

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

AGENDA
December 8, 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 Annual Organizational/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-C

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

- *Superintendent*
- *Associate Superintendent of Human Resources and Instruction*

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

- Assistant Superintendent of Instructional Services (1)
- Director III -- Information Technology (1)
- Director III – Human Resources (1)
- Director II – Adult Education/Career Services (1)
- Principal (1)

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

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. Annual Organizational Meeting (Action Items)

5.01 Nomination and Election of Board Officers

5.02 Appointment of Board Secretary

5.03 Nomination and Election of Representative to MetroED Board

5.04 Nomination and Election of Alternate Representative to MetroED Board

5.05 Nomination and Appointment of Two Board Members to Board's Standing Audit Committee: Chairperson and Vice Chairperson

5.06 Nomination of One Member of the Board of Trustees to Vote in the Election of the Santa Clara County Committee on School District Organization

5.07 Nomination and Election of Representative to Santa Clara County School Boards Association

5.08 Call for Nominations to CSBA Delegate Assembly

6. Consideration of Proposed Amendments to Agenda

7. Board Special Recognition(s)

No items on calendar under this section.

8. Student Board Liaisons

No items on calendar under this section.

9. 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.

10. Board of Trustees/Superintendent - Operational Items/Board Discussion and/or Action

10.01 Hold Public Hearing at Approximately 6:30 PM Concerning D.L. Falk Construction, Inc. Re: Violations of Public Contract Code Sections 4104 and 4106; Consideration of Hearing Officer's Findings and Recommendations and Additional Evidence; Discussion and/or Action Regarding Imposition of Remedies as Allowed by Law (Public Contract Code Section 4110) and Contract – Dan Moser, Superintendent

10.02 Public Engagement Project (PEP) Presentation - Kirsten King, Director of Instructional Services, David Hernandez, CTA Community Committee Outreach Region 1, and Marisa Hanson, ESTA President

- 10.03 Discussion and/or Action regarding the Recommendation for an Executive Search Firm - Dan Moser, Superintendent, Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator
- 10.04 Develop and Approve Schedule of Regular Board Meetings and Annual Organizational Meeting for 2012 - Dan Moser, Superintendent
- 10.05 Discussion and/or Action regarding Amendment to Employment Contract for Superintendent - Lan Nguyen, Board Member
- 10.06 Discussion and/or Action regarding Amendment to Employment Contract for Associate Superintendent of Human Resources and Instruction - Dan Moser, Superintendent
- 10.07 Board Audit Committee Update, Discussion and/or Action and Receive Minutes of September 10, 2011, Board Audit Committee Meeting - Frank Biehl, Audit Committee Chairperson, and Patricia Martinez-Roach, Audit Committee Vice Chair
- 10.08 Discussion and/or Action regarding Amendment to Internal Auditor Work Plan – Frank Biehl, Audit Committee Chairperson, and Patricia Martinez-Roach, Audit Committee Vice Chair
- 10.09 Approve Board Members Attendance and Lawful Expenses to CSBA’s 2012 Board President’s Workshop and Brown Act – Dan Moser, Superintendent

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

- 11.01 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
- 11.02 Approve Agreement and Adopt Resolution #2011/2012-15 - City of San Jose Mayor's Gang Prevention Task Force Technical Team Agreement for 2012-2014 - Cathy Giammona, Associate Superintendent, Human Resources and Instruction and George Sanchez, Coordinator of Student Services
- 11.03 Approve CAHSEE Local Waivers for Special Education Students - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services

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

- 12.01 Hold Public Hearing at Approximately 6:30 p.m. Regarding Proposed Tentative Agreement with the San Jose Federation of Teachers, AFT Local 957, AFL-CIO, July 1, 2011 – June 30, 2012, and Disclosure of Major Provisions of Tentative Agreement (AB1200) - Dan Moser, Superintendent; and Cathy Giammona, Associate Superintendent, Human Resources and Instruction
- 12.02 Ratify and Approve Tentative Agreement with the San Jose Federation of Teachers, AFT Local 957, AFL-CIO, July 1, 2011 – June 30, 2012, and Major Provisions of Tentative Agreement (AB1200) – Dan Moser, Superintendent; and Cathy Giammona, Associate Superintendent, Human Resources and Instruction

- 12.03 Adopt/Approve Classified, Classified Management and Certificated Administrative Holiday Schedule for the 2011-2012 School Calendar - Cathy Giammona, Associate Superintendent, Human Resources and Instruction
- 12.04 Approve Job Description and Salary Range for Classified Management Position of Project Manager - Cathy Giammona, Associate Superintendent, Human Resources and Instruction; and Marcus Battle, Associate Superintendent, Business Services

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

- 13.01 Adopt Resolution #2011/2012-16 Authorizing the Issuance and Sale of General Obligation Bonds, 2008 Election, Series D, in the Principal Amount of Not to Exceed \$90,000,000 - Marcus Battle, Associate Superintendent of Business Services
- 13.02 Approve First Interim Financial Report for 2011/12 - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance
- 13.03 Approve Contracts for Professional Services over \$50,000 - Marcus Battle, Associate Superintendent, Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator
- 13.04 Approve Agreement for Measure E Program Management Services between East Side Union High School District and The Seville Group, Inc. (SGI) - Marcus Battle, Associate Superintendent of Business Services

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

- 14.01 Approve Update of Measure E Forecast and Spending Plan - Marcus Battle, Associate Superintendent of Business Services in Consultation with SGI

15. Attachment A - Consent Calendar Items

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

16. Written Reports/Recommendation

- 16.01 Receive Update to Previously Approved Change Orders for Current Bond Projects which Exceed the 10% Allowance
- 16.02 Receive Quarterly Report on Santa Clara County Treasury Investment Portfolio Status as of September 30, 2011

17. Future Agenda Items

- 17.01 Requests for Future Agenda Items
- 17.02 Presentation: Educare

18. Board of Trustees/Superintendent Communications/Comments

18.01 Board of Trustees

- Lan Nguyen
- Frank Biehl
 - MetroED
- Van Le
- Patricia Martinez-Roach
- J. Manuel Herrera

18.02 Dan Moser, Superintendent

19. Report Closed Session Action(s)

20. Adjournment

Attachment A - Consent Calendar

- 15. 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.**
- 15.01 Ratify/Approve Classified Personnel Actions Presented December 8, 2011
 - 15.02 Ratify/Approve Certificated Personnel Actions Presented December 8, 2011
 - 15.03 Ratify/Approve Student Aide Personnel Actions Presented December 8, 2011
 - 15.04 Approve School Field Trips
 - 15.05 Approve Award of Bids
 - 15.06 Approve Contracts for Professional Services at or Below \$50,000
 - 15.07 Approve Memoranda of Understanding
 - 15.08 Approve Budget Transfers Presented December 8, 2011
 - 15.09 Approve Purchase Orders Presented December 8, 2011
 - 15.10 Approve Change Orders to Purchase Orders Presented December 8, 2011
 - 15.11 Accept Warrant Register for the Month November 2011
 - 15.12 Approve Notice of Completion for James Lick High School, Title IX Field Improvements Project (Jensen Corporation Landscape Contractors, Inc.)
 - 15.13 Approve Minutes of November 5, 2011, Special Board Meeting
 - 15.14 Approve Minutes of November 17, 2011, Regular Board Meeting