

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

**AGENDA**  
**March 20, 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 6:30 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)

- *Senior Manager of Internal Controls*

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 R. Sharma, a minor, by and through his Natural Guardian, A. Sharma*
- *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*



**Open Session at Approximately 6:30 P.M. – Education Center Board Room**

Any person may address the Board on any item on the meeting agenda. Information explaining Board meeting procedures and how citizens can address the Board will be read. Persons wishing to address the Board must fill out a gold request form, which is located at the entrance of the 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)**

7.01 Evergreen Valley High School  
• Kim Nguyen, ASB Officer

7.02 Wm. C. Overfelt High School  
• Philomena Ngo, ASB President

**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 Discussion and/or Action to Approve Final Proposition 39 Facilities Offer and Facilities Use Agreement with ACE Charter High School - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Rogelio M. Ruiz, Esq., Legal Counsel

8.03 Discussion and/or Action to Approve Final Proposition 39 Facilities Offer and Facilities Use Agreement with Downtown College Prep Charter School - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Rogelio M. Ruiz, Esq., Legal Counsel



Preparing every student to thrive in a global society.

- 8.04 Discussion and/or Action to Approve Final Proposition 39 Facilities Offer and Facilities Use Agreement with Summit Public School: Rainier Charter School - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Rogelio M. Ruiz, Esq., Legal Counsel
- 8.05 Discussion and/or Action to Approve Final Proposition 39 Facilities Offer and Facilities Use Agreement with Summit Public School: Tahoma Charter School - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Rogelio M. Ruiz, Esq., Legal Counsel
- 8.06 Discussion and/or Action to Approve Denial of Proposition 39 Facilities Request by Luis Valdez Leadership Academy Charter School - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Rogelio M. Ruiz, Esq., Legal Counsel
- 8.07 Presentation and Discussion regarding Draft of Local Control and Accountability Plan - Juan Cruz, Assistant Superintendent of Instructional Services

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

- 9.01 Hold Public Hearing at Approximately 6:38 p.m. (changed from originally scheduled time of 6:08 p.m.) for Mitigated Negative Declaration for Santa Teresa High School Stadium Lighting Project in Compliance with the California Environmental Quality Act (CEQA) - 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
- 9.02 Adopt Resolution #2013/2014-20 Mitigated Negative Declaration for the Stadium Lighting Project at Santa Teresa High School in Compliance with the California Environmental Quality Act - 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
- 9.03 Hold Public Hearing at Approximately 6:40 p.m. (changed from originally scheduled time of 6:12 p.m.) for Mitigated Negative Declaration for Silver Creek High School Stadium Lighting Project in Compliance with the California Environmental Quality Act (CEQA) - 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
- 9.04 Adopt Resolution #2013/2014-21 Mitigated Negative Declaration for the Stadium Lighting Project at Silver Creek High School in Compliance with the California Environmental Quality Act - 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



- 9.05 Hold Public Hearing at Approximately 6:42 p.m. (changed from originally scheduled time of 6:00 p.m.) for District Wide Energy Efficiency Project and Proposed District Wide Energy Services Contract (Government Code Section 4217.10 - 4217.18) - 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
- 9.06 Discussion and/or Action to Approve Program Development Agreement with Chevron Energy Solutions Company - 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
- 9.07 Hold Public Hearing at Approximately 6:44 p.m. (changed from originally scheduled time of 6:05 p.m.) - Receive and Sunshine the Initial Proposal for Successor Contract: From East Side Teachers Association to East Side Union High School District - 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. Persons wishing to address the Board must fill out a gold request form, which is located at the entrance of the Board Room. When your name is called, please come to the podium, state your name for the record, and limit your remarks to three (3) minutes.

