

**EAST SIDE UNION HIGH SCHOOL DISTRICT**  
**Regular Meeting of the Board of Trustees**  
**East Side Union High School District**  
**Board Room**  
**830 N. Capitol Avenue**  
**San Jose, CA 95133**

**AGENDA**  
**November 19, 2015**

**AMENDED**

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 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 Conference with Legal Counsel – Anticipated Litigation:  
Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Government Code Section 54956.9
- *One (1) Potential Case*
- 2.02 Expulsion(s): A-C
- 2.03 Public Employee Performance Evaluation  
(Government Code Section 54957)
- *Superintendent*
- 2.04 Public Employment/Public Employee Appointment  
(Government Code Section 54957)
- 2.05 Public Employee Discipline/Dismissal/Release  
(Government Code Section 54957)
- 2.06 Conference with Labor Negotiators  
(Government Code Section 54957.6)

### Agency Designated Representatives:

*Chris D. Funk, Superintendent*

*Marcus Battle, Associate Superintendent of Business Services*

*Cari Vaeth, Associate Superintendent of Human Resources*

*Glenn Vander Zee, Assistant Superintendent of Educational Services*

### 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*

- 2.07 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 T. McRae-Hurndon;*
  - *Claim for Damages of E. & L. Wong; and*
  - *Two (2) Potential Cases*



**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)**

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 Discussion and/or Action of the East Side Union High School District’s Request to Amend the Term of the B. Roberto Cruz Leadership Academy - Glenn Vander Zee, Assistant Superintendent of Educational Services, Kirsten King, Director of Assessment & Accountability, and Lucretia Peebles, Ph.D., Administrator for Charter School Oversight

8.03 Discussion and/or Action regarding Proposed Ground Lease Agreement with KIPP Bay Area Schools for Proposition 39 Charter School Facilities - Marcus Battle, Associate Superintendent of Business Services, April Chou, Director of Operations, KIPP Bay Area Schools, and Adam Kaye, Director of Real Estate

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

9.01 Hold a Public Hearing at Approximately 6:10 p.m. on a Charter Renewal Petition Submitted by The Foundation for Hispanic Education for Latino College Preparatory Academy – Glenn Vander Zee, Assistant Superintendent of Educational Services, Kirsten King, Director of Assessment & Accountability, and Lucretia Peebles, Ph.D., Administrator for Charter School Oversight

9.02 Hold a Public Hearing at Approximately 6:15 p.m. on a Charter Renewal Petition Submitted by Summit Public Schools for Summit Public School: Rainier - Glenn Vander Zee, Assistant Superintendent of Educational Services, Kirsten King, Director of Assessment & Accountability, and Lucretia Peebles, Ph.D., Administrator for Charter School Oversight



- 9.03 Hold Public Hearing at Approximately 6:20 p.m. – Disclosure of Major Provisions of Proposed Tentative Agreement for 2015-2016 Contract Reopeners with California School Employees Association, Chapter 187 (Per AB1200; Government Code Section 3547.5); Discussion and/or Action - Cari Vaeth, Associate Superintendent of Human Resources
- 9.04 Discussion and/or Action to Ratify and Approve Tentative Agreement for 2015-2016 Contract Reopeners with California School Employees Association, Chapter 187 (Per AB1200; Government Code Section 3547.5) - Cari Vaeth, Associate Superintendent of Human Resources
- 9.05 Hold Public Hearing at Approximately 6:25 p.m. - Disclosure of Major Provisions of Proposed Tentative Agreement for 2015-2016 Contract Reopeners with San Jose Federation of Teachers, Local 957, AFT, AFL-CIO (Per AB1200; Government Code Section 3547.5); Discussion and/or Action - Cari Vaeth, Associate Superintendent of Human Resources
- 9.06 Discussion and/or Action to Ratify and Approve Tentative Agreement for 2015-2016 Contract Reopeners with San Jose Federation of Teachers, Local 957, AFT, AFL-CIO (Per AB1200; Government Code Section 3547.5) - Cari Vaeth, Associate Superintendent of 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.

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 Presentation, Discussion and/or Action regarding District Property and Other Land Use – Chris D. Funk, Superintendent
- 11.02 Discussion and/or Action to Receive First Reading of Draft Proposed Recommended Amendments to Citizens' Bond Oversight Committee Bylaws - Mariel Caballero, Chairperson of Measure G, Measure E, Measure I, and Technology Measure I Citizens' Bond Oversight Committee
- 11.03 Discussion and/or Action to Receive First Reading of Draft Proposed Recommended Amendments to Audit Committee Charter - Frank Biehl, Audit Committee Chair, and Pattie Cortese, Audit Committee Vice Chair



- 11.04 Discussion and/or Action regarding Call for Nominations to CSBA Delegate Assembly – Frank Biehl, Board Clerk
- 11.05 Discussion and/or Action regarding January 30, 2016, Board Retreat and to Select Board Self-Evaluation Instrument for Retreat - Van T. Le, Board President
- 11.06 Discussion, Consideration and/or Action to Direct Legal Counsel to Prepare a Draft Board Policy that Provides for the Implementation of AB 375, Campos: School Employees: Sick Leave: Paternity and Maternity Leave

