

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 11, 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 Annual Organizational and 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

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

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

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

Cari Vaeth, Director of Human Resources

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)

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

- *Claim for Damages of V. Fox*
- *Claim for Damages of H. Nguyen*
- *Claim for Damages of L. Shively*
- *Claim for Damages of T. Truong*
- *Two (2) 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*

2.08 Conference with Legal Counsel – Existing Litigation
Subdivision (a) of Government Code Section 54956.9

- *One Roe, et al. v. Anthony Loza, East Side Union High School District, Esther Pollack, and Does 1 -100; Santa Clara County Superior Court Case No. 112CV234748*
- *City of San Jose, Petitioners, v. California Director of Finance Ana J. Matosantos, California State Board of Equalization, Santa Clara County Auditor Controller Vinod Sharma, Respondents, County of Santa Clara; Franklin-McKinley School District; Oak Grove School District; Orchard Elementary School District; San Jose Unified School District; Santa Clara Unified School District; East Side Union High School District; West Valley-Mission Community College, Real Parties-in-Interest Sacramento County Superior Court Case No. 34-2012-80001327*
- *In the Matter of Cardenas, Office of Office of Administrative Hearings Case No. 2012110722*

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.

**BOARD OF TRUSTEES OATH OF OFFICE CEREMONY
NEWLY ELECTED BOARD MEMBER MAGDALENA CARRASCO
RE-ELECTED BOARD MEMBER LAN NGUYEN
6:10 P.M. (approximately)
EAST SIDE UNION HIGH SCHOOL DISTRICT
BOARD ROOM**

5. Annual Organizational Meeting (Action Items)

5.01 Nomination and Election of Board Officers

- President
- Vice President
- Clerk

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

5.03 Nomination and Election of Alternate Representative to MetroED Board

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

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

5.06 Call for Nominations to CSBA Delegate Assembly

5.07 Appointment of Board Secretary

OATH OF OFFICE CELEBRATION (15 minutes)

6. Adoption of Agenda

7. Board Special Recognition(s)

No Items on Calendar Under this Section

8. Student Board Liaisons (5 minutes each)

8.01 Diane Nguyen, ASB President, Andrew Hill High School

8.02 Christine Truong, ASB President, Yerba Buena High School

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

9.01 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.

9.02 Discussion and/or Action Approving Statement of Votes and Certification of Election Results from the Santa Clara County Registrar of Voters Office and Declare the Totals to be the Final Results of the Election; Approval and Adoption of Resolution #2012/2013-15 Certifying Results of General Obligation Bond Election Held on November 6, 2012 – Chris D. Funk, Superintendent

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

No Items on Calendar Under this Section

11. 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.

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

12.01 Discussion and/or Action of Schedule of Regular Board Meetings and Annual Organizational Meeting for 2013 - Chris D. Funk, Superintendent

12.02 Discussion and/or Action of Board Members Attendance to CSBA's Masters in Governance Program; CSBA's Board Presidents Workshop, and; CSBA's Board Self Evaluation and Superintendent Evaluation Workshop - Chris D. Funk, Superintendent

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

13.01 Discussion and/or Action of KIPP San Jose Collegiate Charter School Renewal Petition – Juan Cruz, Assistant Superintendent of Instructional Services, and Kirsten King, Director of Instructional Services

13.02 Discussion and/or Action of CAHSEE Local Waivers for Special Education Students - Juan Cruz, Assistant, Superintendent of Instructional Services

13.03 Discussion and/or Receipt of Charter School Petition from B. Roberto Cruz Leadership Academy - Juan Cruz, Assistant Superintendent of Instructional Services, and Kirsten King, Director of Instructional Services

13.04 Discussion and/or Receipt of Charter School Petition from Latino College Preparatory Academy II - Juan Cruz, Assistant Superintendent of Instructional Services, and Kirsten King, Director of Instructional Services

- 13.05 Discussion and/or Receipt of First Reading of Proposed Amendment to Board Policy 1312.3 Community Relations - Uniform Complaint Procedures, and Board Policy 1312.3(E) Uniform Complaint Procedure Form - Juan Cruz, Assistant Superintendent of Instructional Services

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

- 14.01 Adopt Resolution #2012-2013-11 Declaring the Observance of Lincoln's Birthday on Friday, February 22, 2013 - Cari Vaeth, Director, Human Resources

