

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

**AMENDED**

**AGENDA**  
**September 15, 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 – Anticipated Litigation  
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the  
Government Code:

- *Three (3) Potential Cases and Claim for Damages/Application to File Late Claim of J. Roa*

2.07 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)**

6.01 Raj Villivalam, Attendance Accounting Manager

6.02 Santa Clara County Teacher of the Year for East Side Union High School District  
• Stefanie Blanco de Wills – James Lick High School

**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. Regarding Mitigated Negative Declaration for Calero High School Modernization Project: California Environmental Quality Act (CEQA) - Marcus Battle, Associate Superintendent of Business Services
- 9.02 Adopt Resolution #2011/2012-04 - Mitigated Negative Declaration for Calero High School Modernization Project: California Environmental Quality Act (CEQA) Compliance - Marcus Battle, Associate Superintendent of Business Services
- 9.03 Hold Public Hearing Notice at Approximately 6:10 p.m. Regarding Resolution #2011/2012-05 Sufficiency of Textbooks and Instructional Materials - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Robert Ibarra, Coordinator of Professional Development/Migrant Education
- 9.04 Consideration of Petition for Proposed Green Technology Academy Charter School - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services
- 9.05 Board Audit Committee Update, Discussion and/or Action and Receive Minutes of June 11, 2011, Board Audit Committee Meeting
- 9.06 Discussion and/or Action regarding Football Safety and Helmets - Patricia Martinez-Roach, Board Member
- 9.07 Approve Proposed Amendment Measure "E" Program Management Agreement - Marcus Battle, Associate Superintendent of Business Services, Donna Bertrand, C.P.M., Contracts Administration Coordinator, and Rogelio Ruiz, Esq., Legal Counsel
- 9.08 Discussion and/or Action regarding Special Study Session on Academic Progress – Lan Nguyen, Board President
- 9.09 Discussion and/or Action regarding Future Board Retreat - Frank Biehl, Board Vice President
- 9.10 Discussion and/or Action regarding Common Dress Policy - Patricia Martinez-Roach, Board Member

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

- 10.01 AYP (Adequate Yearly Program) and API (Academic Performance Index) Presentation - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services
- 10.02 Receive Second Reading and Adopt Board Policy #6180 Small Learning Communities - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services
- 10.03 Discussion and/or Action regarding requests for Physical Education Exemption - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional 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 Public Hearing Notice at Approximately 6:15 p.m. regarding Resolution #2011/2012-06 Gann Spending Limit - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance
- 12.02 Adopt Resolution #2011/2012-06 Establishing Appropriations Gann Spending Limit - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance
- 12.03 Adopt Resolution #2011/2012-07 Identifying District Representatives for the State Allocation Board - Marcus Battle, Associate Superintendent of Business Services
- 12.04 Accept Unaudited Actual for 2010/2011 Fiscal Year - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance
- 12.05 Approve Contracts for Professional Services over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator
- 12.06 Overview of Transportation Operation - Marcus Battle, Associate Superintendent of Business Services, and Julie Kasberger, Director of General Services
- 12.07 Approve Request for One-Time Waiver of Board Policy 5142.1 to Allow for a Fireworks Display at W. C. Overfelt High School on October 15, 2011 - Marcus Battle, Associate Superintendent of Business Services
- 12.08 Approve Establishment of District Bank Clearing Account – Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance

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

- 13.01 Discussion and/or Action of Deferred Maintenance-Capital Fund Projects - Marcus Battle, Associate Superintendent, Business Services, and John Lawrence, Assistant Director of Maintenance

- 13.02 Discussion and/or Action for Calero High School Project Measure E Budget Increase - Marcus Battle, Associate Superintendent of Business Services in Consultation with SGI
- 13.03 Approve the Recommendation for the "Measure E & G" Pre-Approved Construction Management Firms (CM) List - Marcus Battle, Associate Superintendent, and Donna Bertrand, C.P.M., Contracts Administration Coordinator

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

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

**15. Written Reports/Recommendation**

*No items on calendar under this section.*

**16. Future Agenda Items**

- 16.01 Update at October Board Meeting regarding Chinese Language as an Elective – Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services
- 16.02 Requests for Future Agenda Items

**17. Board of Trustees/Superintendent Communications/Comments**

- 17.01 Board of Trustees
- Lan Nguyen, President
  - Frank Biehl, Vice President
    - MetroED
  - Van Le, Clerk
  - Patricia Martinez-Roach, Member
  - J. Manuel Herrera, Member
- 17.02 Dan Moser, Superintendent

**18. Report Closed Session Action(s)**

**19. 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 September 15, 2011
- 14.02 Ratify/Approve Certificated Personnel Actions Presented September 15, 2011
- 14.03 Ratify/Approve Student Aide Personnel Actions Presented September 15, 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 Memoranda of Understanding
- 14.08 Approve Budget Transfers Presented September 15, 2011
- 14.09 Approve Purchase Orders Presented September 15, 2011
- 14.10 Accept Warrant Register for the Month of August 2011
- 14.11 Approve Notice of Completion for Andrew Hill, Mt. Pleasant, Oak Grove and Silver Creek High Schools, Title IX Dugout and Fencing Improvements Project (Rodan Builders, Inc.)
- 14.12 Approve Minutes of August 30, 2011, Regular Board Meeting