

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

AGENDA
August 19, 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
(*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*)

- *Superintendent*
- *Associate Superintendent of Administration and Business Services*
- *Associate Superintendent of Student Services and Facilities*
- *Associate Superintendent of Human Resources and Instructional Services*
- *Internal Auditor*

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, 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)

2.06 Conference with Legal Counsel – Existing Litigation
Subdivision (a) of Section 54956.9 of the Government Code: Two (2) Cases

- *Kinetics Mechanical Services, Inc. vs. East Side Union High School District, Santa Clara County Superior Court, Case No. 109CV141312*
- *Geraldine Forte vs. East Side Union High School District, U.S. District Court for the Northern District of California, San Jose Division, Case Number CV 10-01368 HRL*

2.07 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*

2.08 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 Development Company, 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)

None

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

- 9.01 Board Audit Committee Update - Frank Biehl, Audit Committee Chair and Lan Nguyen, Audit Committee Vice Chair
- 9.02 Discussion and/or Action regarding Parent Voluntary Donations as Recommended by the Latino Parent Coalition - Patricia Martinez-Roach, Board Clerk
- 9.03 Discussion regarding Board By Law #9270, Conflict of Interest; Revolving Door Policy - Patricia Martinez-Roach, Board Clerk
- 9.04 Discussion regarding Hiring Practices of Teachers from Other Countries Who Hold Visas - Patricia Martinez-Roach, Board Clerk
- 9.05 Excuse Absence of Board President Eddie Garcia from July 28, 2010 and August 19, 2010, Board Meetings (Education Code Section 35120) - Dan Moser, Interim Superintendent
- 9.06 Community Communication Initiative - Frank Biehl, Board Member

10. Instructional Services - Operational Items/Board Discussion and/or Action

- 10.01 Hold Public Hearing at Approximately 6:15 p.m. on the Provisions of the Charter School Petitions of: 1) Summit Public School: Rainier Public School; and, 2) Summit Public School: Tahoma Public School to Consider the Level of Support for Each Petition by Teachers Employed by the District, Other Employees of the District, and Parents - Cathy Giammona, Associate Superintendent, Human Resources and Instruction
- 10.02 Discussion Regarding Proposed Charter School Petition for Summit Public School: Rainier Public School - Cathy Giammona, Associate Superintendent, Human Resources and Instruction

- 10.03 Discussion Regarding Proposed Charter School Petition for Summit Public School: Tahoma Public School - Cathy Giammona, Associate Superintendent, Human Resources and Instruction
- 10.04 Adopt Resolution #2010/2011-03 and Contract – CCTR-0324 General Child Care & Development Program - Cathy Giammona, Associate Superintendent, Human Resources and Instruction
- 10.05 Adopt Resolution #2010/2011-04 and Contract – CCAP-9081 Infant Toddler Resource Program - Cathy Giammona, Associate Superintendent, Human Resources and Instruction
- 10.06 Adopt Resolution #2010/2011-05 and Contract – CSPP-0575 California State Preschool Program - Cathy Giammona, Associate Superintendent, Human Resources and Instruction
- 10.07 Approve Funding Change in Contract CCTR-9321 and CSPP-9585 - Cathy Giammona, Associate Superintendent, Human Resources and Instruction
- 10.08 Receive the Second Valenzuela/CASHEE and Williams Settlement Uniform Complaints Quarterly Report for Period Covering April 1 through June 30, 2010 as required by EC 35186 (Williams Settlement Legislation SB550 and AB2727) - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Robert Ibarra, Coordinator of Professional Development/Migrant Education

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

No items on calendar under this section.

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

- 12.01 Approve Variable Term Waiver Requests for Certificated Employees - Cathy Giammona, Associate Superintendent, Human Resources and Instruction

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

- 13.01 Adopt Resolution 2010/2011-06 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 Approve Change Orders to Purchase Orders for Year-End Reconciliation - Jerry Kurr, Associate Superintendent 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 Months of June and July of 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.05 Approve Budget Transfers Presented August 19, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.06 Approve Purchase Orders Presented August 19, 2010 - 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 \$50,000 - 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 Presentation/Update and Discussion and/or Action regarding Proposition 39 CBOC Membership Requirements - Jon Reinke, Measures G and E CBOC Chairperson
- 14.02 Presentation and Approval of the Plan for Technology at Latino College Preparatory Academy - June Francis Rono, Ph.D., Director of Facilities and Planning, and Dr. Anthony Monreal, Latino College Preparatory Academy

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 Receive Quarterly Report on Santa Clara County Treasury Investment Portfolio Status as of June 30, 2010
- 16.02 Santa Clara County Civil Grand Jury Report: Achieving School District Efficiency through Consolidation
- 16.03 Santa Clara County Civil Grand Jury Report: Looking at Policies Our Schools Use to Find and Place Employees

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 August 19, 2010
- 15.02 Ratify/Approve Certificated Personnel Actions Presented August 19, 2010
- 15.03 Ratify/Approve Student Aide Personnel Actions Presented August 19, 2010
- 15.04 Approve Award of Bids
- 15.05 Approve the Request for Proposals (RFP), RFP-09-09-10, for Contracts for the Purchase of Stores Warehouse Supplies
- 15.06 Approve Change Order #1 for Foothill High School Science Building Project (Andy's Roofing Company)
- 15.07 Approve Notice of Completion for Foothill High School, New Science Building Project (Andy's Roofing Company)