AGENDA
March 10, 2009

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 large gymnasium at Independence High School. Anyone wishing to address the Board regarding Closed Session items may speak at this time. The Board will then adjourn to Closed Session in Conference Room C-05.

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 (Open Session will resume at the end of Closed Session in the large gymnasium at Independence High School at approximately 6:00 p.m.) SEE ITEM 2 ON AGENDA (CLOSED SESSION)

2. Closed Session
   2.01 EXPULSIONS – A-F
   2.02 PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE (Government Code §Section 54957)
   2.03 CONFERENCE WITH LABOR NEGOTIATORS (Government Code §Section 54957.6)

   Agency Designated Representatives:
   Bob Nuñez, Superintendent
   Jerry Kurr, Associate Superintendent of Administration and Business Services
   Dan Moser, Associate Superintendent of Instruction and Human Relations
   Cathy Giammona, Director of Human Resources
   Vida Branner-Siders, Director of Compensation and Classified Employee Relations

   Employee Organizations:
   American Federation of Teachers (AFT)
   California School Employees Association (CSEA)
   East Side Teachers Association (ESTA)

   2.04 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
   Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code: Two (2) potential cases
Open Session 6:00 P.M. – Independence High School – Large Gymnasium

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 gymnasium.

5. **Consideration of Proposed Amendments to Agenda**

6. **Board Special Recognition(s)**
   None

7. **Student Board Liaisons**
   None

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 gymnasium.

9. **Superintendent/Board of Trustees - Operational Items/Board Discussion and/or Action**
   9.01 Request to State Board of Education for Temporary Waiver of Budget Reserve Requirement *(Discussion Only)* – Bob Nuñez, Superintendent
   9.02 Update: District Conversion to Renewable/Alternative Energy – Bob Nuñez, Superintendent, and Rogelio Ruiz, Legal Counsel
   9.03 Update: Potential Impact of Federal Stimulus Package on ESUHSD – Jerry Kurr, Associate Superintendent of Administration and Business Services
   9.04A Review, Consideration and Adoption of Resolution #2008/2009-28 Authorizing Reduction or Elimination of Classified Services – Bob Nuñez, Superintendent
   9.04B Review, Consideration and Adoption of Resolution #2008/2009-29 Authorizing Reduction or Elimination of Classified Services – Bob Nuñez, Superintendent
   9.04C Review, Consideration and Adoption of Resolution #2008/2009-30 Authorizing Reduction or Elimination of Classified Services – Bob Nuñez, Superintendent
   9.05 Review, Consideration and Adoption of Resolution #2008/2009-31 Authorizing Reduction or Elimination in Certificated Workforce – Bob Nuñez, Superintendent
   9.06 Approve Recommendation for Sports Program – Bob Nuñez, Superintendent

10. **Instructional Services - Operational Items/Board Discussion and/or Action**
    None

11. **Student Services - Operational Items/Board Discussion and/or Action**
    None

12. **Human Resources - Operational Items/Board Discussion and/or Action**
    12.01 Approve Provisional Internship Permit Requests for Certificated Employees – Dan Moser, Associate Superintendent of Instruction and Human Relations - ATTACHMENT E
    12.02 Rescind the Adoption of Resolution #2008/2009-21 Declaring the Observance of Cesar Chavez Day on March 30, 2009 – Dan Moser, Associate Superintendent of Instruction and Human Relations
13. **Business Services - Operational Items/Board Discussion and/or Action**
   13.01 Approve Second Interim Report – Jerry Kurr, Associate Superintendent of Administration and Business Services
   13.02 Approve Contracts for Professional Services - Jerry Kurr, Associate Superintendent of Administration and Business Services - ATTACHMENT B
   13.03 Approve Memoranda of Understanding - Jerry Kurr, Associate Superintendent of Administration and Business Services - ATTACHMENT C
   13.04 Approve Recommendation for the Measures E and G Pre-Approved Construction Management Firms (CM) List – Jerry Kurr, Associate Superintendent of Administration and Business Services
   13.05 Approve Recommendation for the Measures E and G Pre-Approved DSA Project Inspection Service/Inspector of Record (IOR) List – Jerry Kurr, Associate Superintendent of Administration and Business Services

14. **Facilities - Operational Items/Board Discussion and/or Action**
   None

15. **Adult Education - Operational Items/Board Discussion and/or Action**
   None

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 Notification of Truancy Program Audit Report – Patricia Martinez-Roach, Board President

18. **Board of Trustees/Superintendent Communications/Comments**
   18.01 Board of Trustees
      • J. Manuel Herrera, Vice President
      • Frank Biehl, Clerk
         ➢ MetroED Board Update
      • Lan Nguyen, Member
      • Eddie Garcia, Member
      • Patricia Martinez-Roach, President

   18.02 Bob Nuñez, Superintendent

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

20. **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 and Approve Classified Personnel Actions Presented March 10, 2009
16.02 Ratify and Approve Certificated Personnel Actions Presented March 10, 2009
16.03 Ratify and Approve Student Aide Personnel Actions Presented March 10, 2009
16.04 Approve School Field Trips
16.05 Approve CAHSEE Local Waivers for Special Education Students
16.06 Approve Notice of Completion for Andrew Hill High School Phase III Additions and Modernizations (Thermal Mechanical)
16.07 Approve Notice of Completion for Andrew Hill High School Phase III Additions and Modernizations (Mastria, Inc.)
16.08 Approve Notice of Completion for Andrew Hill High School Phase III Additions and Modernizations, General Trades (Beals Martin, Inc.)
16.09 Approve Notice of Completion for Andrew Hill High School Phase III Additions and Modernization, Roofing (Andy’s Roofing Company)
16.10 Approve Notice of Completion for Andrew Hill High School Phase III Additions and Modernizations, Landscaping (Shooter & Butts, Inc.)
16.11 Approve Notice of Completion for Andrew Hill High School Phase III Additions and Modernizations, Concrete (Joseph J. Albanese, Inc.)
16.12 Approve Notice of Completion for Yerba Buena High School Modernization, Building 900 Vocational Ed Project (Valhalla Builders)
16.13 Approve Change Order #1 for James Lick High School, New Restroom Building (Zolman Construction and Development, Inc.)