

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

AGENDA
September 19, 2013

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 Section 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 S. Cruz; and,*
 - *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 Goodwill of Silicon Valley

- Michael Fox, President & CEO
- Trish Dorsey, Managing Director of Mission Services & Supervisor of Youth Programs

6.02 Family Giving Tree

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

No item(s) 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, Discussion and/or Action to Adopt Resolution #2013/2014-05 Authorizing the Issuance and Sale of General Obligation Bonds, 2012 Election, Series A, in the Principal Amount of Not to Exceed \$20,000,000 - Marcus Battle, Associate Superintendent of Business Services, Dale Scott, Financial Advisor, Dale Scott & Company, and Charles Adams, Jones Hall
- 8.03 Presentation, Discussion and/or Action of Dependent Eligibility Audit Report - Marcus Battle, Associate Superintendent of Business Services, and Bruce Caldwell, Gallagher Benefits Services
- 8.04 Presentation, Discussion and/or Receipt of Proposition 39 Bond Measures G & E Performance Audit Final Report from Total School Solutions - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Janice Unger, Capital Projects Purchasing Manager
- 8.05 Update regarding Timeline and Process for Selection of Program Management Services to the District in Connection with the District's Measures G, E and I Bond Program – Chris D. Funk, Superintendent
- 8.06 Discussion and/or Action of Measure E Distribution for Latino College Preparatory Academy and Charter School - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities
- 8.07 Presentation, Discussion and/or Action of Facilities Planning and Associated Architectural Service Contracts at Independence High School - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, Janice Unger, Capital Projects Purchasing Manager, and Kenneth Kerch, AIA, SGI Bond Program Manager

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

- 9.01 Hold Public Hearing at Approximately 7:00 p.m. for Resolution #2013/2014-06 Regarding the Gann Spending Limit - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance
- 9.02 Discussion and/or Action to Adopt Resolution #2013/2014-06 Establishing Appropriations Gann Spending Limit - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance
- 9.03 Hold Public Hearing at Approximately 7:10 p.m. for Resolution #2013/2014-04 Regarding the Sufficiency of Textbooks and Instructional Materials per Education Code 60119 - Juan Cruz, Assistant Superintendent of Instructional Services
- 9.04 Discussion and/or Action to Adopt Resolution #2013/2014-04 Regarding the Sufficiency of Textbooks and Instructional Materials - Juan Cruz, Assistant Superintendent of Instructional Services

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 Discussion and/or Action to Adopt Proposed Amendment to East Side Union High School District's Vision Statement - Chris D. Funk, Superintendent

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

- 12.01 Presentation and Discussion regarding Vietnamese Language Program - Juan Cruz, Assistant Superintendent of Instructional Services
- 12.02 Discussion regarding Assembly Bill 9 (or Seth's Law) Anti-Bullying Service Delivery Model - Juan Cruz, Assistant Superintendent of Instructional Services
- 12.03 Presentation, Discussion and/or Action regarding Introduction to the Common Core Standards - Juan Cruz, Assistant Superintendent of Instructional Services
- 12.04 Discussion and/or Action to Approve the Appointment of a Representative to the South East Special Education Local Planning Areas (SELPA) Community Advisory Council Meetings - Juan Cruz, Assistant Superintendent of Instructional Services and Toby Hop stone, Director of Special Services

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

- 13.01 Discussion and/or Action to Approve Provisional Internship Permit Request for Certificated Employee – Cari Vaeth, Director, Human Resources

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

- 14.01 Presentation, Discussion and/or Action to Accept Unaudited Actual for Fiscal Year 2012/2013 - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance
- 14.02 Discussion and/or Action to Approve Contracts for Professional Services Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator
- 14.03 Discussion and/or Action to Approve Facilities Use Agreements - 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, Discussion and/or Action of Summer Short-Term Staffing Outcome - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, Julie Kasberger, Director of General Services, and Randy Phelps, Director of Information Technology
- 15.02 Discussion and/or Action of Bond/Capital Projects Contracts Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Janice Unger, Capital Projects Purchasing Manager
- 15.03 Discussion and/or Action to Ratify CUPCAA Informal Bond Projects - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Janice Unger, Capital Projects Purchasing Manager

Consent / Action Calendar Sections 16-20

All items listed under the Consent/Action Calendar are considered by the Board to be routine and will be enacted in one motion. There will be no discussion of these items prior to the time the Board considers the motion, unless members of the Board or the Superintendent request specific items to be discussed and/or removed from the Consent/Action Calendar.

