

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

AGENDA
March 6, 2014

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-D*

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 (d)(2) of Government Code
Section 54956.9

- *Claim for Damages of J. Sullivan;*
- *Claim for Damages of M. Vargas, Johnstone Supply of San Jose; and*
- *Two (2) Potential Cases*

2.07 Conference with Legal Counsel – Anticipated Litigation
Initiation of litigation pursuant to subdivision (d)(4) of Government Code Section 54956.9

- *One (1) Potential Case*

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*

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

5.01 For consideration by the Board of Trustees

6. Board Special Recognition(s)

No Items on Calendar Under this Section

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.

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

9.01 Hold Public Hearing at Approximately 6:00 p.m. regarding the Proposed Adoption of the Initial Proposal for Successor Contract: From East Side Union High School District to the East Side Teachers Association - Cari Vaeth, Director, Human Resources

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

No Items on Calendar Under this Section

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

No Items on Calendar Under this Section

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

- 13.01 Discussion and/or Action to Receive and Approve Second Interim Financial Report for Fiscal Year 2013/14 - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance
- 13.02 Discussion and/or Action to Approve the Contract(s) for Professional Services Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator

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

- 14.01 Review, Consideration and Adoption of Resolution #2013/2014-18 Authorizing Reduction in Certificated Workforce – Chris D. Funk, Superintendent

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

- 15.01 Discussion and/or Action to Approve the Bond/Capital Projects Contract(s) Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, André Bell, Assistant Director, Capital Accounting, and Janice Unger, Capital Projects Purchasing Manager
- 15.02 Discussion and/or Action to Ratify CUPCAA Informal Bond Project(s) - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, André Bell, Assistant Director of Capital Accounting, 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

No Items on Calendar Under this Section

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

- 17.01 Approve School Field Trips

18. Business Services - Consent / Action Calendar

- 18.01 Approve Contract(s) for Professional Services At or Below \$50,000
- 18.03 Approve Memoranda of Understanding

19. Human Resources - Consent / Action Calendar

No Items on Calendar Under this Section

20. Facilities - Consent / Action Calendar

- 20.01 Approve Bond/Capital Projects Contract(s) for Professional Services At or Below \$50,000
- 20.02 Approve Award of Bids for Bond/Capital Projects
- 20.03 Amend Final Change Order #1 for Silver Creek High School Restroom Modernization Project, E-055-004 (Zolman Construction & Development, Inc.)
- 20.04 Approve Notice of Completion for Mt. Pleasant High School Custodial Room Roofing Replacement Project, E-035-803 (Legacy Roofing & Waterproofing, 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.

No Items on Calendar Under this Section

22. Future Agenda Items

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

Board President J. Manuel Herrera & Board Member Frank Biehl

Item	Date (tentative)	Type
PE Credit	September, 2014	Presentation/Discussion

Board Vice President Van Le

Item	Date (tentative)	Type
Academic Report (Site & Gender)	March, 2014	Presentation/Discussion

22.03 Annual Governance Calendar

July
Summer School Program (concludes session)
Summer School Graduation

August
Board Retreat
Expulsion Hearing Panel Committee
First Day of School
Williams Quarterly Report

September
Board Study Session/Workshop
College Night
Conflict of Interest/Board Policy (updates)
Public Hearing and Adoption: Gann Spending Limit
Public Hearing: Sufficiency or Insufficiency of Textbooks
Unaudited Actuals

October
Bond Program Presentation
Solar Energy Presentation
Student Achievement Presentation
Superintendent's Annual Evaluation
Williams Quarterly Report

November
Board Study Session/Workshop
Election Orientation for New Board Members

December
Annual Organizational Board Meeting
CSBA Annual Conference
Election Orientation for New Board Members
End of First Semester
First Interim Report
Superintendent's Mid-Year Evaluation

January
Audit Report
Board Audit Committee Selections/Appointments
Board Retreat
Financial & Performance Audit Report for Bond Measures
Magnet Night
Martin Luther King, Jr. Writing, Art & Multi-Media Awards Ceremony & Reception
Policies & ByLaws (Begin Review by Series)
Sports Recognitions (Fall)
Technology Report
Williams Quarterly Report

February
African American Students Achievement Awards
Audit Committee Charter Amendment(s)
CSBA Delegate Assembly Election
Non-Re-Elects

March
Cesar Chavez Writing, Art & Multi-Media Awards Luncheon
March 15 Notices
Safety Plan Goals for Each Site
Second Interim Report
SJPD Secondary Employment Application
Vietnamese Students Achievement Awards

April
Board Study Session/Workshop
Form 700 – Statement of Economic Interests Due to Santa Clara County (filing)
Honor Nights
Migrant Education Awards Night
NSBA Annual Conference
Williams Quarterly Report

May
Board Self-Evaluation
Budget (Preliminary/Draft) Presentation
Employee Recognition Event
Graduations
Honor Nights
Last Day of School
Sports Recognitions (Winter/Spring)

June
Budget (Preliminary) with May Revisions Public Hearing (first June Board Meeting)
Budget Adoption (second June Board Meeting)
Employee Retirement Celebration
ESTA Safety Survey
Master Contracts for Capitol Projects
Plan for Expelled Youth (due every three years – 2015)
Program Improvement Update
Safety Plan Assessment for Each School
Single Plan for Student Achievement (SPSA) for Each School
Summer School Program (session begins)
Superintendent's Annual Evaluation

23. Board of Trustees/Superintendent Communications/Comments

23.01 Board of Trustees

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

23.02 Chris D. Funk, Superintendent

24. Report Closed Session Action(s)

24.01 Legal Counsel will Report on Closed Session Action Item(s)

25. Adjournment

25.01 President Adjourns the Meeting