

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

AGENDA
March 4, 2010

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) 347-5011. 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 5:00 P.M.

The Regular Board Meeting will begin at **5:00 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 **6:30 p.m.**)

SEE ITEM 2 ON AGENDA (CLOSED SESSION)

2. Closed Session

2.01 Expulsion(s): *Students A-C*

2.02 Public Employee Discipline/Dismissal/Release
(*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*)

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: One (1) Case

- 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

2.07 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 6:30 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 African American Student Achievement

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 SB1802 Procedures Presentation - Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction, Kirsten King, Interim Director of Instructional Services, and Kathleen Jackson, Counseling Subject Area Coordinator

9.02 Approve ARRA Title I Waiver and Plan - Cathy Giammona, Interim Superintendent, Human Resources and Instruction, and Tim Nguyen, Coordinator of English Language Learners Supplementary Education

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

10.01 Discussion/Report/Action on Potential Parcel Tax Ballot Measure - Eddie Garcia, Board President, and Dan Moser, Interim Superintendent

10.02 Response to Santa Clara County Office of Education regarding FCMAT Extraordinary Audit of ESUHSD – Dan Moser, Interim Superintendent

10.03 Discussion and/or Action regarding FCMAT Fiscal Health Risk Analysis Tool of ESUHSD – Dan Moser, Interim Superintendent

10.04 Adopt Resolution #2009/2010-32 Re: Governor Schwarzenegger's Proposed Budget – Frank Biehl, Board Member

10.05 Adopt Resolution #2009/2010-33 Endorsing March 4, 2010 Day of Action -- Stand Up for Schools - Frank Biehl, Board Member

10.06 Approve Board Members' Attendance and Lawful Expenses to the CSBA Delegate Assembly and CSBA 2010 Legislative Action Conference - 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 Hold Public Hearing at Approximately 6:30 p.m.

Accept the Initial Proposal for Successor Contract: From East Side Union High School District to San Jose Federation of Teachers Local 957, AFT, AFL-CIO – Dan Moser, Interim Superintendent, and Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction

12.02 Hold Public Hearing at Approximately 6:30 p.m.

Accept the Initial Proposal for Successor Contract: From East Side Union High School District to California School Employees Association, Chapter 187 - Dan Moser, Interim Superintendent, and Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction

12.03 Hold Public Hearing at Approximately 6:30 p.m.

Accept the Initial Proposal for Successor Contract: From East Side Union High School District to East Side Teachers Association - 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 ADA Recovery Presentation - Jerry Kurr, Associate Superintendent of Administration and Business Services, Dennis Barbata, Director of Information Technology Services, and George Sanchez, Coordinator of Student Services

13.02 Adopt Resolution #2009/2010-34 Authorizing the Issuance and Sale of General Obligation Bonds, 2008 Election, Series B, in the Principal Amount not to Exceed \$100,000,000 – Jerry Kurr, Associate Superintendent of Administration and Business Services

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

None

15. Attachment A - Consent Calendar Items

None

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