AGENDA
October 15, 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 3:30 P.M.
The Regular Meeting of the Board of Trustees will begin at 3:30 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 6:30 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
   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

2.06 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 J. Carafachea Nares; and
   - Two (2) Potential Cases

Open Session at Approximately 6:30 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 District Board Policy for Charter Renewal and Recommended Renewal Protocol - 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 to Receive Charter School Renewal Petition from Summit Public Schools: Rainier Charter School – Glenn Vander Zee, Assistant Superintendent of Educational Services, Kirsten King, Director of Assessment & Accountability, and Lucretia Peebles, Ph.D., Administrator for Charter School Oversight

   8.04 Discussion/Action to Review Relationship between San Jose Police Department Campus Security Services and Student Discipline Issues – Chris D. Funk, Superintendent

   8.05 Discussion and/or Action to Receive Charter School Renewal Petition from Latino College Preparatory Academy Submitted by The Foundation for Hispanic Education – 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. **Public Hearing(s) - Operational Items/Board Discussion and/or Action**
   9.01 Hold Public Hearing at Approximately 6:05 p.m. - Disclosure of Major Provisions of Proposed Tentative Agreement with East Side Teachers Association/CTA/NEA, August 31, 2015 - July 31, 2018 (Per AB1200; Government Code Section 3547.5); Discussion and/or Action - Cari Vaeth, Associate Superintendent of Human Resources
9.02 Discussion and/or Action to Ratify and Approve Tentative Agreement with East Side Teachers Association/CTA/NEA, August 31, 2015 - July 31, 2018 - Cari Vaeth, Associate Superintendent of Human Resources

9.03 Hold Public Hearing at Approximately 6:10 p.m. Regarding the Proposed Adoption of the Initial Proposal for Contract Reopeners for 2015-2016: From East Side Union High School District to the San Jose Federation of Teachers Local 957, AFT, AFL-CIO - Cari Vaeth, Associate Superintendent of Human Resources

9.04 Discussion and/or Action Regarding the Proposed Adoption of the Initial Proposal for Contract Reopeners for 2015-2016: From East Side Union High School District to the San Jose Federation of Teachers, Local 957, AFT, AFL-CIO - Cari Vaeth, Associate Superintendent of Human Resources

9.05 Hold Public Hearing at Approximately 6:15 p.m. To Receive and Sunshine the Initial Proposal for Contract Reopeners for 2015-2016: From San Jose Federation of Teachers, Local 957, AFT, AFL-CIO to East Side Union High School District - 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 Discussion and/or Action to Approve Senior Manager of Internal Controls' Proposed Work Plan - Kelly D. Kwong, Senior Manager of Internal Controls

11.02 Discussion and/or Action regarding Broadcasting District Board Meetings - Marcus Battle, Associate Superintendent, Randy Phelps, Chief Technology Officer

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

12.01 Discussion and/or Action to Accept the Technical Edits to the Local Control Accountability Plan (LCAP) as Defined by the Santa Clara County Office of Education (SCCOE) - Glenn Vander Zee, Assistant Superintendent of Educational Services
12.02 Receive the Third Quarterly Valenzuela/CAHSEE and Williams Settlement Uniform Complaints Quarterly Report for Period covering July 1, 2015 through September 30, 2015, as required by EC 35186 (Williams Settlement Legislation SB550 and AB2727) - Glenn Vander Zee, Assistant Superintendent of Educational Services

12.03 Discussion and/or Action to Correct and Reauthorize Resolution #2015/2016-06 regarding the Sufficiency of Textbooks and Instructional Materials - Glenn Vander Zee, Assistant Superintendent of Educational Services

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

13.01 Presentation and Discussion regarding the Electric Bus Project - Marcus Battle, Associate Superintendent of Business Services, and Julie Kasberger, Director of General Services

13.02 Presentation and Discussion regarding the Child Nutrition Services Administrative Review - Marcus Battle, Associate Superintendent of Business Services, and Julie Kasberger, Director of General Services

13.03 Presentation and Discussion regarding the Short-Term Non-Certificated Summer Staffing Initiative - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance & Facilities, Andre Bell, Director of Purchasing and Capital Accounting, and Randy Phelps, Chief Technology Officer

13.04 Discussion and/or Action to Approve the Contract(s) for Professional Services Over $25,000 - Marcus Battle, Associate Superintendent of Business Services, André Bell, Assistant Director of Capital Accounting and Purchasing, and Francine Brissey, General Purchasing Manager

13.05 Discussion and/or Action to Approve First Amendment to Metropolitan Education District Joint Powers Agreement - Marcus Battle, Associate Superintendent of Business Services

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

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

14.02 Discussion and/or Action to Approve Provisional Internship Permit Request for Certificated Employees - Cari Vaeth, Associate Superintendent of Human Resources

14.03 Discussion and/or Action to Approve Classified Management Job Description and Salary Range for Facilities Rental Manager - Cari Vaeth, Associate Superintendent of Human Resources

14.04 Discussion and/or Action to Approve Compensation to Staff Not Represented by a Bargaining Unit - Cari Vaeth, Associate Superintendent of Human Resources
15. **Facilities/Bond - Operational Items/Board Discussion and/or Action**

15.01 Presentation and/or Discussion regarding the Bond Program Update - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Farshid Samsami, Program Manager, SGI Construction Management, Inc.

