

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

AGENDA
May 20, 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): *A-H*
- 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 claim and claims for damages of S. Vu, M. Pham, and Enterprise Rent-A-Car*

2.06c Conference with Legal Counsel – Anticipated Litigation
Initiation of 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 ACSA Region 8 “Every Student Succeeding”

- Jessica Ybarra, Foothill High School

6.02 Winner of the State California Continuation Educators Association (CCEA) Essay Contest

- Corina Sandoval, Foothill High School

6.03 Marzetti uDip National Contest Winner

- Thanh Vu, Andrew Hill High School

6.04 Tieng Viet Men Yeu A

- Authors
 - Lily Lam
 - An Thieu
 - Hoang Dinh
 - Van Huang
 - Diep Vu
 - Co Le
 - Mai Doan
 - Kim-Duong Vo
- Editors
 - Nguyen Ngoc-Bich
 - Nguyet Kim Dinh
- English Editors
 - Julie Andrade
 - Katrina Barbara
- Technical and Language Support
 - Khanh The Vu
 - Tri Cao
- Illustrators
 - Khoa Nguyen
 - Heather Le
- Typists
 - Hoang-Anh Nguyen
 - Nguyet To
 - Ngoc Uong

7. **Student Board Liaisons**
 - 7.01 Californians for Justice
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. **Superintendent/Board of Trustees - Operational Items/Board Discussion and/or Action**
 - 9.01 Discussion and/or Action Parcel Tax Update - Dan Moser, Interim Superintendent
 - 9.02 Board Audit Committee Update – Frank Biehl, Board Audit Committee Chair, and Lan Nguyen, Board Audit Committee Vice Chair
 - 9.03 Discussion and/or Action to Nominate 2010 Outstanding Legislator of the Year – Dan Moser, Interim Superintendent
 - 9.04 Discussion and/or Action regarding Race to the Top Phase 2 MOU – Dan Moser, Interim Superintendent
10. **Instructional Services - Operational Items/Board Discussion and/or Action**
 - 10.01 Program Improvement Report of Findings Presentation - Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction, Mary Stone, The Nascent Group, and Kirsten King, Interim Director of Instructional Services
 - 10.02 Approve Change in Funding Allotment between Contracts CCTR 9321 and CSPP 9585 - Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction
 - 10.03 Discussion and/or Action Regarding Participation in the Bay Area Collaborative - Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction, and Nick Leon, Rotary Member
11. **Student Services - Operational Items/Board Discussion and/or Action**
 - 11.01 Approve Designation of California Interscholastic Federation Representatives to League for 2010-2011 - Alan Garofalo, Associate Superintendent of Student Services and Facilities
 - 11.02 Approve Grant Application for Carl D. Perkins IV Tech Prep Demonstration Site Grant for Yerba Buena High School - Alan Garofalo, Associate Superintendent of Student Services and Facilities, and Cari Vaeth, Director of Adult Education and Career Services
12. **Human Resources - Operational Items/Board Discussion and/or Action**

None
13. **Business Services - Operational Items/Board Discussion and/or Action**
 - 13.01 Accept Third Financial Statement of Projections as required by Education Code 42931,e – Jerry Kurr, Associate Superintendent of Administration and Business Services
 - 13.02 Hold Public Hearing at Approximately 6:00 p.m. for Solar/Renewable Energy Project & Proposed Energy Services Contract (Government Code Section 4217.12) - Jerry Kurr, Associate Superintendent of Administration and Business Services, Alan Garofalo, Associate Superintendent of Student Services & Facilities, and Rogelio Ruiz, Legal Counsel

- 13.03 Hold Public Hearing at Approximately 6:30 p.m. for the Proposed Master Equipment Financing Contract for an Energy Services Contract (Government Code Section 4217.17) – Jerry Kurr, Associate Superintendent of Administration and Business Services, Alan Garofalo, Associate Superintendent of Student Services & Facilities, and Rogelio Ruiz, Legal Counsel
- 13.04 Adopt Resolution #2009/2010-46 Approving Energy Services Contract and Authorizing Lease Purchase Agreement for the Purpose of Financing a Portion of the Solar Renewable Energy Project, Designating the Master Equipment Lease Purchase Agreement as a Tax Exempt Obligation; and Authorizing and Prescribing Other Matters Related Thereto - Jerry Kurr, Associate Superintendent of Administration and Business Services, Alan Garofalo, Associate Superintendent of Student Services & Facilities, and Rogelio Ruiz, Legal Counsel
- 13.05 Adopt Resolution #2009/2010-47 Establishing Investment Account with Wells Fargo to Hold and Trade Donated Stocks and Bonds - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.06 Adopt Resolution #2009/2010-48 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
- 13.07 Approve Lease Agreement with GTE Mobilnet of California Limited Partnership dba Verizon Wireless for Cellular and Wireless Communication Antenna at Santa Teresa High School – Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.08 Receive First Reading of New Board Policy # 3519 Alterations, Modifications, Repairs and Improvements - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.09 Approve Updated Five-Year Deferred Maintenance Plan - 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 April 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.12 Approve Budget Transfers Presented May 20, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.13 Approve Purchase Orders Presented May 20, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.14 Approve Change Orders to Purchase Orders Presented May 20, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services

- 13.15 Approve Purchase of Twelve Relocatable Classrooms from Williams Scotsman for Evergreen Valley High School - Jerry Kurr, Associate Superintendent of Administration and Business Services, Alan Garofalo, Associate Superintendent of Student Services and Facilities, and June Francis Rono, Ph.D., Director of Facilities and Planning
- 13.16 Approve Contracts for Professional Services at or below \$50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.17 Approve Contracts for Professional Services over \$50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.18 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 Measure E Bond Program Status Review and Consideration of Master Budget - 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

- 16.01 Response to Santa Clara County Civil Grand Jury regarding Human Resources Practices and Procedures

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
 - MetroED
 - 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 May 20, 2010
- 15.02 Ratify/Approve Certificated Personnel Actions Presented May 20, 2010
- 15.03 Ratify/Approve Student Aide Personnel Actions Presented May 20, 2010
- 15.04 Approve Field Trips
- 15.05 Approve CAHSEE Local Waivers for Special Education Students
- 15.06 Approve New Courses
- 15.07 Approve Award of Bids
- 15.08 Approve Notice of Completion for Piedmont Hills High School, Title IX Softball Field Improvements Project (Jensen Corporation Landscape Contractors, Inc.)
- 15.09 Approve Notice of Completion for William C. Overfelt High School and Yerba Buena High School, Kitchen Renovation Project (Calstate Construction, Inc.)