

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

**AGENDA**  
**April 21, 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 in the Superintendent's Conference Room (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 Performance Evaluation  
(*Government Code Section 54957*)
  - *Associate Superintendent of Human Resources and Instruction*
- 2.03 Public Employment/Public Employee Appointment  
(*Government Code Section 54957*)
  - *Associate Superintendent of Human Resources and Instruction*
  - *Associate Superintendent of Business Services*
  - *Interim Associate Superintendent of Business Services*
  - *Principals (2)*

2.04 Public Employee Discipline/Dismissal/Release  
(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*

*Hardy Childers, Interim Associate Superintendent of Business Services*

*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 – Anticipated Litigation  
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the  
Government Code:

- *Three (3) Potential Cases*

2.07 Conference with Legal Counsel – Anticipated Litigation  
Initiation of Litigation Pursuant to Government Code Section 54956.9(c):

- *Three (3) Potential Cases*

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  
Hardy Childers, Interim Associate Superintendent of  
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)**

6.01 Cesar Chavez Writing, Art and Multimedia Contest Grand Prize Winners:

- Grand Prize Art – Indy Dang, Piedmont Hills High School
- Grand Prize Writing – Katherine Ja, Silver Creek High School
- Grand Prize Multimedia – Jeffrey Yu, Independence High School

6.02 Carmen Vidrio & Gladys Palko – Community Involvement

**7. Student Board Liaisons**

7.01 Lindsey Nguyen, ASB President, Andrew Hill High School

7.02 Denise Dovali, Student Representative, James Lick 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 Discussion, Consideration, and/or Action regarding Selection/Appointment of Measure G and Measure E Citizens' Bond Oversight Committee Members - Dan Moser, Superintendent

9.02 Review and Approve Recommended Process for Selection of Professional Services for Phase 2 of Measure E Bond Program – Dan Moser, Superintendent

9.03 Approve Form of Professional Services Agreement for Inspection Services (Measure G and Measure E Bond Program) - Dan Moser, Superintendent, and Rogelio Ruiz, Counsel

9.04 Board Audit Committee Update, Discussion and/or Action and Receive Minutes of December 11, 2010, Board Audit Committee Meeting - Frank Biehl, Audit Committee Chair and Patricia Martinez-Roach, Audit Committee Vice Chair

9.05 Discussion/Action regarding Employment Contract for Associate Superintendent of Human Resources and Instruction Contract - Dan Moser, Superintendent

9.06 Discussion/Action regarding Extension of Employment Contract for Interim Associate Superintendent of Business Services – Dan Moser, Superintendent

- 9.07 Discussion, Action and/or Adoption of Board's Goals for 2011-2012 - Dan Moser, Superintendent
- 9.08 Adopt Resolution #2010/2011-38 Declaring May 2-6, 2011, as California Teacher Appreciation Week and May 11, 2011, as California Day of the Teacher –Dan Moser, Superintendent
- 9.09 Adopt Resolution #2010/2011-39 Declaring May 15-21, 2011, as Classified School Employees Week – Dan Moser, Superintendent
- 9.10 Approve Board Member's Attendance and Lawful Expenses to CSBA Legislative Day - Dan Moser, Superintendent

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

- 10.01 Receive the First Valenzuela/CAHSEE and Williams Settlement Uniform Complaint Quarterly Report for Period Covering January 1, 2011 through March 31, 2011 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
- 10.02 Approve Designation of California Interscholastic Federation Representatives to League for 2011-2012 - Cathy Giammona, Associate Superintendent, Human Resources and Instruction
- 10.03 Discussion on Grading Policy - Patricia Martinez-Roach

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

- 11.01 Approve Variable Term Waiver Requests for Certificated Employees - Cathy Giammona, Associate Superintendent, Human Resources and Instruction
- 11.02 Approve Student/Certificated Calendars for the 2011-2012 and 2012-2013 School Years - Cathy Giammona, Associate Superintendent, Human Resources and Instruction
- 11.03 Approve Adult Education Calendars for the 2011-2012 and 2012-2013 School Years - Cathy Giammona, Associate Superintendent, Human Resources and Instruction

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

- 12.01 Approve Contract for Professional Services over \$50,000 - Hardy Childers, Interim Associate Superintendent of Business Services
- 12.02 Adopt Resolution #2010/2011-40 Authorized Signatures - Hardy Childers, Interim Associate Superintendent of Business Services

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

*No items on calendar in this section.*

**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 Receive Annual Financial and Performance Audit Reports for Measure G and E General Obligation Bond Funds for Fiscal Year Ended June 30, 2010

**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 April 21, 2011
- 14.02 Ratify/Approve Certificated Personnel Actions Presented April 21, 2011
- 14.03 Ratify/Approve Student Aide Personnel Actions Presented April 21, 2011
- 14.04 Approve School Field Trips
- 14.05 Approve Award of Bids
- 14.06 Approve Contracts for Professional Services at or Below \$50,000
- 14.07 Approve Budget Transfers Presented April 21, 2011
- 14.08 Approve Purchase Orders Presented April 21, 2011
- 14.09 Approve Change Orders to Purchase Orders Presented April 21, 2011
- 14.10 Acceptance of Donations/Awards/Grants
- 14.11 Accept Warrant Register for the Month of March 2011
- 14.12 Approve Notice of Completion for Evergreen Valley High School PE Teaching Stations Project (Ralph Larsen & Son, Inc.)
- 14.13 Approve Notice of Completion for William C. Overfelt High School Title IX Field Improvement Project (Valley Crest Landscape Development)
- 14.14 Approve Minutes of February 9, 2011, Special Board Meeting
- 14.15 Approve Minutes of February 17, 2011, Regular Board Meeting
- 14.16 Approve Minutes of March 5, 2011, Special Board Meeting/Board Retreat