Superintendent asserts that the following 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. Board of Trustees / Superintendent - Consent / Action Calendar

- 16.01 Ratify/Approve Superintendent's Attendance and Lawful Expenses to Conferences/ Workshops/Meetings
- 16.02 Approve Minutes of August 10, 2013, Regular Board Retreat/Meeting
- 16.03 Approve Minutes of August 22, 2013, Regular Board Meeting

17. Instructional Services / Student Services - Consent / Action Calendar

- 17.01 Approve School Field Trips

18. Human Resources - Consent / Action Calendar

- 18.01 Ratify/Approve Classified Personnel Actions Presented September 19, 2013
- 18.02 Ratify/Approve Certificated Personnel Actions Presented September 19, 2013
- 18.03 Ratify/Approve Student Aide Personnel Actions Presented September 19, 2013

19. Business Services - Consent / Action Calendar

- 19.01 Approve Award of Bids
- 19.02 Approve Contracts for Professional Services under \$50,000
- 19.03 Approve Memoranda of Understanding
- 19.04 Approve Budget Transfers
- 19.05 Approve Purchase Orders
- 19.06 Approve Change Orders to Purchase Orders
- 19.07 Adopt Resolution 2013/2014-07 Ratify Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546
- 19.08 Accept Warrant Register for the Month of August 2013

20. Facilities - Consent / Action Calendar

- 20.01 Approve Use of Piggyback Bids Award for Bond/Capital Projects
- 20.02 Approve Bond/Capital Projects Contracts for Professional Services At or Below \$50,000
- 20.03 Approve Final Change Order #1 for the Piedmont Hills High School New Auxiliary Gymnasium Project, E-045-002 (BCI Builders, Inc.)

- 20.04 Approve Notice of Completion for the Andrew Hill, Piedmont Hills, James Lick, Oak Grove and Yerba Buena High Schools All Weather Track Re-surfacing Project, G-025-202, G-045-202, G-030-202, G-050-202, and G-060-202 (Hellas Construction, Inc.)
- 20.05 Approve Notice of Completion for the Silver Creek High School Restroom Renovation Project, E-055-004 (Zelman Construction & Development Inc.)
- 20.06 Approve Notice of Completion for the KIPP Relocatable Science Classrooms Project, MG2011-01 (Enviroplex Inc.)

21. Written Reports/Recommendation

Items under section 21 are written reports that are received into the public record. No action is taken by the Board. A Board Member or the Superintendent may request an item to be placed on the agenda for discussion and/or action at a future meeting.

- 21.01 Receive Update to Previously Approved Change Orders for Current Bond Projects which Exceed the 10% Allowance
- 21.02 Receive Quarterly Report on the County of Santa Clara Treasury Investment Portfolio Status as of June 30, 2013
- 21.03 Receive from Santa Clara County Office of Education Approval Letter of the 2013-14 Adopted Budget
- 21.04 Receive Report of Annual Legal Expenses for Fiscal Year 2012-2013

22. Future Agenda Items

- 22.01 Opportunity for Board of Trustees to Request Items on Future Agendas
- 22.02 Future Items:

Board Clerk Van Le

Item	Date (tentative)	Type
AVID Program	October 17, 2013	Presentation/Discussion
Bond Program Construction Projects Report	October 17, 2013	Presentation/Discussion

23. Board of Trustees/Superintendent Communications/Comments

23.01 Board of Trustees

- Frank Biehl, President
- J. Manuel Herrera, Vice President
 - MetroED
- Van Le, Clerk
- Lan Nguyen, Member
 - Board Audit Committee
- Magdalena Carrasco, Member

23.02 Chris D. Funk, Superintendent

24. Report Closed Session Action(s)

25. Adjournment