

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

AGENDA
February 18, 2010

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) 347-5011. 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 EXPULSION(S): *None*
- 2.02 PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE/COMPLAINTS/
ADMINISTRATIVE LEAVE (*Government Code Section 54957*)
- 2.03 PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(*Government Code Section 54957*)
- 2.04 PUBLIC EMPLOYMENT/PUBLIC EMPLOYEE APPOINTMENT
(*Government Code Section 54957*)

- *Associate Superintendent of Student Services and Facilities*
- *Associate Superintendent of Administration and Business Services*
- *Interim Associate Superintendent of Human Resources and Instruction*
- *Interim Director 2 – Instructional Services (1)*
- *Interim Associate Principal (1)*

2.05 CONFERENCE WITH LABOR NEGOTIATORS
(Government Code Section 54957.6)

Agency Designated Representatives:

Dan Moser, Interim Superintendent

Jerry Kurr, Associate Superintendent of Administration and Business Services

Cathy Giammona, Interim Associate Superintendent of Human Resources and Instruction

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)

2.06a CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Subdivision (a) of Section 54956.9 of the Government Code: Two (2) Cases

- Office of Administrative Hearings Case No. 2009090441
- Kinetics Mechanical Services, Inc. vs. East Side Union High School District, Santa Clara County Superior Court, Case No. 109CV141312

2.06b 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

2.06c CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code: One (1) potential case

2.07 CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: ESUHSD Educational Center, or portion thereof
830 N. Capitol Avenue
San Jose, CA 95133

District Negotiators: Dan Moser, Interim 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, Santa Clara Valley Water District, and
Other Parties To Be Determined

Under Negotiation: Price and Terms

Open Session at approximately 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 Martin Luther King, Jr. Contest Grand Prize Winners

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 Jose Valdes Presentation – The Jose Valdes Institute and Julio Pardo

9.02 International Baccalaureate (IB) Program Update – Lan Nguyen, Board Vice President, and Dan Moser, Interim Superintendent

9.03 Approval of Consolidated Program Application (Con App) Part II for 2009-2010 - Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction; and Tim Nguyen, Coordinator of English Language Learners Supplementary Education

9.04 Adopt Resolution #2009/2010-28 California Department of Education Child Development Division Grant for 2009 thru 2010 - Contract CIMS-9641 for Instructional Materials and Supplies - Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction and Deborah Barnes, Coordinator of Child Development

9.05 Conduct Public Hearing on the Provisions of the Charter School Petition Submitted by Crosscultural Institute of Green Technology (CIGT) (Education Code Section 47605(b)) - Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction

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

10.01 Presentation/Discussion/Action regarding Fiscal Crisis and Management Assistance Team (FCMAT) Extraordinary Audit of the East Side Union High School District - Dr. Charles Weis, Santa Clara County Superintendent of Schools, Eddie Garcia, Board President and Dan Moser, Interim Superintendent

10.02 Opening of Sealed Proposals Received by District for Proposed Cellular and Wireless Communication Antenna Sites at District Facilities per Board Resolution #2009/2010-25 - Dan Moser, Interim Superintendent

- 10.03 Award/Acceptance of Proposals to Lease District Sites for Cellular and Wireless Communication Antenna Purposes per Board Resolution #2009/2010-25 - Dan Moser, Interim Superintendent
- 10.04 Audit Committee Update - Frank Biehl, Audit Committee Chair & Lan Nguyen, Audit Committee Vice Chair
- 10.05 Discussion and/or Action regarding Request for Proposals from Search Firms for a District Superintendent - Dan Moser, Interim Superintendent and Jerry Kurr, Associate Superintendent of Administration and Business Services
- 10.06 Proposed Contract for Interim Associate Superintendent of Human Resources and Instruction Position - Eddie Garcia, Board President
- 10.07 Adopt Resolution #2009/2010-29 Declaring March 7-13, 2010, as Week of the School Administrator – Dan Moser, Interim Superintendent
- 10.08 Adopt Resolution #2009/2010-30 Participation in the Reform Immigration for America National Campaign – Patricia Martinez-Roach, Board Clerk
- 10.09 Adopt Resolution #2009/2010-31 Local Control of Local Classrooms Funding Act – Frank Biehl, Board Member
- 10.10 2010 CSBA Delegate Assembly Election - Dan Moser, Interim Superintendent
- 10.11 Discussion and/or Action regarding Possible Parcel Tax Measure, Eddie Garcia, Board President and Dan Moser, Interim Superintendent
- 10.12 Approve Board Members Attendance and Lawful Expenses to the 33rd Annual EdSource Forum on California Education Policy; SCCSBA Legislative Brunch; SCCSBA Hoffman Awards Dinner - Dan Moser, Interim Superintendent
- 10.13 Report of Interim Superintendent's Conferences/Expenses from January 2010 to February 18, 2010 - Dan Moser, Interim Superintendent
- 10.14 Extension of Contract for Associate Superintendent of Student Services and Facilities – Dan Moser, Interim Superintendent

