

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

**AGENDA**  
**October 16, 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): *None*

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

- *Superintendent*

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, Associate Superintendent of Educational Services*

*Cari Vaeth, Associate Superintendent of Human Resources*

Employee Organizations:

*American Federation of Teachers (AFT)*

*California School Employees Association (CSEA)*

*East Side Teachers Association (ESTA)*

*Administrator Collaborative of East Side (ACES)*

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 L. Flatter; 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

- *Two (2) Potential Case*

2.08 Conference with Legal Counsel – Existing Litigation (Paragraph (1) of subdivision (d) of  
Section 54956.9)

- *Vera Fox v. East Side Union High School District, et al., Santa Clara County Superior Court Case no. 113-CV-247428*
- *Cal-Pacific Construction, Inc. v. East Side Union High School District, Santa Clara County Superior Court Case No. 114-CV-259895*

## **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.

8.02 180 Degrees Program Presentation - Dean L. Renfrow, President of 180 Degrees Program, LLC

8.03 Presentation and/or Discussion on the Annual Energy Savings and Performance Report of the Solar Program, Year 3 - Marcus Battle, Associate Superintendent of Business Services, David Baldwin, Director, Energy Management, and Emily Douglas, Program Development Manager from OpTerra Energy Services

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

No Items on Calendar Under this Section

### **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.

Any person may address the Board on any item on the meeting agenda. 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 and/or Action to Approve Resolution #2014/2015-06 to Adopt Conflict of Interest Code and to Receive and Adopt Second Reading of Amended Board ByLaw 9270 Conflict of Interest and Revolving Door Restrictions – Chris D. Funk, Superintendent, and Rogelio Ruiz, Legal Counsel
- 11.02 Discussion and/or Action to Receive and Adopt the Second Reading of Revised Board Policy #1220 Citizen Advisory Committees - Chris D. Funk, Superintendent, and Rogelio Ruiz, Legal Counsel
- 11.03 Discussion and/or Action to Receive and Adopt the Second Reading of Draft Proposed Recommended Amendments to Citizens' Bond Oversight Committee ByLaws – Chris D. Funk, Superintendent, and Rogelio Ruiz, Legal Counsel

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

- 12.01 Presentation, Discussion and/or Action regarding Strategic Plan Performance Measure Data Points - Juan Cruz, Associate Superintendent of Educational Services
- 12.02 Presentation, Discussion and/or Action regarding Summer School 3-Year Trend - Juan Cruz, Associate Superintendent of Educational Services
- 12.03 Receive the Third Valenzuela/CAHSEE and Williams Settlement Uniform Complaints Quarterly Report for Period Covering July 1, 2014, through September 30, 2014, as required by EC 35186 (Williams Settlement Legislation SB550 and AB2727) - Juan Cruz, Associate Superintendent of Educational Services
- 12.04 Discussion and/or Action to Receive and Adopt the Second Reading of Proposed Amendment to Board Policy 5131.6 Alcohol and Other Drugs - Juan Cruz, Associate Superintendent of Educational Services
- 12.05 Discussion and/or Action to Approve Agreement and Adopt Resolution #2014/2015-05 – Authorizing the Acceptance of Mayor’s Gang Prevention Task Force Agreements with the City of San Jose from July 1, 2013, through September 30, 2016 - Juan Cruz, Associate Superintendent of Educational Services, and Jennifer Klassen, Coordinator of Student Services

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

- 13.01 Discussion and/or Action to Approve the Contract(s) for Professional Services Over \$25,000 - Marcus Battle, Associate Superintendent of Business Services, André Bell, Assistant Director of Capital Accounting and Purchasing, and Donna Bertrand, C.P.M., Contracts Administration Coordinator
- 13.02 Discussion and/or Action to Authorize Oak Grove High School Band Boosters, a School Connected Organization, to Solicit Contributions or Funds per Education Code 51520(a) and 51521 - Marcus Battle, Associate Superintendent of Business Services, Karen Poon, Director of Finance, and Kelly Kwong, Senior Manager of Internal Controls

- 13.03 Discussion and/or Action to Approve Request for a One-Time Waiver of Board Policy 5142.1 to Allow for a Fireworks Display at Mt. Pleasant High School on November 14, 2014 - Marcus Battle, Associate Superintendent of Business Services
- 13.04 Discussion and/or Action to Receive and Adopt Second Reading of Proposed New, Amended and Deleted 3000 - Business and Noninstructional Operations Board Policy Series - Marcus Battle, Associate Superintendent of Business Services

