

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

AGENDA
March 13, 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 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*)

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-C

2.02 Request for Exemption of Students A-D
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

Juan Cruz, Assistant Superintendent of Instructional Services

Vida Branner, Director of Compensation and Classified Employee Relations

Cari Vaeth, Director of Human Resources

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 Legal Counsel - Existing Litigation
Subdivision (a) of Section 54956.9 of the Government Code

- *One (1) Case:*

Lucero v. East Side Union High School District

Santa Clara County Superior Court Case No. 1-09-CV-145913

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 Recognition for Community Services:

- California-Community Partners for Youth (CCPY)
“*Connecting Local At-Risk Youth with Personal Accountability & Inspiring Vision in their Lives*”

6.02 CBDA: 2012 All State Honor Band

- Belinda Tang – Piedmont Hills High School
- Gulliver Wu – Piedmont Hills High School

7. Student Board Liaisons (5 minutes)

7.01 Carolyn Nguyen, ASB President – Oak Grove 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 6:05 p.m. on a Charter School Petition Renewal Submitted by Escuela Popular - Juan Cruz, Assistant Superintendent of Instructional Services, and Kirsten King, Director of Instructional Services

9.02 Hold Public Hearing at Approximately 6:10 p.m. - Proposed Adoption of the Initial Proposal for Successor Contract: From East Side Union High School District to East Side Teachers Association - Dan Moser, Superintendent; and Cathy Giammona, Associate Superintendent, Human Resources and Instruction

9.03 Hold Public Hearing at Approximately 6:15 p.m. - Receive and Sunshine the Initial Proposal for Successor Contract: From East Side Teachers Association to East Side Union High School District - Dan Moser, Superintendent; and Cathy Giammona, Associate Superintendent, Human Resources and Instruction

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 54954.3) 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 Board Audit Committee Update, Discussion and/or Action - Lan Nguyen, Audit Committee Chairperson, and Patricia Martinez-Roach, Board Audit Committee Vice Chairperson

- 11.02 Discussion, Consideration, and/or Action regarding Selection/Appointment of Board Audit Committee Members - Lan Nguyen, Board Audit Committee Chairperson, and Patricia Martinez-Roach, Board Audit Committee Vice Chairperson
- 11.03 Presentation and Adopt Resolution #2011/2012-24 Joint Powers Authority Membership - School Project for Utility Rate Reduction - Marcus Battle, Associate Superintendent of Business Services *(10 minutes)*
- 11.04 Receive First Reading of New Board Policy #3314.4 Clearing Fund and Amendment to Board Policy #3452 Student Activity Funds - Dan Moser, Superintendent

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; Juan Cruz, Assistant Superintendent of Instructional Services; and Kirsten King, Director of Instructional Services
- 12.02 Approve 2012 Summer School Program - Cathy Giammona, Associate Superintendent, Human Resources and Instruction; Juan Cruz, Assistant Superintendent of Instructional Services; and Tim Nguyen, Coordinator of English Language Learners Supplementary Education

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

- 13.01 Approve Variable Term Waiver Request for Certificated Employee - Cathy Giammona, Associate Superintendent, Human Resources and Instruction

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

- 14.01 Presentation/Update on Information Technology - Marcus Battle, Associate Superintendent of Business Services, and Andrew Schwab, Director of Information Technology *(10 minutes)*
- 14.02 Presentation and Board Approval of Second Interim Financial Report for FY 2011-12 - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance
- 14.03 Adopt Resolution #2011/2012-25 regarding 2012-13 Governor's Budget – Contingency Planning - Marcus Battle, Associate Superintendent of Business Services
- 14.04 Adopt Resolution #2011/2012-26 Approving Authorized Signatures - Marcus Battle, Associate Superintendent of Business Services
- 14.05 Approve Contracts for Professional Services over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator

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

17.01 Receive Update to Previously Approved Change Orders for Current Bond Projects which Exceed the 10% Allowance

17.02 Receive Quarterly Report on the County of Santa Clara Treasury Investment Portfolio Status as of December 31, 2011

17.03 Receive Santa Clara County Office of Education First Interim Certification Letter

18. Future Agenda Items

18.01 Opportunity for Board of Trustees to Request Items on Future Agendas

18.02 Equity for All – Bettina Lopez, Principal – Andrew Hill High School International (April)

18.03 International Baccalaureate (IB) Program Update - J. Manuel Herrera, Board Clerk (April)

18.04 Spanish Language Program Presentation - Patricia Martinez-Roach, Board Vice President

18.05 Vietnamese Language Program Presentation - Lan Nguyen, Board Member

19. Board of Trustees/Superintendent Communications/Comments

19.01 Board of Trustees

- Frank Biehl, President
- Patricia Martinez-Roach, Vice President
- J. Manuel Herrera, Clerk
 - MetroED
- Lan Nguyen, Member
- Van Le, 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 March 13, 2012
- 16.02 Ratify/Approve Certificated Personnel Actions Presented March 13, 2012
- 16.03 Ratify/Approve Student Aide Personnel Actions Presented March 13, 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
- 16.09 Approve Purchase Orders
- 16.10 Approve Change Orders to Purchase Orders
- 16.11 Accept Warrant Register for the Month of February 2012
- 16.12 Approve Minutes of February 16, 2012, Regular Board Meeting