

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

**AGENDA**  
**September 16, 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 3:00 P.M.**

The Regular Board Meeting will begin at 3:00 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 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 Instruction*
  - *Internal Auditor*
- 2.02 Expulsion(s): *A-B*
- 2.03 Public Employee Discipline/Dismissal/Release  
(*Government Code Section 54957*)

2.04 Public Employee Performance Evaluation  
(Government Code Section 54957)

- *Interim Superintendent*

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, 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:

- *Two (2) potential cases and Claim for Damages of R. Hernandez*

2.08 Conference with Legal Counsel – Anticipated Litigation  
Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code:

- *Two (2) potential cases*

## 2.09 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**

*Jacqueline Orta, ASB President - Mt. Pleasant 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. Superintendent/Board of Trustees - Operational Items/Board Discussion and/or Action**

9.01 Consideration of Petition for Proposed Summit Public Schools - Charter School Rainier - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services

9.02 Consideration of Petition for Proposed Summit Public Schools - Charter School Tahoma - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services

9.03 Board Audit Committee Update – Frank Biehl, Board Audit Committee Chair, and Lan Nguyen, Board Audit Committee Vice Chair

- 9.04 Report regarding A-G Requirements - Dan Moser, Interim Superintendent, Manny Barbara, Vice President of Silicon Valley Education Foundation, and Rosa De Leon, Californians for Justice
- 9.05 Excuse Absence of Board President Eddie Garcia from the September 16, 2010, Board Meeting (Education Code Section 35120) - Dan Moser, Interim Superintendent
- 9.06 Discussion regarding Administration Regulation #4117.14 and #4317.14, Postretirement Employment – Dan Moser, Interim Superintendent
- 9.07 California School Boards Association (CSBA) Candidate Nominations for Directors-at-Large: Asian/Pacific Islander and Hispanic
- 9.08 MACSA Update - Patricia Martinez-Roach, Board Clerk

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

- 10.01 Hold Public Hearing at Approximately 6:20 p.m. on Resolution #2010/2011-07 Regarding the Sufficiency of Textbooks and Instructional Materials - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Robert Ibarra, Coordinator of Professional Development/Migrant Education
- 10.02 Approve CAHSEE Local Waivers for Special Education Students - Cathy Giammona, Associate Superintendent, Human Resources and Instruction

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

- 11.01 Expulsion Hearing Committee Panel Personnel for 2010-2011 - Cathy Giammona, Associate Superintendent of Human Resources and Instruction

**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
- 12.02 Approve Provisional Internship Permit Requests for Certificated Employees - Cathy Giammona, Associate Superintendent, Human Resources and Instruction
- 12.03 Approve Classified Management Job Description and Salary Range for Capital Projects Purchasing Manager - Cathy Giammona, Associate Superintendent, Human Resources and Instruction
- 12.04 Approve the Classified Management Title and Job Description for Associate Superintendent, Business Services - Cathy Giammona, Associate Superintendent, Human Resources and Instruction
- 12.05 Response to Santa Clara County Civil Grand Jury Report: “Looking at Policies Our Schools Use to Find and Place Employees” - Cathy Giammona, Associate Superintendent, Human Resources and Instruction

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

- 13.01 Public Hearing Notice at Approximately 6:30 p.m. regarding Resolution 2010/2011-08 Gann Spending Limit - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.02 Adopt Resolution #2010/2011-08 Gann Spending Limit - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.03 Adopt Resolution #2010/2011-09 Authorizing the Issuance and Sale of 2010 General Obligation Refunding Bonds in the Principal Amount of not to Exceed \$75,000,000 for the Purpose of Refunding Outstanding General Obligation Bonds of the District - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.04 Adopt Resolution #2010/2011-10 Authorizing Filing Application for Qualified School Construction Bond Allocation and Approving Related Actions - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.05 Adopt Resolution #2010/2011-11 Authorizing Temporary Transfers between District Accounts and Loans from the County Treasury Investment Pool for Fiscal Year 2010/2011 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.06 Adopt Resolution #2010/2011-12 Identifying District Representatives for the State Allocation Board, Jerry Kurr - Associate Superintendent of Administration and Business Services
- 13.07 Adopt Resolution #2010/2011-13 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
- 13.08 Approve the Authorization for the District to Utilize Third Party Pay Processes with Bank of America, E-Pay and the American Express Corporation for Major Vendor Expenses for the Sole Purpose of Receiving Volume Financial Rebates - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.09 Accept Unaudited Actual for 2009-2010 Fiscal Year - 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 Approve Budget Transfers Presented September 16, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.12 Approve Purchase Orders Presented September 16, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.13 Approve Contracts for Professional Services at or below \$50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services

13.14 Approve Contracts for Professional Services over \$50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services

13.15 Approve Memoranda of Understanding - Jerry Kurr, Associate Superintendent of Administration and Business Services

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

*No items on calendar under this section*

**15. Attachment A - Consent Calendar Items**

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

**16. Written Reports/Recommendation**

*No items on calendar under this section*

**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 September 16, 2010
- 15.02 Ratify/Approve Certificated Personnel Actions Presented September 16, 2010
- 15.03 Ratify/Approve Student Aide Personnel Actions Presented September 16, 2010
- 15.04 Approve School Field Trips
- 15.05 Approve Award of Bids
- 15.06 Accept Warrant Register for the Month of August 2010
- 15.07 Approve Notices of Completion for Independence, Andrew Hill, W.C. Overfelt, Evergreen Valley, Santa Teresa and Foothill High Schools, New Solar Panel Posts Installation Projects
- 15.08 Approve Minutes of June 17, 2010, Regular Board Meeting
- 15.09 Approve Minutes of June 22, 2010, Regular Board Meeting
- 15.10 Approve Minutes of July 28, 2010, Special Board Meeting