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

- 14.01 Discussion and/or Action to Approve Variable Term Waiver Request for Certificated Employee - Cari Vaeth, Associate Superintendent of Human Resources
- 14.02 Discussion and/or Action to Approve Classified Job Description and Salary Range for Data Assurance and Accountability Specialist - Cari Vaeth, Associate Superintendent of Human Resources
- 14.03 Discussion and/or Action to Approve Classified Job Description and Salary Range for Data Dissemination, Support and Training Specialist - Cari Vaeth, Associate Superintendent of Human Resources
- 14.04 Discussion and/or Action to Approve Classified Job Description and Salary Range for Information Data Analyst - Cari Vaeth, Associate Superintendent of Human Resources

**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 of Capital Accounting and Purchasing, and Janice Unger, Capital Projects Purchasing Manager
- 15.02 Ratify Staff Delegation to Make a Finding that the Independence High School Performing Arts Center - Building F Modernization Project is Substantially Complex and is Subject to Ten Percent (10%) Retention - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, André Bell, Assistant Director of Capital Accounting and Purchasing, 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 Purchasing, 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 Ratify/Approve Superintendent's Attendance and Lawful Expenses to Conferences/ Workshops/Meetings
- 16.03 Approve Minutes of September 18, 2014, Regular Board Meeting
- 16.04 Approve Minutes of September 20, 2014, Board Retreat

#### **17. Educational Services/Student Services - Consent / Action Calendar**

- 17.01 Approve School Field Trips

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

- 18.01 Approve Award of Bids and Request for Proposals
- 18.02 Ratification of Contract(s) for Professional Services At or Below \$25,000
- 18.03 Approve Memoranda of Understanding
- 18.04 Approve Purchase Orders
- 18.05 Approve Change Orders to Purchase Orders
- 18.06 Accept Report of Credit Card Purchases for Statement Dated August 22, 2014
- 18.07 Approve Budget Transfers for the Month of September, 2014
- 18.08 Accept Warrant Register for the Month of September, 2014

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

- 19.01 Ratify/Approve Classified Personnel Actions Presented October 16, 2014
- 19.02 Ratify/Approve Certificated Personnel Actions Presented October 16, 2014
- 19.03 Ratify/Approve Student Aide Personnel Actions Presented October 16, 2014

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

- 20.01 Ratification of Bond/Capital Projects Contract(s) for Professional Services At or Below \$50,000
- 20.02 Approve Award of Bids and Request for Proposals for Bond/Capital Projects
- 20.03 Amend Final Change Order #1 for Overfelt Adult Center Increment 1 & 4 Project, E-042-001 (Cal Pacific Construction, Inc.) Bid #: B-03-11-12, PO # 203015
- 20.04 Amend Final Change Order #2 for Andrew Hill High School Title IX Interior Modernization Project, E-025-001 (Cal-Pacific Construction, Inc.)

**21. Written Reports/Recommendations**

- 21.01 Receive Update to Previously Approved Allowance for the Current Andrew Hill High School New Building 100 Classroom Modernization
- 21.02 Receive Certificated Class Size Report - Compliance with 10/08/04 Stipulated Arbitrator's Award

## 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**

<b>Item</b>	<b>Date (tentative)</b>	<b>Type</b>
PE Credit	January, 2015	Presentation/Discussion

### **Board Vice President Van Le**

<b>Item</b>	<b>Date (tentative)</b>	<b>Type</b>
Child Nutrition Services Meals	November 20, 2014	Presentation/Discussion
Failed Courses	Quartely	Report

### **Board Member Frank Biehl**

<b>Item</b>	<b>Date (tentative)</b>	<b>Type</b>
No Child Left Behind (NCLB) and Magnet Program Transfer Requests	November, 2014	Report
Establish Task Force to Review Schools' Start Times	TBD	Report

### **Board Member Lan Nguyen**

<b>Item</b>	<b>Date (tentative)</b>	<b>Type</b>
International Baccalaureate (IB) Program	November, 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
Developer Fees Report
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
Receive Annual Developer Fees 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
Latino Student Awards
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