

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

**AGENDA**  
**March 19, 2015**

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 Meeting of the Board of Trustees 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-B*



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 Y. Nguyen; 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 Cases*

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



### **Open Session at Approximately 6:00 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)**

6.01 McKinney-Vento Student Donations

- Celeste Dearmore & Doug Harney - Family Giving Tree
- Lisi Bettencourt - Hilton Hotels
- Sheri Manii - Kohl's Department Store
- Tej Gundavelli - Touch a Life Foundation
- Priscilla Sanchez, Laurencka Jones and Dyanna Banderas – Wal-Mart Neighborhood Market - Evergreen Village

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

7.01 Andrew P. Hill High School

- Kevin Kelly Nguyen , ASB President
- Brittany Nguyen, ASB Vice President
- Daniel Huynh, ASB Treasurer
- Christine Huynh, ASB Secretary
- Kathy Nguyen, ASB Spirit Leader

7.02 Calero High School & Calero Post Senior Program

- Kaylyn McCleary, Student Representative
- Carla Vargas, Student Representative
- Scarlett Rodriguez, Student Representative



## **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 receive the Fixed Assets and Inventory Report - Marcus Battle, Associate Superintendent of Business Services, André Bell, Assistant Director of Capital Accounting and Purchasing, and Duggan Kerney, President, CPRS
- 8.03 Discussion and/or Action to Approve Final Proposition 39 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
- 8.04 Discussion and/or Action to Approve Final Proposition 39 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
- 8.05 Discussion and/or Action to Approve Final Proposition 39 Facilities Use Agreement with 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
- 8.06 Discussion and/or Action to Approve Final Proposition 39 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
- 8.07 Discussion and/or Action to Approve Final Proposition 39 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

## **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 Appoint Two Board Members to Review 2015 Citizens Bond Oversight Committee (CBOC) Applications – Van T. Le, Board President
- 11.02 Discussion and/or Action to Adopt Schedule of Regular Board Meetings and Annual Organizational Meeting from August 2015 through June 2016 – Chris D. Funk, Superintendent
- 11.03 Discussion and/or Action to Approve Compensation to Staff Not Represented by a Bargaining Unit - Cari Vaeth, Associate Superintendent of Human Resources
- 11.04 Discussion and/or Action to Approve 5% Base Salary Increase to Superintendent Chris Funk, Associate Superintendents, Marcus Battle, Juan Cruz and Cari Vaeth; and Senior Manager of Internal Controls, Kelly Kwong Consistent with Bargaining Unit Salary Considerations Granted – Van T. Le, Board President
- 11.05 Discussion and/or Action to Receive and Adopt Third Reading of Amended Board ByLaw #9270 Conflict of Interest and Revolving Door Restrictions and Reauthorize Resolution #2014/2015-06 – Chris D. Funk, Superintendent

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

- 12.01 Presentation and Discussion regarding Academic Report - Juan Cruz, Associate Superintendent of Educational Services, and Kirsten King, Director of Assessment and Accountability
- 12.02 Presentation and Discussion regarding Instructional Coaching Initiative – Juan Cruz, Associate Superintendent of Educational Services
- 12.03 Discussion and/or Action to Approve Distribution of "Go For It" Scholarship Funds - Juan Cruz, Associate Superintendent of Educational Services

**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 2014/15 - 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 \$25,000 - Marcus Battle, Associate Superintendent of Business Services, and André Bell, Assistant Director of Capital Accounting and Purchasing



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

No Items on Calendar Under this Section

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

- 15.01 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 Approve Minutes of February 12, 2015, Regular Board Meeting

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

- 17.01 Ratify/Approve School Field Trips

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

- 18.01 Approve Memoranda of Understanding
- 18.02 Accept Report of Credit Card Purchases for Statement Dated January 22, 2015
- 18.03 Approve Purchase Orders
- 18.04 Approve Change Orders to Purchase Orders



