

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

AGENDA
October 20, 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): A

2.02 Request for Exemption of Students A, B and C
Pursuant to Education Code Section 51241

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

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

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

2.06 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)

2.07 Conference with Legal Counsel – Existing Litigation
Subdivision (a) of Section 54956.9 of the Government Code

- *One (1) Potential Case*

2.08 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*
- *Claim for Damages of J. Bueno*
- *Claim for Damages of D. Greenlee*
- *Claim for Damages of N. Lucero*
- *Claim for Damages of M. Reynolds*
- *Claim for Damages of J. Roa*

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, 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**
 - 7.01 Alma Aguilar, Student – Foothill High School
 - 7.02 Johan Garcia, Student – 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. **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 ACE Charter High School to Consider the Level of Support for Each 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 Presentation on the General Obligation Bond Program Funding Review - Marcus Battle, Associate Superintendent of Business Services, Dale Scott, Dale Scott & Company, Inc.
 - 9.03 Discussion and/or Action regarding Request for Proposals (RFP) to Engage an Executive Search Firm to Assist the Board in Hiring a New District Superintendent - Dan Moser, Superintendent
 - 9.04 Discussion and/or Action to Amend Board Audit Committee Charter - Frank Biehl, Audit Committee Chair, and Patricia Martinez-Roach, Audit Committee Vice Chair
 - 9.05 Receive First Reading to Amend Board Policy #1330 Use of School Facilities - Dan Moser, Superintendent
 - 9.06 Discussion, Consideration and/or Action to Amend 2011 Regular Board Meeting Calendar - Patricia Martinez-Roach, Board Member
 - 9.07 Update on the Status of McKinney-Vento - Patricia Martinez-Roach, Board Member
 - 9.08 Discussion and/or Action regarding Student/Parent Survey - Patricia Martinez-Roach, Board Member

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

9.10 Approve Board Members Attendance and Lawful Expenses to NSBA's 72nd Annual Conference - 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 Principal, Human Resources and Instruction, and Kirsten King, Director of Instructional Services

10.02 Receive First Reading on Amended Board Policy #5120.1 Assignment of Credit - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services

10.03 Approve Calero High School as an Alternative School - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services

10.04 Annual Student Achievement Data Report Presentation - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services

10.05 Status on Current Grading Policy Presentation - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services

10.06 Receive First Reading of New Board Policy #5120.3 Assignment of Grades - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services

10.07 Receive the Third Valenzuela /CASHEE and Williams Settlement Uniform Complaint Quarterly Report for Period Covering July 1st through September 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

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

11.01 Approve Request for Use of Education Code Section 44258.3 - Teachers on Special Assignment Authorizations for the 2011-2012 School Year - Cathy Giammona, Associate Superintendent, Human Resources and Instruction

11.02 Approve Amended Student/Certificated Calendar for the 2011-2012 School Year - Cathy Giammona, Associate Superintendent, Human Resources and Instruction

11.03 Hold Public Hearing at Approximately 6:30 p.m. - Regarding Proposed Tentative Agreement with East Side Teachers Association/CTA/NEA, August 31, 2011 - August 31, 2012, and Disclosure of Major Provisions of Tentative Agreement (AB1200) - Dan Moser, Superintendent; and Cathy Giammona, Associate Superintendent, Human Resources and Instruction

- 11.04 Ratify and Approve Tentative Agreement with East Side Teachers Association/CTA/NEA, August 31, 2011 - August 31, 2012 - Dan Moser, Superintendent; and Cathy Giammona, Associate Superintendent, Human Resources and Instruction
- 11.05 Extension of Contract for Substitute Director of Construction/Facilities - Dan Moser, Superintendent; and Cathy Giammona, Associate Superintendent, Human Resources and Instruction
- 11.06 Adopt Resolution #2011/2012-08 Supplemental Early Retirement Plan (SERP) for Certificated Bargaining Unit Members - Cathy Giammona, Associate Superintendent, Human Resources and Instruction; Marcus Battle, Associate Superintendent of Business Services; and Gail Beal, Keenan & Associates

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

- 12.01 Adopt Resolution #2011/2012-09 Approving Authorization to Enter into Contracts to Accommodate Emergency Remediation at Evergreen Valley High School for Safety Reasons - Marcus Battle, Associate Superintendent of Business Services, Kathy Lanford, Assistant Director of Construction/Facilities, and Donna Bertrand, C.P.M., Contracts Administration Coordinator
- 12.02 Adopt Resolution #2011/2012-10 Authorizing Opening of Revolving Fund Account for School Sites - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance
- 12.03 Adopt Resolution #2011/2012-11 an Itemized List of Surplus/Obsolete Equipment for Sale/or Disposal per Education Code Sections 17545 and 17546 - Marcus Battle, Associate Superintendent of 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 of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator
- 12.05 Approve Award of Bids - Marcus Battle, Associate Superintendent of Business, and Donna Bertrand, C.P.M., Contracts Administration Coordinator
- 12.06 Approve Form Professional Services Agreement for Construction Management Services for Measure E and G - Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator
- 12.07 Approve the Master Business Relationship Agreement with East Side Union High School District and Metropolitan Education District for 2011/12 - Marcus Battle, Associate Superintendent of Business

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

- 13.01 Ratification of Contracts with Cleary Consultants, Inc. for Geotechnical and Engineering Geology Consulting Services - Marcus Battle, Associate Superintendent of Business Services, 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

15.01 Receive FCMAT Close-Out Letter from the Santa Clara County Office of Education

15.02 Receive Report on Student-to-Computer Ratio at School Sites

16. Future Agenda Items

16.01 Consideration of ACE Charter Petition

16.02 Phase 2 Measure E Projects

16.03 District's Technology Plan

16.04 Independence High School Master Planning

16.05 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 October 20, 2011
- 14.02 Ratify/Approve Certificated Personnel Actions Presented October 20, 2011
- 14.03 Ratify/Approve Student Aide Personnel Actions Presented October 20, 2011
- 14.04 Approve School Field Trips
- 14.05 Approve Contracts for Professional Services At or Below \$50,000
- 14.06 Approve Memoranda of Understanding
- 14.07 Approve Budget Transfers Presented October 20, 2011
- 14.08 Approve Purchase Orders Presented October 20, 2011
- 14.09 Approve Change Orders to Purchase Orders Presented October 20, 2011
- 14.10 Accept Donations, Awards and Grants
- 14.11 Accept Warrant Register for the Month of September 2011
- 14.12 Approve Change Order #1 for Calero High School, Interior Abatement Project (PARC Services, Inc.)
- 14.13 Approve Notice of Completion for Calero High School, Interior Abatement Project (PARC Services, Inc.)
- 14.14 Approve Amended Change Order #1 for Santa Teresa High School, HVAC Replacement Project Phase 1 (Foothill Air Conditioning & Heating, Inc.)
- 14.15 Approve Change Order #1 for Santa Teresa High School, Locker Room HVAC Upgrade & Bldg 300/500 Ceiling Upgrade Phase 2 Project (Environmental Systems, Inc.)
- 14.16 Approve Notice of Completion for Santa Teresa High School, HVAC Upgrade & Bldg 300/500 Ceiling Upgrade Phase 2 Project (Environmental Systems, Inc.)
- 14.17 Approve Minutes of September 15, 2011, Regular Board Meeting