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

- 12.01 Presentation, Discussion and/or Action regarding Strategic Plan/LCAP Key Performance Measure Data Points - Glenn Vander Zee, Assistant Superintendent of Educational Services, and Kisten King, Director of Assessment & Accountability
- 12.02 Presentation, Discussion and/or Action on Academic Success Analysis - Glenn Vander Zee, Assistant Superintendent of Educational Services, and Kisten King, Director of Assessment & Accountability

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

- 13.01 Presentation, Discussion and/or Action Regarding the Update and Affirmation of the Technology Plan - Marcus Battle, Associate Superintendent of Business Services, and Randy Phelps, Chief Technology Officer
- 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, Director of Capital Accounting and Purchasing
- 13.03 Discussion and/or Action to Ratify CUPCCAA Informal General Purchasing Project(s) - Marcus Battle, Associate Superintendent of Business Services, and André Bell, Director of Purchasing and Capital Accounting

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

- 14.01 Discussion and/or Action to Approve Provisional Permit Request for Certificated Employees - Cari Vaeth, Associate Superintendent of Human Resources
- 14.02 Discussion and/or Action to Approve Variable Term Waiver Request for Certificated Employee - Cari Vaeth, Associate Superintendent of Human Resources



## **15. Facilities/Bond - 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 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, Director of Purchasing and Capital Accounting, and Janice Unger, Capital Projects Purchasing Manager
- 15.03 Discussion and/or Action to Approve Parking Lots Speed Humps Projects at Evergreen Valley High School - Marcus Battle, Associate Superintendent of Business Services, and Linda da Silva, Director of Construction, Maintenance and Facilities

## **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 17, 2015, Regular Board Meeting
- 16.04 Approve Minutes of October 15, 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 Ratification of Contract(s) for Professional Services At or Below \$25,000
- 18.02 Approve Purchase Orders
- 18.03 Approve Change Orders to Purchase Orders
- 18.04 Accept Report of Credit Card Purchases for Statements Dated August 24, and September 22, 2015
- 18.05 Approve Memoranda of Understanding
- 18.06 Approve Budget Transfers for the Month of October, 2015
- 18.07 Accept Warrant Register for the Month of October, 2015
- 18.08 Accept Donations, Grants and Awards

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

- 19.01 Ratify/Approve Classified Personnel Actions Presented November 19, 2015
- 19.02 Ratify/Approve Certificated Personnel Actions Presented November 19, 2015
- 19.03 Ratify/Approve Student Aide Personnel Actions Presented November 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
- 20.02 Approve Award of Bids and Request for Proposals for Bond/Capital Projects
- 20.03 Ratification of Bond/Capital Projects Change Orders to Construction Contracts and Purchase Orders At or Below \$175,000



## 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 September 30, 2015
- 21.02 Receive Self-Insured Schools of California (SISC) GASB 45 Quarterly Report Ending September 30, 2015
- 21.03 Receive Report regarding State Bilingual Seal Program
- 21.04 Receive the Program Improvement End of Year Report





## 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	Twice Year: October & March	Report
Vietnamese & Chinese Language Classes Update	December 10, 2015	Presentation/Discussion
English Language Learners (ELL) Update	December 10, 2015	Presentation/Discussion
AVID Program	January 21, 2016	Presentation/Discussion

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

<b>Item</b>	<b>Date (tentative)</b>	<b>Type</b>
Anti-Bullying Efforts	December 10, 2015	Presentation/Discussion
International Baccalaureate Program (IB) Plan for Recruitment and Expansion	April 21, 2016	Presentation/Discussion

### **Board Clerk Frank Biehl**

<b>Item</b>	<b>Date (tentative)</b>	<b>Type</b>
Consideration and Steps to Place Bond on 2016 Ballot	December 10, 2015	Presentation/Discussion
Primary and Secondary Languages Spoken at Sites	December 10, 2015	Presentation/Discussion
Board Self-Evaluation	Board Retreat January 30, 2015	Presentation/Discussion
Livestream Update (with Broadcast Meetings Update)	Spring 2016	Presentation/Discussion

### **Board Member J.Manuel Herrera**

<b>Item</b>	<b>Date (tentative)</b>	<b>Type</b>
Broadcast Meetings Update (with Livestream Update)	Spring 2016	Presentation/Discussion

### **Board Member Pattie Cortese**

<b>Item</b>	<b>Date (tentative)</b>	<b>Type</b>
Early Alert / Warning System	April 21, 2016	Presentation/Discussion



## 22.03 Annual Governance Calendar

<b>July</b>
Summer School Program (concludes session)
Summer School Graduation
<b>August</b>
Expulsion Hearing Panel Committee
First Day of School
Superintendent's Annual Evaluation
Williams Quarterly Report
<b>September</b>
Board Retreat
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
<b>October</b>
Bond Program Presentation
Solar Energy Presentation
Student Achievement Presentation
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
<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
Master Business Relationship Agreement between East Side Union High School District and Metropolitan Education District
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
Safety Plan Goals for Each Site
State of the District

<b>March</b>
Cesar Chavez Writing, Art & Multi-Media Awards Luncheon
Latino Student Awards Recognition Ceremony
March 15 Notices
NSBA Annual Conference
Second Interim Report
SJPD Secondary Employment Application
Superintendent's Mid-Year Evaluation
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
Williams Quarterly Report

<b>May</b>
Asian American/Pacific Islander History Month: Poster & Essay Contest Awards/Celebration
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)
Budget Advisory Committee: 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 – 2018)
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