15.02 Presentation, Discussion, and/or Action to Allocate Funds for Alternative Education Facility Upgrades at Independence Adult Education Center, Independence, Oak Grove, W.C. Overfelt, and Yerba Buena High Schools - Marcus Battle, Associate Superintendent of Business Services, and Linda da Silva, Director of Construction, Maintenance and Facilities

15.03 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

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**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.

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16. **Board of Trustees / Superintendent - Consent / Action Calendar**

16.01 Approve Minutes of August 20, 2015, Regular Board Meeting

16.02 Approve Minutes of August 20, 2015, Special Board Meeting

16.03 Approve Minutes of September 17, 2015, Regular Board Meeting

16.04 Approve Minutes of September 24, 2015, Board Study Session

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

17.01 Approve Inter-District Attendance Agreement with Morgan Hill Unified School District

17.02 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 Approve Memoranda of Understanding

18.05 Approve Facilities Use Agreements

18.06 Adopt Resolution #2015/2016-07 Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546

18.07 Approve Budget Transfers for the Month of September, 2015

18.08 Accept Warrant Register for the Month of September, 2015

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

19.01 Ratify/Approve Classified Personnel Actions Presented October 15, 2015

19.02 Ratify/Approve Certificated Personnel Actions Presented October 15, 2015

19.03 Ratify/Approve Student Aide Personnel Actions Presented October 15, 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

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 Certificated Class Size Report – Compliance with 10/08/04 Stipulated Arbitrator’s Award

21.02 Receive from Santa Clara County Office of Education the Approval Letter for the 2015-16 Adopted Budget and Local Control Accountability Plan

21.03 Accept the Annual Energy Savings and Performance Report of the Solar Program, Year 4
22. Future Agenda Items

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

22.02 Future Items:

<table>
<thead>
<tr>
<th>Board President Van Le</th>
<th>Date (tentative)</th>
<th>Type</th>
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<tbody>
<tr>
<td>Failed Courses</td>
<td>Twice Year: October &amp; March</td>
<td>Report</td>
</tr>
<tr>
<td>Vietnamese &amp; Chinese Language Classes Update</td>
<td>November 19, 2015</td>
<td>Presentation/Discussion</td>
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<tr>
<td>English Language Learners (ELL) Update</td>
<td>December 10, 2015</td>
<td>Presentation/Discussion</td>
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<tr>
<th>Board Vice President Lan Nguyen</th>
<th>Date (tentative)</th>
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<tbody>
<tr>
<td>Anti-Bullying Efforts</td>
<td>December 10, 2015</td>
<td>Presentation/Discussion</td>
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<tr>
<td>International Baccalaureate Program (IB) Plan for Recruitment and Expansion</td>
<td>April 21, 2016</td>
<td>Presentation/Discussion</td>
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<th>Board Clerk Frank Biehl</th>
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<tbody>
<tr>
<td>Consideration and Steps to Place Bond on 2016 Ballot</td>
<td>November 19, 2015</td>
<td>Presentation/Discussion</td>
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<tr>
<td>Police Referrals: Relationship versus Citations</td>
<td>TBD</td>
<td>Discussion</td>
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<th>Board Member Pattie Cortese</th>
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<th>Type</th>
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<tbody>
<tr>
<td>School Involvement in the Participatory Budgeting Process</td>
<td>TBD</td>
<td>Presentation/Discussion</td>
</tr>
<tr>
<td>Plan to Bring Back Expelled Students</td>
<td>November 19, 2015</td>
<td>Presentation/Discussion</td>
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<tr>
<td>Early Alert / Warning System</td>
<td>April 21, 2016</td>
<td>Presentation/Discussion</td>
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<th>Board of Trustees &amp; Superintendent Chris D. Funk</th>
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<tbody>
<tr>
<td>Property and Other Land Use</td>
<td>November 19, 2015</td>
<td>Presentation/Discussion</td>
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# 22.03 Annual Governance Calendar

## July
- Summer School Program (concludes session)
- Summer School Graduation

## August
- Expulsion Hearing Panel Committee
- First Day of School
- Superintendent’s Annual Evaluation
- Williams Quarterly Report

## September
- 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

## October
- Bond Program Presentation
- Solar Energy Presentation
- Student Achievement Presentation
- Williams Quarterly Report

## November
- Board Study Session/Workshop
- Election Orientation for New Board Members

## December
- Annual Organizational Board Meeting
- CSBA Annual Conference
- Election Orientation for New Board Members
- End of First Semester
- First Interim Report

## January
- 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

## February
- 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

## March
- 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

## April
- 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

## May
- 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)

## June
- 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