

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

AGENDA
January 19, 2012

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 3:00 P.M.

The Regular Board Meeting will begin at 3:00 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*)

Persons wishing to address the Board on Closed Session items or any subject not on the agenda must fill out a gold request form, which is located at the entrance of the Board Room.

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)

Closed Session

2.01 Expulsion(s): A-G

2.02 Request for Exemption of Student A
Pursuant to Education Code Section 51241

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

• *Superintendent*

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

- *Substitute Director of Construction/Facilities*

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

- *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
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. Adoption of Agenda

6. Board Special Recognition(s)

6.01 Martin King, Jr. Grand Prize Contest Winners

- Art Grand Prize Winner: Indy Dang, Piedmont Hills High School
- Multi-Media Grand Prize Winner: Victoria Nunez, Wm. C. Overfelt High School
- Writing Grand Prize Winner: Christine Nguyen, Independence High School

7. Student Board Liaisons

7.01 ASB Representative – Evergreen Valley High School

7.02 Sergio Cervantes, ASB President – Wm. C. Overfelt High School

8. Special Order of Business – Operational Items/Board Discussion and/or Action

The Superintendent and/or Board Member(s) may request that items be considered, discussed, and acted on out of the order indicated on the agenda as per schedule.

9. Public Hearing(s) - Operational Items/Board Discussion and/or Action

9.01 Hold Public Hearing at Approximately 6:00 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 – Frank Biehl, Board President

10. Public Members who wish to Address the Board of Trustees

Members of the public may address the Board on any subject not on tonight's agenda; however, provisions of the Brown Act (Government Code section 54954.2(a) and .3) preclude any action. As an unagendized item, no response is required from the Board or District staff and no action can be taken; however, the Board may instruct the Superintendent to agendize the item for a future meeting. When your name is called, please come to the podium, state your name for the record, and limit your remarks to three (3) minutes.

Persons wishing to address the Board must fill out a gold request form, which is located at the entrance of the Board Room.

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

- 11.01 Educare of California at Silicon Valley Presentation - Jolene Smith, CEO of First 5 Santa Clara County, Yolanda Garcia, Executive Director West Ed E3 Institute, and Cathy Giammona, Associate Superintendent, Human Resources and Instruction
- 11.02 Presentation regarding AT&T Aspire High School Success Grant - Randy Okamura, AT&T External Affairs Area Manager
- 11.03 Present and Accept Annual Financial Report - Ending June 30, 2011 - Marcus Battle, Associate Superintendent of Business Services, and Ahmad Gharaibeh, CPA from Vavrinek, Trine, Day & Co., LLP
- 11.04 Present and Accept Annual Financial and Performance Audit for Measure G and Measure E - Ending June 30, 2011 - Marcus Battle, Associate Superintendent of Business Services, Ahmad Gharaibeh, CPA from Vavrinek, Trine, Day & Co., LLP
- 11.05 Presentation/Report Regarding the Architectural Window Testing at Evergreen Valley High School - Marcus Battle, Associate Superintendent of Business Services, and In coordination with Architectural Testing, Inc. and SGI
- 11.06 Approve Repair/Replacement of Defective Windows at Evergreen Valley High School - Marcus Battle, Associate Superintendent of Business Services, and in Consultation with SGI
- 11.07 Extension of Contract for Substitute Director of Construction/Facilities - Cathy Giammona, Associate Superintendent of Human Resources and Instruction, and Dan Moser, Superintendent
- 11.08 Develop and Approve Schedule of Regular Board Meetings and Annual Organizational Meeting for 2012 - Dan Moser, Superintendent
- 11.09 Adopt Resolution #2011/2012-17 California Cancer Research Act - Frank Biehl, Board President

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

- 12.01 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
- 12.02 Receive the Fourth Valenzuela/CAHSEE and Williams Settlement Uniform Complaints Quarterly Report for Period Covering October 1st through December 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

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

No items on calendar under this section.

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

- 14.01 Discussion/Report on Governor's Budget Update - Marcus Battle, Associate Superintendent of Business Services
- 14.02 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 \$100,000,000 - Marcus Battle, Associate Superintendent of Business Services
- 14.03 Approve Contracts for Professional Services over \$50,000 - Marcus Battle, Associate Superintendent, Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator

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

No items on calendar under this section.

16. Attachment A - Consent Calendar Items

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

17. Written Reports/Recommendation

No items on calendar under this section.

18. Future Agenda Items

Opportunity for Board of Trustees to request items on future agendas.

- 18.01 Evergreen Valley High School Presentation
- 18.02 Review of Physical Education (PE) Exemption Policies

19. Board of Trustees/Superintendent Communications/Comments

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

20. Report Closed Session Action(s)

21. Adjournment

Attachment A - Consent Calendar

16. 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.

- 16.01 Ratify/Approve Classified Personnel Actions Presented January 19, 2012
- 16.02 Ratify/Approve Certificated Personnel Actions Presented January 19, 2012
- 16.03 Ratify/Approve Student Aide Personnel Actions Presented January 19, 2012
- 16.04 Approve School Field Trips
- 16.05 Approve Award of Bids
- 16.06 Approve Contracts for Professional Services At or Below \$50,000
- 16.07 Approve Memoranda of Understanding
- 16.08 Approve Budget Transfers Presented January 19, 2012
- 16.09 Approve Purchase Orders Presented January 19, 2012
- 16.10 Approve Change Orders to Purchase Orders Presented January 19, 2012
- 16.11 Accept Donations, Grants and Awards
- 16.12 Accept Warrant Register for the Month of December 2011
- 16.13 Approve Minutes of December 8, 2011, Annual Organizational/Regular Board Meeting