

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

AGENDA
August 30, 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) 347-5010. 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*)

- *Superintendent*
- *Internal Auditor*

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

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

Marcus Battle, 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 – Existing Litigation
Subdivision (a) of Section 54956.9 of the Government Code

- *Claim for Damages of S. Trevino and One (1) Additional Potential Case*

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*

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
Marcus Battle, 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)

No items on calendar under this section.

7. Student Board Liaisons

No items on calendar under this section.

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 Hold Public Hearing at Approximately 6:05 p.m. on the Provisions of the Charter School Petition of Green Technology to Consider the Level of Support for the Petition by Teachers Employed by the District, Other Employees of the District, and Parents - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services

9.02 Discussion and/or Action regarding Response to Santa Clara County Civil Grand Jury Report: East Side Union High School District's Progress in Response to the Fiscal Crisis & Management Assistance Team Audit, and Status of Implementation of Changes to Contracting Practices in Response to FCMAT Audit and Civil Grand Jury Reports – Dan Moser, Superintendent

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

9.04 Discussion and/or Action regarding Grading Policy - Patricia Martinez-Roach, Board Member

9.05 California School Boards Association (CSBA) Candidate Nominations for Directors-at-Large: American Indian and Black – Dan Moser, Superintendent

9.06 Approve Board Members Attendance and Lawful Expenses to CLSBA's 2011 Unity Conference - Dan Moser, Superintendent

9.07 Opening of Sealed Proposals Received by District for Proposed Cellular and Wireless Communication Antenna Sites at District Facilities per Board Resolution #2010/2011-43 - Dan Moser, Superintendent, and Marcus Battle, Associate Superintendent, Business Services

9.08 Discussion and/or Action to Appoint a Citizen Advisory Committee to Review and Submit Suggestions for Naming of Facilities - Dan Moser, Superintendent

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

10.01 Update, Discussion and/or Action regarding Chinese Language as an Elective – Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services

- 10.02 Approve Requests for Physical Education Exemption - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services
- 10.03 Receive First Reading of New Board Policy #6180 Small Learning Communities – Cathy Giammona, Associate Superintendent, Human Resources and Instruction; and Kirsten King, Director of Instructional Services
- 10.04 Receive the Second Valenzuela/CAHSEE and Williams Settlement Uniform Complaints Quarterly Report for Period Covering April 1 through June 30, 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
- 10.05 Approve Inter-District Attendance Agreement with the Listed School Districts – Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and George Sanchez, Coordinator of Student Services
- 10.06 Approve Expulsion Hearing Committee Personnel for 2011-2012 - 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

- 11.01 Approve Variable Term Waiver Requests for Certificated Employees - Cathy Giammona, Associate Superintendent, Human Resources and Instruction
- 11.02 Approve Provisional Internship Permit Requests for Certificated Employees – Cathy Giammona, Associate Superintendent, Human Resources and Instruction
- 11.03 Receive, Sunshine Initial Proposal of California School Employee Association (CSEA) Chapter 187 for a Successor Contract - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Vida Branner, Director, Classified Employee Relations

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

- 12.01 Adopt Resolution #2011/2012-01 Authorized Signatures - Marcus Battle, Associate Superintendent, Business Services
- 12.02 Adopt Resolution #2011/2012-02 Inter-Fund Temporary Transfers for Cash Flow Purposes - Marcus Battle, Associate Superintendent, Business Services
- 12.03 Adopt Resolution #2011/2012-03 an Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546 - Marcus Battle, Associate Superintendent, Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator
- 12.04 Approve Contracts for Professional Services over \$50,000 - Marcus Battle, Associate Superintendent, Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator

- 12.05 Award/Acceptance of Proposals to Lease District Sites for Cellular and Wireless Communication Antenna Purposes per Board Resolution #2010/2011-43 - Dan Moser, Superintendent, and Marcus Battle, Associate Superintendent, Business Services
- 12.06 Approve Revised Information Technology Budget for Measure E Bond Program – Marcus Battle, Associate Superintendent, Business Services, and Mac Cage, Interim Director, Information Technology in Consultation with SGI
- 12.07 Discussion and/or Action regarding Survey of School Districts Legal Expenses/Costs – Marcus Battle, Associate Superintendent, Business Services

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

- 13.01 Approve Form Professional Services Agreement for Environmental Consulting and Management Services for Measure E and Measure G and Asbestos Maintenance Management - Marcus Battle, Associate Superintendent, Business Services

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 Quarterly Report on the County of Santa Clara Treasury Investment Portfolio as of June 30, 2011
- 15.02 Receive Santa Clara County Office of Education Analysis of the 2010-11 End of the Year Fiscal Solvency Report and 2011-12 Adopted Budget Report

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 August 30, 2011
- 14.02 Ratify/Approve Certificated Personnel Actions Presented August 30, 2011
- 14.03 Ratify/Approve Student Aide Personnel Actions Presented August 30, 2011
- 14.04 Approve School Field Trips
- 14.05 Approve Award of Bids
- 14.06 Approve Award of the Request for Proposals (RFP), RFP-01-11-12, for the Purchase of Stores Warehouse Supplies
- 14.07 Approve Contracts for Professional Services At or Below \$50,000
- 14.08 Approve Budget Transfers Presented August 30, 2011
- 14.09 Approve Purchase Orders Presented August 30, 2011
- 14.10 Approve Change Orders to Purchase Orders for Year-End Reconciliation
- 14.11 Accept Donations, Awards and Grants
- 14.12 Accept Warrant Register for the Months of June and July 2011
- 14.13 Approve Change Order #1 for Title IX Dugout and Fencing Improvements at Andrew Hill, Mt. Pleasant, Oak Grove and Silver Creek High Schools Project (Rodan Builders, Inc.)
- 14.14 Approve Minutes of June 16, 2011, Regular Board Meeting
- 14.15 Approve Minutes of June 16, 2011 Special Board Meeting
- 14.16 Approve Minutes of June 28, 2011, Regular Board Meeting