

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

AGENDA
August 23, 2012

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*)

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

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

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

- *Internal Auditor (1)*
- *Director – Special Services (1)*
- *Director – Construction, Maintenance and Facilities (1)*

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

Vida Branner, Director of Compensation and Classified Employee Relations

Cari Vaeth, Director of Human Resources

Employee Organizations:

American Federation of Teachers (AFT)

California School Employees Association (CSEA)

East Side Teachers Association (ESTA)

Unrepresented Employees:

Administrators

Managers

Confidential Employees

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

- *Two (2) Potential Cases*

2.7 Conference with Legal Counsel – Anticipated Litigation
Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9

- *One (1) Potential Case*

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**

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**

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.

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

9.01 Hold Public Hearing at Approximately 6:05 p.m. - Receive and Sunshine the Initial Proposal for Successor Contract: From California School Employees Association, Chapter 187 to East Side Union High School District - Cari Vaeth, Director, Human Resources and Vida Branner, Director, Compensation and Classified Employee Relations

9.02 Hold Public Hearing at Approximately 6:10 p.m. - Regarding Tentative Successor Agreement with the San Jose Federation of Teachers, AFT Local 957, AFL-CIO, July 1, 2012 – June 30, 2013, and Disclosure of Major Provisions of Tentative Agreement (AB1200) – Cari Vaeth, Director, Human Resources

9.03 Ratify and Approve Tentative Successor Agreement with the San Jose Federation of Teachers, AFT Local 957, AFL-CIO, July 1, 2012 – June 30, 2013, and Disclosure of Major Provisions of Tentative Agreement (AB1200) – 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. When your name is called, please come to the podium, state your name for the record, and limit your remarks to three (3) minutes.

Persons wishing to address the Board must fill out a gold request form, which is located at the entrance of the Board Room.

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

11.01 Adopt Resolution #2012/2013-01 Support Schools & Local Public Safety Protection Act (Proposition 30) and Our Children Our Future: Local Schools and Early Education Investment Act (Proposition 38) - Frank Biehl, Board President

11.02 Receive and Adopt Second Reading of Proposed New, Amended and Deleted 1000 Board Policy Series - Juan Cruz, Assistant Superintendent of Instructional Services, and Chris D. Funk, Superintendent

- 11.03 Discussion and/or Action regarding Proposed First Amendment to Superintendent's Contract - Rogelio Ruiz, Esq., Legal Counsel, Rehon & Roberts
- 11.04 Discussion and/or Action regarding California School Boards Association (CSBA) Candidate Nominations for Directors-at-Large: Asian/Pacific Islander and Hispanic – Frank Biehl, Board President
- 11.05 Approve Board Members Attendance and Lawful Expenses to the Silicon Valley Leadership Group's Education Leaders Summit and the 2012 California Latino School Boards Association Unity Conference - Chris D. Funk, Superintendent
- 11.06 Ratify/Approve Superintendent's Attendance and Lawful Expenses to Conferences/ Workshops/Meetings - Chris D. Funk, Superintendent
- 11.07 Approve Superintendent's Early Commencement Compensation per Employment Contract – Chris D. Funk, Superintendent
- 11.08 Discussion and/or Action regarding Rocketship Exemption Letter to Santa Clara County Office of Education – Chris D. Funk, Superintendent
- 12. Instructional Services/Student Services - Operational Items/Board Discussion and/or Action**
 - 12.01 Approve Expulsion Hearing Committee Personnel for 2012-2013 - Juan Cruz, Assistant Superintendent of Instructional Services, and George Sanchez, Coordinator of Student Services
- 13. Human Resources - Operational Items/Board Discussion and/or Action**
 - 13.01 Approve Variable Term Waiver Request for Certificated Employee - Cari Vaeth, Director, Human Resources
 - 13.02 Approve Provisional Internship Permit Requests for Certificated Employees - Cari Vaeth, Director, Human Resources
 - 13.03 Approve 2012-2013 Administrative, Management and Confidential Salary Schedules and Furlough Days - Cari Vaeth, Director, Human Resources; Marcus Battle, Associate Superintendent of Business Services; and Karen Poon, Director of Finance
- 14. Business Services - Operational Items/Board Discussion and/or Action**
 - 14.01 Approve Contracts for Professional Services Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator
- 15. Facilities - Operational Items/Board Discussion and/or Action**
 - 15.01 Approve Bond/Capital Projects Contracts for Professional Services Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, and Janice Unger, Capital Projects Purchasing Manager