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

- 11.01 Discussion, Consideration and/or Action to Amend January, 2014, through June, 2015, Board Meeting Calendar – Chris D. Funk, Superintendent
- 11.02 Adopt Resolution #2013/2014-19 Request For and Consideration to Consolidation of Elections and Approval of the Specifications of the Election Order – Chris D. Funk, Superintendent

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

- 12.01 Presentation, Discussion and/or Action regarding Academic Report - Juan Cruz, Assistant Superintendent of Instructional Services
- 12.02 Discussion and/or Action to Receive and Accept the 2014-2015 Comprehensive School Safety Plan Goals - Juan Cruz, Assistant Superintendent of Instructional Services



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

- 13.01 Discussion and/or Action to Receive and Adopt Second Reading of Amended Board Policy #3350 Travel Expenses - Marcus Battle, Associate Superintendent of Business Services, and Vida Branner, Director of Compensation and Classified Employee Relations
- 13.02 Discussion and/or Action to Receive and Adopt Second Reading of Amended Board Policy #3513.1 Mobile Communication - Marcus Battle, Associate Superintendent of Business Services, and Vida Branner, Director of Compensation and Classified Employee Relations
- 13.03 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 Discussion and/or Action Regarding the Proposed Adoption of the Initial Proposal for Successor Contract: From the East Side Union High School District to East Side Teachers Association - Cari Vaeth, Director, Human Resources

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

- 15.01 Presentation, Discussion and/or Action to Award a Design-Build Contract for Swimming Pool Modernizations - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, André Bell, Assistant Director of Capital Accounting, Janice Unger, Capital Projects Purchasing Manager
- 15.02 Discussion and/or Action to Approve the Recommendation for the Addition to the Current List of Architectural Firms for the Measures E, G, and I Capital Improvement Program - 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
- 15.03 Discussion and/or Action to Ratify CUPCCAA 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**

- 16.01 Ratify/Approve Board Member(s) Lawful Expenses/Mileage to Conferences/ Workshops/Meetings
- 16.02 Approve Minutes of January 16, 2014, Regular Board Meeting
- 16.03 Approve Minutes of January 27, 2014, Board Study Session
- 16.04 Approve Minutes of February 13, 2014, Regular Board Meeting

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

- 17.01 Approve School Field Trips
- 17.02 Approve CAHSEE Local Waivers for Special Education Students

**18. Business Services - Consent / Action Calendar**

- 18.01 Approve Contract(s) for Professional Services At or Below \$50,000
- 18.02 Approve Memoranda of Understanding
- 18.03 Approve Budget Transfers
- 18.04 Approve Purchase Orders
- 18.05 Approve Change Orders to Purchase Orders
- 18.06 Accept Report of Credit Card Purchases for Statement Dated December 23, 2013
- 18.07 Accept Warrant Register for the Month of February 2014





**19. Human Resources - Consent / Action Calendar**

- 19.01 Ratify/Approve Classified Personnel Actions Presented March 20, 2014
- 19.02 Ratify/Approve Certificated Personnel Actions Presented March 20, 2014
- 19.03 Ratify/Approve Student Aide Personnel Actions Presented March 20, 2014

**20. Facilities - Consent / Action Calendar**

- 20.01 Approve Final Change Order #2 for W.C. Overfelt High School Modernization Building D/Classroom Project, E-040-005 (Zolman Construction & Development, Inc.)
- 20.02 Approve Final Change Order #1 for Overfelt Adult Center Increment 1 & 4 Project, E-042-001 (Cal-Pacific Construction, Inc.)
- 20.03 Approve Notice of Completion for W.C. Overfelt High School Modernization Building D/Classroom Project, E-040-005 (Zolman Construction & Development, 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 Quarterly Report on Santa Clara County Treasury Investment Portfolio Status as of December 31, 2013

**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
Foreign Language Classes	June, 2014	Presentation/Discussion





## 22.03 Annual Governance Calendar

<b>July</b>
Summer School Program (concludes session)
Summer School Graduation

<b>August</b>
Board Retreat
Expulsion Hearing Panel Committee
First Day of School
Williams Quarterly Report

<b>September</b>
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

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

<b>November</b>
Board Study Session/Workshop
Election Orientation for New Board Members

<b>December</b>
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

<b>January</b>
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

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

<b>March</b>
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

<b>April</b>
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

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

<b>June</b>
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

