

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

AMENDED

AGENDA
February 17, 2011

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 Employment/Public Employee Appointment
(*Government Code Section 54957*)

- *Associate Superintendent of Business Services*
- *Associate Superintendent of Human Resources and Instructional Services*

2.03 Public Employee Discipline/Dismissal/Release
(*Government Code Section 54957*)

2.04 Public Employee Performance Evaluation
(*Government Code Section 54957*)

2.05 Conference with Labor Negotiators
(Government Code Section 54957.6)

Agency Designated Representatives:

Dan Moser, Superintendent

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:

- *Claim of Bruce Flyn Associates, Inc. and Bruce Flyn and One (1) Other 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, Superintendent
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)

6.01 2011 California Association of International Baccalaureate (IB) World Schools Exemplary Educator of the Year

- *Dave Johnson*

6.02 Haiti Earthquake Relief Efforts

- *Victoria Duran*
- *Stephanie Nguyen*
- *Jennifer Duran*
- *Julisa Garcia*

7. Student Board Liaisons

7.01 Katha Joshipura, ASB President – Independence High School

7.02 Samya Abdela, ASB Supreme Court Chief Justice – Silver Creek 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 Conduct a Public Hearing at Approximately 6:30 p.m. on a Charter School Renewal Submitted by Latino College Preparatory Academy - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services

9.02 Board Audit Committee Update, Discussion and/or Action - Frank Biehl, Audit Committee Chair and Patricia Martinez-Roach, Audit Committee Vice Chair

9.03 Discussion and/or Action regarding Impact of Governor's Proposed State Budget Plan - Dan Moser, Superintendent

9.04 Adopt Resolution #2010/2011-24 to Support Placing a Revenue Extension Measure on the Ballot - Frank Biehl, Board Vice President, and Dan Moser, Superintendent

9.05 Receive and Adopt Second Reading of Board By Law #9100 Organization – Dan Moser, Superintendent

9.06 Discussion, Consideration and/or Action to Amend 2011 Regular Board Meeting Calendar - J. Manuel Herrera, Board Member

9.07 Approve Board Member's Attendance and Lawful Expenses to CSBA's Masters in Governance, CSBA's Institute for New and First Term Board Members and the California Standards for the Teaching Profession (CSTP) Summit - Dan Moser, Superintendent

- 9.08 2011 California School Boards Association (CSBA) Delegate Assembly Election – Dan Moser, Superintendent
- 9.09 Opening of Sealed Proposals Received by District for Proposed Cellular and Wireless Communication Antenna Sites at District Facilities per Board Resolution #2010/2011-18 - Dan Moser, Superintendent
- 9.10 Adopt Resolution #2010/2011-25 Intention to Exchange Real Property - Dan Moser, Superintendent
- 9.11 Approve Real Property Exchange Agreement – Dan Moser, Superintendent

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

- 10.01 Approve CAHSEE Local Waivers for Special Education Students - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services
- 10.02 Approve Consolidated Program Application (Con App) Part II for 2010-2011 – Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Tim Nguyen, Coordinator of English Language Learners Supplementary Education
- 10.03 Approve 2011 Summer School Program - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Tim Nguyen, Coordinator of English Language Learners Supplementary Education
- 10.04 Accept 2011-2012 Comprehensive School Safety Plans - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and George Sanchez, Coordinator of Student Services

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

No items on calendar under this section.

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

- 12.01 Award/Acceptance of Proposals to Lease District Sites for Cellular and Wireless Communication Antenna Purposes per Board Resolution #2010/2011-18 – Dan Moser, Superintendent
- 12.02 Adopt Resolution #2010/2011-23 Approving Authorized Signatures – Dan Moser, Superintendent
- 12.03 Acceptance of Donations, Grants and Awards - Dan Moser, Superintendent
- 12.04 Approve Contracts for Professional Services at or below \$50,000 – Dan Moser, Superintendent
- 12.05 Approve Contracts for Professional Services over \$50,000 - Dan Moser, Superintendent
- 12.06 E-Rate Update - Dan Moser, Superintendent

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

13.01 Status of the Measures G and E Bond Programs - June Francis Rono, Ph.D., Director of Facilities and Planning

14. Attachment A - Consent Calendar Items

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

15. Written Reports/Recommendation

15.01 Response to Santa Clara County Civil Grand Jury regarding Fire and Burglar Detection Systems Survey

16. Board of Trustees/Superintendent Communications/Comments

16.01 Board of Trustees

- Lan Nguyen, President
- Frank Biehl, Vice President
 - MetroED
- Van Le, Clerk
- Patricia Martinez-Roach, Member
- J. Manuel Herrera, Member

16.02 Dan Moser, Superintendent

17. Report Closed Session Action(s)

18. Adjournment

Attachment A - Consent Calendar

- 14. 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.**

- 14.01 Ratify/Approve Classified Personnel Actions Presented February 17, 2011
- 14.02 Ratify/Approve Certificated Personnel Actions Presented February 17, 2011
- 14.03 Ratify/Approve Student Aide Personnel Actions Presented February 17, 2011
- 14.04 Approve School Field Trips
- 14.05 Approve Award of Bids
- 14.06 Approve Budget Transfers Presented February 17, 2011
- 14.07 Approve Purchase Orders Presented February 17, 2011
- 14.08 Approve Change Orders to Purchase Orders Presented February 17, 2011
- 14.09 Approve Memoranda of Understanding
- 14.10 Accept Warrant Register for the Month of January 2011
- 14.11 Approve Change Order #1 for Title IX Scoreboard Projects at Independence, James Lick and Piedmont Hills High Schools (Robert A. Bothman, Inc.)
- 14.12 Approve Change Order #1 for Foothill High School Buildings B, C, and E Modernization Project (Beals Martin, Inc.)
- 14.13 Approve Minutes of January 20, 2011, Regular Board Meeting