

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

AMENDED

**AGENDA**  
**February 14, 2013**

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 6:15 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*)

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

- *Senior Manager of Internal Controls*

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*

*Cari Vaeth, Director of Human Resources*

*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)*

Unrepresented Employees:

*Administrators*

*Managers*

*Confidential Employees*

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

- *One (1) Potential Case*

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

- *One (1) Potential Case*

2.08 Conference with Legal Counsel – Existing Litigation  
Subdivision (a) of Government Code Section 54956.9

- *PACE Supply Corp. v. David P. Howard, Synergy Mechanical Contractors, Inc.,  
East Side Union High School District, et al., Santa Clara County Superior Court Case  
No. 112CV237715*

**Open Session at approximately 6:15 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)**

6.01 Fall Sports:

**Mt. Pleasant High School:**

- Girls' Tennis, West Valley Division

**Oak Grove High School:**

- Football, Mt. Hamilton Division

**Piedmont Hills High School:**

- Boys' Cross Country, Santa Teresa Division
- Boys' Water Polo, Santa Teresa Division

**Santa Teresa High School:**

- Girls' Tennis, Santa Teresa Division

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

7.01 James Lick High School

- Kaithlynn Sarmiento, ASB President
- Claire Pham, President - Environmental Club
- John Duque, Member - Environmental Club
- Marco Friaz, Member - Environmental Club
- Christen Nguyen, Member - Environmental Club
- Angie Taloyo, Member - Environmental Club

7.02 Silver Creek High School

- Alexandra Schmitt, ASB President
- Zaire Thomas, ASB Vice President
- Kimberly Ha, ASB Secretary
- Kenny Phung, ASB Treasurer
- Soma Mathur, ASB Spirit Leader

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 Educare Presentation - Jolene Smith, Chief Executive Officer - First 5, Tim McClary, Deputy Superintendent – Franklin-McKinley School District, Dennis Cima, Senior Vice President – Silicon Valley Leadership Group, and Deborah Barnes, Child Development Administrator
- 8.03 Presentation of ESUHSD Demographic Analysis and Enrollment Projection Study - Marcus Battle, Associate Superintendent of Business Services, and Cheryl King and Jamie Iseman from Jack Schreder & Associates

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

- 9.01 Hold Public Hearing at Approximately 6:20 p.m. on a Charter School Renewal Petition from Escuela Popular/ ~~Accelerated~~ **Center for Training and Careers** Family Learning Center - Juan Cruz, Assistant Superintendent of Instructional Services and Kirsten King, Director of Instructional Services
- 9.02 Hold Public Hearing at Approximately 6:25 p.m. - Regarding the Proposed Adoption of the Amended Initial Proposal for Successor Contract: From East Side Union High School District to East Side Teachers Association - Cari Vaeth, Director, Human Resources
- 9.03 Hold Public Hearing at Approximately 6:30 p.m. - Receive and Sunshine the Initial Proposal for Successor Contract: From East Side Teachers Association to East Side Union High School District - 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 Discussion and/or Action to Receive Second Reading and Adoption of Board Policy #7121 Stadium Lighting and Amplified Sound System - Chris D. Funk, Superintendent
- 11.02 Discussion and/or Action to Receive and Accept the Santa Teresa High School Stadium Lighting and Stadium Use Mitigation Plan – Chris D. Funk, Superintendent
- 11.03 Discussion and/or Action to Augment Site Improvement/Deferred Maintenance Initiative Funding to include Stadium Lighting at Santa Teresa High School and Various Minor Projects - Chris D. Funk, Superintendent
- 11.04 Discussion, Consideration, and/or Action regarding Selection/Appointment of Board Audit Committee Member ~~and Alternate Member~~ - Lan Nguyen, Board Audit Committee Chair, and Magdalena Carrasco, Board Audit Committee Vice Chair

- 11.05 Discussion and/or Action to Reschedule April 18, 2013, Regular Board Meeting to April 16, 2013 - Chris D. Funk, Superintendent
- 11.06 Discussion and/or Action to Receive First Reading of Board Policy #0105 Equity - Chris D. Funk, Superintendent, and Juan Cruz, Assistant Superintendent of Instructional Services

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

- 12.01 Discussion and/or Action to Receive and Accept the 2013-2014 Comprehensive School Safety Plan Goals - Juan Cruz, Assistant Superintendent of Instructional Services, and George Sanchez, Coordinator of Student Services
- 12.02 Discussion and/or Action of CAHSEE Local Waivers for Special Education Students - Juan Cruz, Assistant Superintendent of Instructional Services and Kirsten King, Director of Instructional Services
- 12.03 Discussion and/or Action to Receive Fourth Valenzuela/CAHSEE and Williams Settlement Uniform Complaint Quarterly Report for Period Covering October 1st through December 31, 2012 as required by EC 35186 (Williams Settlement Legislation SB550 and AB2727) - Juan Cruz, Assistant Superintendent of Instructional Services, and Robert Ibarra, Coordinator of Professional Development/Migrant Education

