

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

AGENDA
April 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 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-B

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

- *Superintendent*

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

- *Internal Auditor*
- *Director of Special Services*
- *Coordinator of Special Services*
- *Administrator of Special Services*
- *Associate Principals*
- *Adult Education Supervisor*

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

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)

2.06 Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the
Government Code

- *Claim for Damages of M. Antonio and Three (3) Potential Cases*

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

- *Claim of M.A. and Y.G.*

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**

For consideration by the Board of Trustees.

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*”

- ❖ Jeff Bornefeld
- ❖ Pattie Cortese

6.02 Recognition of Outgoing Measure G and E CBOC Members

- John Moore
- Jon Reinke
- David Hernandez

7. Student Board Liaisons (5 minutes each)

7.01 Student Representative – Apollo High School

7.02 Deanna Pham, ASB Executive Vice President – Independence 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 6:10 p.m. - Proposed Adoption of the Initial Proposal for Successor Contract: From East Side Union High School District to California School Employees Association, Chapter 187; Dan Moser, Superintendent; Cathy Giammona, Associate Superintendent, Human Resources and Instruction; and Vida L. Branner, Director of Compensation and Classified Employee Relations

9.02 Hold Public Hearing at Approximately 6:15 p.m. - Proposed Adoption of the Initial Proposal for Successor Contract: From East Side Union High School District to San Jose Federation of Teachers Local 957, AFT, AFL-CIO; 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 Approve Escuela Popular Accelerated Family Learning Center Charter Renewal – Cathy Giammona, Associate Superintendent, Human Resources and Instruction, Juan Cruz, Assistant Superintendent of Instructional Services, and Kirsten King, Director of Instructional Services
- 11.02 Adopt Resolution #2011/2012-27 Cash Incentive Retirement Program (CIRP) for Classified Employees - Marcus Battle, Associate Superintendent, Business Services, and Vida Branner, Director of Compensation and Classified Employee Relations
- 11.03 Board Audit Committee Update, Discussion and/or Action - Lan Nguyen, Audit Committee Chairperson, and Patricia Martinez-Roach, Board Audit Committee Vice Chairperson
- 11.04 Presentation, Discussion and/or Action regarding the Efforts by the District and its Partners Towards Fulfilling the District Goal Set by the Board in its College and Career Readiness for All Resolution - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, Juan Cruz, Assistant Superintendent of Instructional Services, Kirsten King, Director of Instructional Services, and Presented by Manny Barbara, Silicon Valley Education Foundation
- 11.05 Discussion/Action to Approve Final Proposition 39 Facilities Offer and Facilities Use Agreement with ACE Charter School – Dan Moser, Superintendent
- 11.06 Discussion/Action to Approve App Development and Cooperation Agreement – Dan Moser, Superintendent
- 11.07 Receive First Reading of Proposed Amended Board Bylaw #9270 Conflict of Interest; Revolving Door Policy and #9270E (Appendix A) Designated Positions/Disclosure Categories – Dan Moser, Superintendent
- 11.08 Receive Second Reading/Adopt New Board Policy #3314.4 Clearing Fund and Receive Second Reading/Adopt Amendment to Board Policy #3452 Student Activity Funds – Dan Moser, Superintendent
- 11.09 Receive First Reading to Amend Board Policy #6142.7 Physical Education - Juan Cruz, Assistant Superintendent of Instructional Services, and Kirsten King, Director of Instructional Services
- 11.10 Receive First Reading of Proposed Amendments to Board Policy 2121 and Board Bylaws 9320 and 9321.1 – Dan Moser, Superintendent
- 11.11 Adopt Resolution #2011/2012-28 In Support of "My Vote Our Future" Project – Frank Biehl, Board President
- 11.12 Adopt Resolution #2011/2012-29 Declaring May 7-11, 2012, as National Teacher Appreciation Week and May 9, 2012, as California Day of the Teacher – Dan Moser, Superintendent
- 11.13 Adopt Resolution #2011/2012-30 Declaring May 20-26, 2012, as Classified School Employees Week - Dan Moser, Superintendent