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

- 15.01 Discussion and/or Action of First Interim Financial Report for 2012/13 - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance
- 15.02 Adopt Resolution #2012/2013-12 Approving Authorized Signatures - Marcus Battle, Associate Superintendent of Business Services
- 15.03 Discussion and/or Action of Contracts for Professional Services Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator

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

- 16.01 Adopt Resolution #2012/2013-13 Authorization for Administration to Submit School Facility Program Applications to the State Allocation Board - Marcus Battle, Associate Superintendent of Business Services, and Linda da Silva, Director of Construction, Maintenance & Facilities
- 16.02 Presentation, Discussion and/or Action of Measure E Distribution for Escuela Popular - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance & Facilities, and Patricia Reguerin, Escuela Popular Executive Director
- 16.03 Presentation, Discussion and/or Action of Measure G Swimming Pools Upgrade Project - Marcus Battle, Associate Superintendent of Business Services, and Linda da Silva, Director of Construction, Maintenance & Facilities
- 16.04 Discussion and/or Action for Award of Bid for Independence High School Swimming Pool Renovation - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance & Facilities, and Janice Unger, Capital Projects Purchasing Manager
- 16.05 Presentation, Discussion and/or Action of the California Uniform Public Construction Cost Accounting Act (CUPCCAA) - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance & Facilities, and Janice Unger, Capital Projects Purchasing Manager
- 16.06 Discussion and/or Action of Bond/Capital Projects Contracts Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, and Janice Unger, Capital Projects Purchasing Manager

17. Attachment A - Consent Calendar Items

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

18. Written Reports/Recommendation

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

18.02 Receive Quarterly Report on Santa Clara County Treasury Investment Portfolio Status as of September 30, 2012

19. Future Agenda Items

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

19.02 Future Items:

Board Member Biehl:

Item	Date (tentative)	Type
Status of Chinese Language Program	February 2013	Written Report

Item	Date (tentative)	Type
Parent Involvement Plan	January 2013	Presentation on Federal Findings
Child Development Program	August (annually)	Written Report
Special Education Program Costs	January (annually)	Study Session
Social Networking	January 2013	Board Policy Update

Board Member Le:

Item	Date (tentative)	Type
Reconciliation of Measure G and Measure E Bond Projects	January 2013	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

20. Board of Trustees/Superintendent Communications/Comments

20.01 Board of Trustees

- Frank Biehl, Board Member
- Magdalena Carrasco, Board Member
- J. Manuel Herrera, Board Member
- Van Le, Board Member
- Lan Nguyen, Board Member

20.02 Chris D. Funk, Superintendent

21. Report Closed Session Action(s)

22. Adjournment

Attachment A - Consent Calendar

- 17. 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.**
- 17.01 Ratify/Approve Classified Personnel Actions Presented December 11, 2012
- 17.02 Ratify/Approve Certificated Personnel Actions Presented December 11, 2012
- 17.03 Ratify/Approve Student Aide Personnel Actions Presented December 11, 2012
- 17.04 Approve School Field Trips
- 17.05 Approve Award of Bids
- 17.06 Approve Contracts for Professional Services At or Below \$50,000
- 17.07 Approve Memoranda of Understanding
- 17.08 Approve Budget Transfers
- 17.09 Approve Purchase Orders
- 17.10 Approve Change Orders to Purchase Orders
- 17.11 Adopt Resolution #2012/2013-14 Declaration of Obsolete Instructional Materials for Sale, Donation and/or Disposal per Education Code Sections 60510-60511
- 17.12 Accept Warrant Register for the Month of November 2012
- 17.13 Approve Proposed Termination of Professional Services Agreement and Purchase Orders between East Side Union High School District and RGM and Associates
- 17.14 Reject all Bids for Bond/Capital Projects
- 17.15 Approve Bond/Capital Projects Contracts for Professional Services At or Below \$50,000
- 17.16 Approve Final Change Order #2 for W.C. Overfelt High School Wing C & E and Title IX Interior Modernization Project (Angotti & Reilly, Inc.)
- 17.17 Approve Notice of Completion for Andrew Hill High School Title IX Interior Modernization Project (Cal-Pacific Construction, Inc.), Project #E-025-001
- 17.18 Approve Notice of Completion for W.C. Overfelt High School High School Wing C & E and Title IX Interior Modernization Project (Angotti & Reilly, Inc.), Project #'s E-040-001 & E-040-003
- 17.19 Approve Minutes of October 23, 2012, Special Board Meeting / Board Workshop
- 17.20 Approve Minutes of November 15, 2012, Regular Board Meeting