacherla*

Independence High School

- *Abby Wang*

Oak Grove High School

- *Jeannie N. Tran*

Piedmont Hills High School

- *Alan Chang*
- *Jefferson Lai*
- *Benjamin Le*
- *Cathy C. Wu*

Santa Teresa High School

- *James H. Leet*

**7. Student Board Liaisons**

- 7.01 Gabriel Valdez, Student Representative - Foothill High School  
7.02 Quyen Huynh, ASB President, Andrew Hill High School

**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 Summary Report of Student Achievement 2008-2009 and Program Improvement - Dan Moser, Acting Superintendent and Kirsten King, Coordinator of Testing, Evaluation and Research
- 9.02 Hold Public Hearing at 6:30 p.m. to Adopt Resolution Regarding Sufficiency of Textbooks and Instructional Materials per Education Code 60119 - Dan Moser, Acting Superintendent and Robert Ibarra, Coordinator of Professional Development/Migrant Education
- 9.03 Adopt Resolution #2009/2010-10 Regarding the Sufficiency of Textbooks and Instructional Materials - Dan Moser, Acting Superintendent and Robert Ibarra, Coordinator of Professional Development/Migrant Education

10. **Superintendent/Board of Trustees - Operational Items/Board Discussion and/or Action**
  - 10.01 Report of Hanson Bridgett Law Firm regarding Investigation concerning Citizen Complaints to Santa Clara County Office of Education – Patricia Martinez-Roach, Board President
  - 10.02 Approve Second Reading and Adopt Board Policy #3350 Travel Expenses - Patricia Martinez-Roach, Board President
  - 10.03 Receive First Reading of Board Policy #9250 Remuneration, Reimbursement and Other Benefits – Dan Moser, Acting Superintendent
  - 10.04 Discuss/Recommend Action on Potential Solar/Renewable Energy Project - Jerry Kurr, Associate Superintendent of Administration and Business Services, Alan Garofalo, Associate Superintendent of Student Services and Facilities, and Rogelio Ruiz, Legal Counsel
  - 10.05 First Reading: Proposed Audit Committee Charter and Related Board Policy Amendments – Member Frank Biehl and Board Secretary J. Manuel Herrera, Ad Hoc Audit Committee
  - 10.06 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
  - 10.07 California Latino School Boards Association (CLSBA) Candidate Nomination for At-Large Board of Director – Dan Moser, Acting Superintendent
11. **Student Services - Operational Items/Board Discussion and/or Action**
  - 11.01 Update on Sports/Athletics Program - Alan Garofalo, Associate Superintendent of Student Services and Facilities
12. **Human Resources - Operational Items/Board Discussion and/or Action**
  - 12.01 Ratify and Approve the Tentative California School Employees Association (CSEA) Successor Agreement July 1, 2009-June 30, 2010; Disclosure of Major Provisions and Costs per AB1200 - Jerry Kurr, Associate Superintendent of Administration and Business Services and Vida Branner-Siders, Director of Compensation/ Classified Employee Relations
  - 12.02 Approve Classified Job Description and Salary Range for Pupil Transportation Driver for Special Needs Students – Jerry Kurr, Associate Superintendent of Administration and Business Services and Vida Branner-Siders, Director of Compensation/Classified Employee Relations
13. **Business Services - Operational Items/Board Discussion and/or Action**
  - 13.01 Adopt Resolution #2009/2010-11 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
  - 13.02 Adopt Resolution 2009/2010-12 Providing for the Issuance and Sale of GOB, 2008 Election, Series B, in the Aggregate Principal Amt. of not to exceed \$25,000,000 in Connection with Qualified School Construction Bond - Jerry Kurr, Associate Supt of Administration and Business Services

- 13.03 Acceptance of Donations, Grants and Awards - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.04 Accept Warrant Register for the Month of September 2009 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.05 Approve Budget Transfers Presented October 8, 2009 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.06 Approve Purchase Orders Presented on October 8, 2009 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.07 Approve Contracts for Professional Services at or below \$50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.08 Approve Contracts for Professional Services over \$50,001 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.09 Approve Memoranda of Understanding - Jerry Kurr, Associate Superintendent of Administration and Business Services

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

- 14.01 Adopt Resolution #2009/2010-13 San Jose Conservation Corps Charter School Rehabilitation Funding - Alan Garofalo, Associate Superintendent of Student Services and Facilities
- 14.02 Approve Recommendation for New Plan and Use of State Modernization Funding Grant for Mt. Pleasant High School - Alan Garofalo, Associate Superintendent of Student Services and Facilities, and June Francis Rono, Ph.D., Director of Facilities and Planning
- 14.03 Approve Purchase Orders for Professional Services as Specified for the Measures G and E Bond Building Projects - Alan Garofalo, Associate Superintendent of Student Services and Facilities, and June Francis Rono, Ph.D., Director of Facilities and Planning

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

- 15.01 Adult Education Program - Assessment and Accountability Presentation - 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**

*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 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 October 8, 2009

16.02 Ratify/Approve Certificated Personnel Actions Presented October 8, 2009

16.03 Ratify/Approve Student Aide Personnel Actions Presented October 8, 2009

16.04 Approve School Field Trips

16.05 Approve Notice of Completion for Oak Grove High School, Building Q Kiln Room Project (Rodan Builders, Inc.)

16.06 Approve Minutes of August 20, 2009, Regular Board Meeting

16.07 Approve Minutes of September 17, 2009, Regular Board Meeting

16.08 Approve Minutes of September 25, 2009, Special Board Meeting