

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

**AGENDA**  
**September 20, 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): *None*

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

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

- *Senior Manager of Internal Controls (1)*
- *Director – Special Services (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:

*Chris D. Funk, Superintendent*

*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)*

Unrepresented Employees:

*Administrators*

*Managers*

*Confidential Employees*

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

- *Three (3) Potential Cases*

2.07 Conference with Legal Counsel – Anticipated Litigation  
Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9

- *Two (2) Potential Cases*

**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 CA Continuation Education Award
- Police Officers' Team – Foothill High School

**7. Student Board Liaisons (5 minutes each)**

*No items on calendar under this section.*

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

- 8.01 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.
- 8.02 Presentation on the Results of the General Obligation Bond Sale - Marcus Battle, Associate Superintendent of Business Services, and Dale Scott, Dale Scott & Company

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

- 9.01 Hold Public Hearing at Approximately 6:05 p.m. on Resolution #2012/2013-04 regarding the Sufficiency of Textbooks and Instructional Materials - Juan Cruz, Assistant Superintendent of Instructional Services, and Robert Ibarra, Coordinator of Professional Development/Migrant Education
- 9.02 Adopt Resolution #2012/2013-04 regarding the Sufficiency of Textbooks and Instructional Materials - Juan Cruz, Assistant Superintendent of Instructional Services, and Robert Ibarra, Coordinator of Professional Development/Migrant Education
- 9.03 Hold Public Hearing at Approximately 6:08 p.m. - Regarding Resolution #2012/2013-05 Gann Spending Limit - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance
- 9.04 Adopt Resolution #2012/2013-05 Establishing Appropriations Gann Spending Limit - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance
- 9.05 Hold Public Hearing at Approximately 6:10 p.m. regarding Proposed Adoption of Resolution #2012/2013-03 and to Establish Criteria for Determining Whether School Construction Projects are Substantially Complex and Subject to More than Five Percent Retention and to Delegate Authority to Designate Substantially Complex Projects - Marcus Battle, Associate Superintendent of Business Services, Janice Unger, Capital Projects Purchasing Manager, and Rogelio M. Ruiz, Legal Counsel, Rehon & Roberts
- 9.06 Adopt Resolution #2012/2013-03 Establishing Criteria for Determining Whether School Construction Projects are Substantially Complex and Subject to More Than Five Percent Retention and to Delegate Authority to Designate Substantially Complex Projects - Marcus Battle, Associate Superintendent of Business Services, Janice Unger, Capital Projects Purchasing Manager, and Rogelio M. Ruiz, Legal Counsel, Rehon & Roberts

**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 Nomination and Appointment of a Board Member to Serve on the Superintendent's A-G Steering Committee – Chris D. Funk, Superintendent

11.02 Discussion and/or Action regarding Board Workshop - Chris D. Funk, Superintendent

11.03 Adopt Resolution #2012/2013-06 to Stop the Special Exemptions Act - Chris D. Funk, Superintendent

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

12.01 Receive the Second Valenzuela/CAHSEE and Williams Settlement Uniform Complaint Quarterly Report for Period Covering April 1, 2012 through June 30, 2012 as required by EC 35186 (Williams Settlement Legislation SB550 and AB2727) - Juan Cruz, Assistant Superintendent of Instructional Services and Robert Ibarra, Coordinator of Professional Development/Migrant Education

12.02 Approve Inter-District Attendance Agreement with San Benito High School District - Juan Cruz, Assistant Superintendent of Instructional Services, and George Sanchez, Coordinator of Student Services

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

13.01 Discussion/Action Re: Approval of Resolution #2012/2013-08 Creating "Senior Manager of Internal Controls" and Designating Position as Senior Management Position of the Classified Service (Education Code §45100.5) and Approving Job Description and Authorizing and Directing Posting of Position – Cari Vaeth, Director of Human Resources

13.02 Approve Provisional Internship Permit Request for Certificated Employee - Cari Vaeth, Director, Human Resources

13.03 Approve 2012-2013 Amended/Corrected Administrative, Management and Confidential Salary Schedules and Furlough Days - Cari Vaeth, Director, Human Resources; Marcus Battle, Associate Superintendent of Business Services; and Vida L. Branner, Director, Compensation and Classified Employee Relations

13.04 Discussion/Action to Approve Director of Special Services Salary Range from Director II to Director III - Cari Vaeth, Director of Human Resources

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

14.01 Accept Unaudited Actual for 2011/2012 Fiscal Year - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance

- 14.02 Discussion and/or Action regarding Balanced-Budget Blueprint - Marcus Battle, Associate Superintendent of Business Services
- 14.03 Approve Contract Services Agreement for School Services of California – Marcus Battle, Associate Superintendent of Business Services
- 14.04 Presentation, Discussion and/or Action regarding the Laptop Initiative for Certificated Teaching Staff - Marcus Battle, Associate Superintendent of Business Services, and Randy Phelps, Director of Information Technology
- 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**

- 15.01 Presentation on Measure E Bond Project Update - Marcus Battle, Associate Superintendent of Business Services, and Bob Bush, Bond Program Manager, Seville Group, Inc.
- 15.02 Approve Bond/Capital Projects Contracts for Professional Services Over \$50,000 – Marcus Battle, Associate Superintendent of Business Services, and Janice Unger, Capital Projects Purchasing Manager

**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 Annual Legal Expense Report for 2011/2012
- 17.03 Receive Quarterly Report on the County of Santa Clara Treasury Investment Portfolio Status as of June 30, 2012
- 17.04 Receive Santa Clara County Office of Education Adopted Budget Approval Letter

**18. Future Agenda Items**

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

**Board of Trustees & Administration:**

Item	Date (tentative)	Type
Facilities Use Board Policies	October 2012	Second Reading

**Board Vice President Martinez-Roach:**

Item	Date (tentative)	Type
Parent Involvement Plan	December 2012	Presentation on Federal Findings
Child Development Program	August (annually)	Written Report
Special Education Program Costs	January (annually)	Study Session
Social Networking (Need more direction)		
Plan on How to Expand the Early Alert Pilot Program to Other Sites	October 2012	Presentation

**Board Member Le:**

Item	Date (tentative)	Type
Accel Program	October 2012	Written Report

**Board Member Nguyen:**

Item	Date (tentative)	Type
International Baccalaureate (IB) Program	March 2013	Study Session
Review on Procurement and Bidding Process	April 2013	Presentation

**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 Chris D. Funk, 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 September 20, 2012
  - 16.02 Ratify/Approve Certificated Personnel Actions Presented September 20, 2012
  - 16.03 Ratify/Approve Student Aide Personnel Actions Presented September 20, 2012
  - 16.04 Approve School Field Trips
  - 16.05 Approve Award of Bids for Bond/Capital Projects
  - 16.06 Approve Bond/Capital Projects Contracts for Professional Services At or Below \$50,000
  - 16.07 Approve Contracts for Professional Services At or Below \$50,000
  - 16.08 Approve Memoranda of Understanding
  - 16.09 Approve Budget Transfers
  - 16.10 Approve Purchase Orders
  - 16.11 Accept Warrant Register for the Month of August 2012
  - 16.12 Adopt Resolution #2012/2013-07 an Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546
  - 16.13 Accept Donations, Grants and Awards
  - 16.14 Approve Minutes of August 23, 2012, Regular Board Meeting
  - 16.15 Authorization to Implement Revised Form "Front End" Contracts and Related Agreements for Measure G, Measure E, and Capitol Facilities Projects