15.02 Status of Piedmont Hills High School Auxiliary Gym Project; Approval of Termination of Contract with BCI Builders, Inc. for Construction of Project and/or Termination of Contractor's Right to Perform the Work of the Contract; Delegation of Authority to Administration to Terminate Contract and/or Contractor's Right to Perform the Work of the Contract and to Tender Claim to Surety Under Project Performance Bond – Marcus Battle, Associate Superintendent; Rogelio M. Ruiz, Legal Counsel, Rehon & Roberts

16. Attachment A - Consent Calendar Items

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

17. Written Reports/Recommendation

17.01 Receive Update to Previously Approved Change Orders for Current Bond Projects Which Exceed the 10% Allowance

17.02 Summary of General Obligation Refunding Bonds, 2002 Election, Series C

18. Future Agenda Items

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

18.02 Future Items:

- Parent Involvement Plan, Patricia Martinez-Roach, Board Vice President
- Child Development Program, Patricia Martinez-Roach, Board Vice President
- Special Education Program Costs, Patricia Martinez-Roach, Board Vice President
- Allowable Advertising, Frank Biehl, Board President
- Social Networking - Patricia Martinez-Roach, Board Vice President
- Accel Program - Van Le, Board Member
- Analysis of ESUHSD's Relationship with MetroED - Patricia Martinez-Roach, Board Vice President
- Plan on How to Expand the Early Alert Pilot Program to Other Sites - Patricia Martinez-Roach, Board Vice President
- Facilities Use Board Policies - Board of Trustees & Administration

19. Board of Trustees/Superintendent Communications/Comments

19.01 Board of Trustees

- Frank Biehl, President
- Patricia Martinez-Roach, Vice President
- J. Manuel Herrera, Clerk
 - MetroED
- Lan Nguyen, Member
- Van Le, Member

19.02 Chris D. Funk, Superintendent

20. Report Closed Session Action(s)

21. Adjournment

Attachment A - Consent Calendar

16. 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.

- 16.01 Ratify/Approve Classified Personnel Actions Presented August 23, 2012
- 16.02 Ratify/Approve Certificated Personnel Actions Presented August 23, 2012
- 16.03 Ratify/Approve Student Aide Personnel Actions Presented August 23, 2012
- 16.04 Approve School Field Trips
- 16.05 Approve Award of Bids for Bond/Capital Projects
- 16.06 Approve Contracts for Professional Services At or Below \$50,000
- 16.07 Approve Bond/Capital Projects Contracts for Professional Services At or Below \$50,000
- 16.08 Approve Memoranda of Understanding
- 16.09 Approve Budget Transfers
- 16.10 Approve Purchase Orders
- 16.11 Approve Change Orders to Purchase Orders for Year-End Reconciliation
- 16.12 Accept Warrant Register for the Months of June and July 2012
- 16.13 Adopt Resolution #2012/2013-02 an Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546
- 16.14 Approve Notice of Completion for Independence High School KIPP Relocatable Classrooms and Restrooms Project Phase 1 (Beals Martin Construction, Inc.)
- 16.15 Approve Final Change Order for Silver Creek High School Exterior Painting Project (Fix Painting Company)
- 16.16 Approve Notice of Completion for Silver Creek High School Exterior Painting Project (Fix Painting Company)
- 16.17 Approve Final Change Order for James Lick High School Fire Service Center Project (BRCO Constructors Inc.)
- 16.18 Approve Notice of Completion for James Lick High School Fire Service Center (BRCO Constructors Inc.)

- 16.19 Approve Final Change Order for Silver Creek High School Title IX Interior Modernization Project (Rodan Builders Inc.)
- 16.20 Approve Notice of Completion for Silver Creek High School Title IX Interior Modernization Project (Rodan Builders Inc.)
- 16.21 Approve Final Change Order for James Lick High School Child Development Center Project (Calstate Construction, Inc.)
- 16.22 Approve Notice of Completion for James Lick High School Child Development Center Project (Calstate Construction, Inc.)
- 16.23 Approve Final Change Order for Independence High School KIPP Relocatable Science Project (Beals Martin Construction, Inc.)
- 16.24 Approve Notice of Completion for Independence High School KIPP Relocatable Science Classroom Project (Beals Martin Construction, Inc.)
- 16.25 Approve Minutes of June 19, 2012, Board Meeting/Retreat
- 16.26 Approve Minutes of June 21, 2012, Regular Board Meeting