

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

AMENDED

AGENDA
June 28, 2011

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 §54957.7*)

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)

2. Closed Session

2.01 Expulsion(s): *None*

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

- *Superintendent*
- *Internal Auditor*

2.03 Public Employment/Public Employee Appointment
(*Government Code Section 54957*)

- *Principal (3 Positions)*
- *Temporary Director of Facilities*
- *Associate Principals*

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:

Dan Moser, Superintendent

Cathy Giammona, Associate Superintendent of Human Resources and Instruction

Hardy Childers, Interim Associate Superintendent of Business Services

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)

2.06 Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code:

- *Three (3) Potential Cases*

2.07 Conference with Real Property Negotiators

Property: ESUHSD Educational Center, or portion thereof
830 N. Capitol Avenue
San Jose, CA 95133

District Negotiators: Dan Moser, Superintendent
Hardy Childers, Interim Associate Superintendent of
Business Services
Rogelio Ruiz, Legal Counsel
Real Estate Representatives Sam Swan, Bob Hunt and Andre Hunt

Negotiating Parties: ESUHSD, Santa Clara Development Company, and
Other Parties to be Determined

Under Negotiation: Price and Terms

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. Consideration of Proposed Amendments to Agenda

6. **Board Special Recognition(s)**
 - 6.01 Hardy Childers – Interim Associate Superintendent of Business Services
7. **Student Board Liaisons**

No items on calendar under this section.
8. **Public Members who wish to Address the Board of Trustees**

Persons wishing to address the Board must fill out a gold request form, which is located at the entrance of the Board Room.
9. **Board of Trustees/Superintendent - Operational Items/Board Discussion and/or Action**
 - 9.01 Hold Public Hearing at Approximately 6:15 p.m. - Receive and Sunshine the Initial Proposal for Successor Contract: From San Jose Federation of Teachers, Local 957, AFT, AFL-CIO to East Side Union High School District - Dan Moser, Superintendent; and Cathy Giammona, Associate Superintendent, Human Resources and Instruction
 - 9.02 Presentation, Discussion and/or Action of Internal Auditor Work Plan - Ian Marsh, Internal Auditor
10. **Instructional Services/Student Services - Operational Items/Board Discussion and/or Action**
 - 10.01 Program Improvement Year 4 School Alternative Governance Plans Presentation – Cathy Giammona, Associate Superintendent, Human Resources and Instruction, Kirsten King, Director of Instructional Services, and Mary Stone, PI External Evaluator
 - 10.02 Charter Compact Update Presentation - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services
 - 10.03 Approve Carl D. Perkins 132 Grant 2011-12 Grant Application for East Side Adult Education Program - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Cari Vaeth, Director of Adult Education and Career Services
 - 10.04 Approval of Consolidated Program Application (Con App) Part I for 2011-2012 - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Tim Nguyen, Coordinator of English Language Learners Supplementary Education
 - 10.05 Approve 2011 Single Plan for Student Achievement - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Tim Nguyen, Coordinator of English Language Learners Supplementary Education
 - 10.06 Approve CAHSEE Local Waivers for Special Education Students - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services
11. **Human Resources - Operational Items/Board Discussion and/or Action**
 - 11.01 Approve Variable Term Waiver Request for Certificated Employee - Cathy Giammona, Associate Superintendent, Human Resources and Instruction
12. **Business Services - Operational Items/Board Discussion and/or Action**
 - 12.01 Receive Second Reading and Adopt New Board Policy #3105 Fund Balance (GASB 54) - Hardy Childers, Interim Associate Superintendent of Business Services
 - 12.02 Approve Budget Adoption for 2011/2012 - Hardy Childers, Interim Associate Superintendent of Business Services

- 12.03 Approve Contracts for Professional Services over \$50,000 - Hardy Childers, Interim Associate Superintendent of Business Services
- 12.04 Approve Authorization for the Superintendent or Designee to Award Summer Projects – Hardy Childers, Interim Associate Superintendent of Business Services
- 12.05 Approve Authorization for the Superintendent to Award Emergency Projects during the Summer - Hardy Childers, Interim Associate Superintendent of Business Services

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

- 13.01 Approve Form Professional Services Agreements for Architectural Services for Measure E and Measure G - Hardy Childers, Interim Associate Superintendent of Business Services

14. Attachment A - Consent Calendar Items

See Attachment A – Administration recommends approval of the consent items shown on Attachment A.

15. Written Reports/Recommendation

- 15.01 Receive Quarterly Report on the County of Santa Clara Treasury Investment Portfolio as of March 31, 2011
- 15.02 Receive Santa Clara County Civil Grand Jury Report: East Side Union High School District’s Progress in Response to the Fiscal Crisis & Management Assistance Team Audit

16. Board of Trustees/Superintendent Communications/Comments

- 16.01 Board of Trustees
 - Lan Nguyen, President
 - Frank Biehl, Vice President
 - MetroED
 - Van Le, Clerk
 - Patricia Martinez-Roach, Member
 - J. Manuel Herrera, Member
- 16.02 Dan Moser, Superintendent

17. Report Closed Session Action(s)

18. Adjournment

Attachment A - Consent Calendar

14. Superintendent asserts that the attached 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.

- 14.01 Ratify/Approve Classified Personnel Actions Presented June 28, 2011
- 14.02 Ratify/Approve Certificated Personnel Actions Presented June 28, 2011
- 14.03 Ratify/Approve Student Aide Personnel Actions Presented June 28, 2011
- 14.04 Approve School Field Trips
- 14.05 Approve Award of Bids
- 14.06 Approve Contracts for Professional Services at or below \$50,000
- 14.07 Approve Memoranda of Understanding
- 14.08 Approve Purchase Orders Presented June 28, 2011
- 14.09 Approve Change Orders to Purchase Orders Presented June 28, 2011
- 14.10 Approve Notice of Completion for Oak Grove High School, Building D Modernization Project (Lyncon Construction, Inc.)
- 14.11 Approve Change Order #2 for Santa Teresa High School Title IX Modernization Project (John Plane Construction, Inc.)
- 14.12 Approve Notice of Completion for Santa Teresa High School, Title IX Modernization Project (John Plane Construction, Inc.)
- 14.13 Approve Minutes of April 16, 2011, Special Board Meeting
- 14.14 Approve Minutes of April 21, 2011, Regular Board Meeting
- 14.15 Approve Minutes of May 5, 2011, Special Board Meeting
- 14.16 Approve Minutes of May 31, 2011, Special Board Meeting