- 18.05 Adopt Resolution #2014/2015-19 Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546
- 18.06 Approve Facilities Use Agreements
- 18.07 Approve Budget Transfers
- 18.08 Accept Warrant Register for the Month of February, 2015
- 18.09 Ratification of Contract(s) for Professional Services At or Below \$25,000

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

- 19.01 Ratify/Approve Classified Personnel Actions Presented March 19, 2015
- 19.02 Ratify/Approve Certificated Personnel Actions Presented March 19, 2015
- 19.03 Ratify/Approve Student Aide Personnel Actions Presented March 19, 2015

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

- 20.01 Ratification of Bond/Capital Projects Contract(s) for Professional Services At or Below \$50,000

**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 Silicon Valley Community Foundation Quarterly Statement for the Go For It! Scholarship Fund as of December 31, 2014
- 21.02 Receive Self-Insured Schools of California (SISC) GASB 45 Quarterly Report Ending December 31, 2014
- 21.03 Receive Information Regarding Health Care Reform: Excise Tax on High-Cost Employer Health Plans
- 21.04 Receive Information Regarding ESUHSD Workers' Compensation Program from Santa Clara County School's Insurance Group



## 22. Future Agenda Items

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

22.02 Future Items:

### **Board President Van Le**

| <b>Item</b>                      | <b>Date (tentative)</b> | <b>Type</b> |
|----------------------------------|-------------------------|-------------|
| Failed Courses                   | Quarterly               | Report      |
| Independent Study Program Report | April 16, 2015          | Report      |
|                                  |                         |             |

### **Board Vice President Lan Nguyen**

| <b>Item</b>                              | <b>Date (tentative)</b> | <b>Type</b>             |
|--|-------------------------|-------------------------|
| International Baccalaureate (IB) Program | April 23, 2015          | Presentation/Discussion |
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### **Board Clerk Frank Biehl**

| <b>Item</b>   | <b>Date (tentative)</b> | <b>Type</b>             |
|---|-------------------------|-------------------------|
| Special Education Program Update (County & District Wide) | April 16, 2015          | Presentation/Discussion |
| Luis Valdez Leadership Academy                            | April 16, 2015          | Presentation            |
| Teach for America   | April 16, 2015          | Presentation/Discussion |
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22.03 Annual Governance Calendar

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

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

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| <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 |
| Receive Annual Developer Fees Report                      |
| Unaudited Actuals   |

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

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

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| <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       |

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| <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  |

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| <b>February</b>                              |
| African American Students Achievement Awards |
| Audit Committee Charter Amendment(s)         |
| CSBA Delegate Assembly Election              |
| Non-Re-Elects                                |
| Safety Plan Goals for Each Site              |

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| <b>March</b>  |
| Cesar Chavez Writing, Art & Multi-Media Awards Luncheon |
| March 15 Notices  |
| Second Interim Report                                   |
| SJPD Secondary Employment Application                   |
| Vietnamese Students Achievement Awards                  |

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

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

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| <b>June</b>  |
| Budget (Preliminary) with May Revisions Public Hearing (first June Board Meeting)  |
| Budget Adoption (second June Board Meeting)  |
| Budget Advisory Committee:<br>Nominate and Appoint Board Representatives (2) and Alternative Board Representative (1) (2 year term, fiscal year) |
| Employee Retirement Celebration  |
| ESTA Safety Survey   |
| Master Contracts for Capital 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   |



## 24. **Board of Trustees/Superintendent Communications/Comments**

### 24.01 Board of Trustees

- Van Le, President
- Lan Nguyen, Vice President
  - MetroED
- Frank Biehl, Clerk
  - Audit Committee
- J. Manuel Herrera
- Pattie Cortese

### 24.02 Chris D. Funk, Superintendent

## 25. **Report Closed Session Action(s)**

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

## 26. **Adjournment**

### 26.01 President Adjourns the Meeting