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

None

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

- 12.01 Approve Provisional Internship Permit Requests for Certificated Employee - Dan Moser, Interim Superintendent; and Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction
- 12.02 Approve Request for Use of Education Code Section 44258.3 - Teacher on Special Assignment Authorization for the 2009-2010 School Year - Dan Moser, Interim Superintendent; and Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction

- 12.03 Approve Student/Certificated Calendar for the 2010-2011 School Year - Dan Moser, Interim Superintendent; and Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction

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

- 13.01 Accept Audit Report for 2008-2009 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.02 Acceptance of Donations, Grants and Awards - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.03 Accept Warrant Register for the Month of January 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.04 Approve Budget Transfers Presented February 18, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.05 Approve Purchase Orders Presented February 18, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.06 Approve Contracts for Professional Services at or below \$50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.07 Approve Contract for Professional Services over \$50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.08 Approve Memoranda of Understanding - Jerry Kurr, Associate Superintendent of Administration and Business Services

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

- 14.01 Approve the Update to the District Facility Design Guidelines - Alan Garofalo, Associate Superintendent of Student Services and Facilities, and June Francis Rono, Ph.D., Director of Facilities and Planning

15. Attachment A - Consent Calendar Items

See Attachment A – Administration recommends approval of the consent items shown on Attachment A.

16. Written Reports/Recommendation

None

17. Board of Trustees/Superintendent Communications/Comments

17.01 Board of Trustees

- Lan Nguyen, Vice President
- Patricia Martinez-Roach, Clerk
- J. Manuel Herrera, Member
- Frank Biehl, Member
- Eddie Garcia, President

17.02 Dan Moser, Interim Superintendent

18. Report Closed Session Action(s)

19. Adjournment

Attachment A - Consent Calendar

15. 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.
- 15.01 Ratify/Approve Classified Personnel Actions Presented February 18, 2010
- 15.02 Ratify/Approve Certificated Personnel Actions Presented February 18, 2010
- 15.03 Ratify/Approve Student Aide Personnel Actions Presented February 18, 2010
- 15.04 Approve Field Trips
- 15.05 Award of Bids
- 15.06 Approve Change Order #1 for Andrew Hill High School, Electronic Marquee Sign and Streetscape Project (Calstate Construction, Inc.)
- 15.07 Approve Change Order #1 for Silver Creek High School, New School Sign Project (Joseph J. Albanese, Inc.)
- 15.08 Approve Notice of Completion for Andrew Hill High School, Electronic Marquee Sign and Streetscape Project (Calstate Construction, Inc.)
- 15.09 Approve Notice of Completion for Foothill High School, Science Building Project (Dolan Concrete)
- 15.10 Approve Notice of Completion for Foothill High School, Science Building Project (El Camino Paving)
- 15.11 Approve Notice of Completion for Foothill High School, Science Building Project (Environmental Systems, Inc.)
- 15.12 Approve Notice of Completion for Foothill High School, Science Building Project (Gonsalves & Stronck)
- 15.13 Approve Notice of Completion for Foothill High School, Science Building Project (Lonestar Landscaping)
- 15.14 Approve Notice of Completion for Foothill High School, Science Building Project (Mastria Painting)
- 15.15 Approve Notice of Completion for Foothill High School, Science Building Project (Radiant Electric Inc.)

- 15.16 Approve Notice of Completion for Santa Teresa High School, Modernization of Auditorium and Music Labs Project (Cal Pacific Construction, Inc.)
- 15.17 Approve Minutes of December 10, 2009, Annual Organizational Meeting and Regular Board Meeting
- 15.18 Approve Minutes of January 14, 2010, Special Board Meeting