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

- 13.01 Discussion and/or Action Regarding the Approval of the Student/Certificated Calendars for the 2013-2014 and 2014-2015 School Years - Cari Vaeth, Director, Human Resources

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

- 14.01 Discussion and/or Action of Proposed Deletion of Board Policy 3323 Business and Noninstructional Operations - Purchasing Procedures - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Janice Unger, Capital Projects Purchasing Manager
- 14.02 Discussion and/or Action to Nominate and Appoint two Board Members to Serve on the Superintendent's Budget Advisory Committee – Marcus Battle, Associate Superintendent of Business Services

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

- 15.01 Discussion, Receipt and/or Adoption of Second Reading of Resolution #2012/2013-16 Authorizing Election under Public Contract Code Section 22030 to Become Subject to the California Uniform Public Construction Cost Accounting Act (CUPCCAA) Procedures - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Janice Unger, Capital Projects Purchasing Manager

- 15.02 Discussion, Receipt and/or Adoption of Second Reading of Resolution #2012/2013-17 Regarding the Enacting of Informal Bidding Procedures under the California Uniform Public Construction Cost Accounting Act - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Janice Unger, Capital Projects Purchasing Manager
- 15.03 Discussion and Presentation on Alternative Public Works Construction Projects Delivery Methods - Marcus Battle, Associate Superintendent of Business Services, and Linda da Silva, Director of Construction, Maintenance and Facilities
- 15.04 Discussion and/or Action of Board Memo Format for Construction Contract Change Orders - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Janice Unger, Capital Projects Purchasing Manager
- 15.05 Discussion and/or Action to Revoke Board Approval of Consent to Assignment and Assumption of Contracts – Chris D. Funk, Superintendent, and Marcus Battle, Associate Superintendent of Business Services
- 15.06 Discussion and/or Action of First Amendment to Amended and Restated Program Management Agreement for the Measure "E" General Obligation School Facilities Bond Program Services - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Janice Unger, Capital Projects Purchasing Manager
- 15.07 Discussion and/or Action for Administration to Authorize Solicitation of RFQ/P for Program Management Services for Bond Measure G, Measure E and Measure I - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Janice Unger, Capital Projects Purchasing Manager
- 15.08 Discussion and/or Action of Bond/Capital Projects Contract for Professional Services Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, and Janice Unger, Capital Projects Purchasing Manager

## **16. Consent / Action Calendar**

**All items listed under 16, 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 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.

- 16.01 Ratify/Approve Classified Personnel Actions Presented February 14, 2013
- 16.02 Ratify/Approve Certificated Personnel Actions Presented February 14, 2013
- 16.03 Ratify/Approve Student Aide Personnel Actions Presented February 14, 2013

- 16.04 Approve School Field Trips
- 16.05 Approve Memoranda of Understanding
- 16.06 Approve Contracts for Professional Services Under \$50,000
- 16.07 Approve Budget Transfers
- 16.08 Approve Purchase Orders
- 16.09 Approve Change Orders to Purchase Orders
- 16.10 Accept Report of Credit Card Expenses for Statements Dated December 24, 2012 and January 22, 2013
- 16.11 Adopt Resolution #2012/2013-19 an Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546
- 16.12 Accept Warrant Register for the Month of January 2013
- 16.13 Approve Award of Bids for Bond/Capital Projects
- 16.14 Approve Bond/Capital Projects Contracts for Professional Services At or Below \$50,000
- 16.15 Ratify/Approve Superintendent's Attendance and Lawful Expenses to Conferences/Workshops/Meetings
- 16.16 Approve Board Members Attendance to National School Board Association (NSBA) Annual Conference
- 16.17 Approve Minutes of January 17, 2013, Regular Board Meeting

**17. Written Reports/Recommendation**

**Items under 17 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.

- 17.01 Receive Update to Previously Approved Change Orders for Current Bond Projects which Exceed the 10% Allowance
- 17.02 Receive Chinese Language Program Update
- 17.03 Receive A-G Steering Committee Report

**18. Future Agenda Items**

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

18.02 Future Items:

**Board President Frank Biehl:**

<b>Item</b>	<b>Date (tentative)</b>	<b>Type</b>
Parent Involvement Plan	March 21, 2013	Board Policy

**Board Clerk Van Le:**

<b>Item</b>	<b>Date (tentative)</b>	<b>Type</b>
Special Education Program Overview	March 2, 2013	Study Session
Review of Safety Procedures	March 21, 2013	Board Policy

**Board Member Lan Nguyen:**

<b>Item</b>	<b>Date (tentative)</b>	<b>Type</b>
International Baccalaureate (IB) Program	March 2, 2013	Study Session
Review on Procurement and Bidding Process	April 18, 2013	Presentation

**19. Board of Trustees/Superintendent Communications/Comments**

19.01 Board of Trustees

- Frank Biehl, President
- J. Manuel Herrera, Vice President
  - MetroED
- Van Le, Clerk
- Lan Nguyen, Member
  - Board Audit Committee
- Magdalena Carrasco, Member

19.02 Chris D. Funk, Superintendent

**20. Report Closed Session Action(s)**

**21. Adjournment**