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

- 12.01 Andrew Hill High School International Baccalaureate Program Presentation - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, Juan Cruz, Assistant Superintendent of Instructional Services, Bettina Lopez, Principal of Andrew Hill High School, and Mike Winsatt, International Baccalaureate Coordinator (*10 minutes*)
- 12.02 Receive Charter School Renewal Petition from San Jose Conservation Corps - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, Juan Cruz, Assistant Superintendent of Instructional Services, and Kirsten King, Director of Instructional Services
- 12.03 Adopt Resolution #2011/2012-31 Adopted Admissions Guideline Modifications at San Jose State University - Dan Moser, Superintendent, Cathy Giammona, Associate Superintendent, Human Resources and Instruction, Juan Cruz, Assistant Superintendent of Instructional Services, and Kirsten King, Director of Instructional Services
- 12.04 Receive the First Valenzuela/CAHSEE and Williams Settlement Uniform Complaints Quarterly Report for Period Covering January 1, 2012 through March 31, 2012 as required by EC 35185 (Williams Settlement Legislation SB550 and AB2727) - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, Juan Cruz, Assistant Superintendent of Instructional Services, and Robert Ibarra, Coordinator of Professional Development/Migrant Education

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

- 13.01 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

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

- 14.01 Discussion and/or Action regarding Measure E Unfunded Projects Analysis - Marcus Battle, Associate Superintendent of Business Services, and Bob Bush, SGI Bond Project Manager
- 14.02 Discussion, Consideration and/or Action regarding General Obligation Bond Options, Timing for Issuance, and Bond Voter Survey - Marcus Battle, Associate Superintendent of Business Services, and Cheryl Vesely, Presenter from Dale Scott and Company
- 14.03 Adopt Resolution #2011/2012-32 Authorizing Delivery and Sale of Refunding Certificates of Participation in the Principal Amount of not to Exceed \$17,000,000 to Refinance Solar Equipment Lease/Purchase Agreement, and Approving Related Documents and Actions - Marcus Battle, Associate Superintendent of Business Services, Charles Adams, from Jones Hall, and Cheryl Vesely, from Dale Scott and Company
- 14.04 Adopt Resolution #2011/2012-33 Authorizing the Issuance and Sale of Taxable Refunding OPEB Bonds in the Principal Amount of not to exceed \$10,000,000 to Refinance a portion of the Debt Service Payments on the 2006 OPEB Bonds, and Approving Related Documents and Actions - Marcus Battle, Associate Superintendent of Business Services, Charles Adams, from Jones Hall, and Cheryl Vesely, from Dale Scott and Company

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 Proposition 227 District Implementation Plan

17.03 Vietnamese Language Report

18. Future Agenda Items

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

- Parent Involvement Plan – Patricia Martinez-Roach, Board Vice President
- Child Development Program – Patricia Martinez-Roach, Board Vice President
- Special Education Program Costs - Patricia Martinez-Roach, Board Vice President
- Charter Schools – Patricia Martinez-Roach, Board Vice President
- Chinese Language Program – J. Manuel Herrera, Board Member, and Patricia Martinez-Roach, Board Vice President
- Special Board Meeting: Follow-Up on Board Retreat – Frank Biehl, Board President
- Allowable Advertising – Frank Biehl, Board President

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 April 19, 2012
- 16.02 Ratify/Approve Certificated Personnel Actions Presented April 19, 2012
- 16.03 Ratify/Approve Student Aide Personnel Actions Presented April 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
- 16.09 Approve Purchase Orders
- 16.10 Approve Change Orders to Purchase Orders
- 16.11 Accept Donations, Grants and Awards
- 16.12 Accept Warrant Register for the Month of March 2012
- 16.13 Adopt Resolution #2011/2012-34 an Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546
- 16.14 Approve Minutes of February 22, 2012, Special Board Meeting
- 16.15 Approve Minutes of March 3, 2012, Board Retreat/Meeting
- 16.16 Approve Minutes of March 8, 2012, Regular Board Meeting
- 16.17 Approve Minutes of March 13, 2012, Regular Board Meeting