



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

**AGENDA**  
**September 19, 2017**

**Servicios disponibles de traducción en español y en vietnamita.**  
**Có dịch vụ thông dịch sang tiếng Tây Ban Nha và tiếng Việt.**

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 Meeting of the Board of Trustees 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 speaker 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 Mindfulness Practice

- 2.02 Expulsion(s):
- Student 17-18-001
  - Student 17-18-002
- 2.03 Public Employee Performance Evaluation  
(Government Code Section 54957)
- Superintendent
- 2.04 Public Employment/Public Employee Appointment  
(Government Code Section 54957)
- Superintendent (1)
  - Coordinator of Adult Education (1)
  - Coordinator of Child Development (1)
- 2.05 Public Employee Discipline/Dismissal/Release  
(Government Code Section 54957)
- 2.06 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, Associate 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

- 2.07 Conference with Legal Counsel – Anticipated Litigation  
Significant exposure to litigation pursuant to subdivision (d)(2) of  
Government Code Section 54956.9
- Four (4) Potential Cases

2.08 Conference with Legal Counsel – Existing Litigation  
Paragraph (1) of subdivision (d) of Government Code Section 54956.9

Two (2) Cases:

- Office of Administrative Hearings: Case No. 2017060756
- Steve Smith Enterprises, Inc. v. East Side Union High School District, et al., Santa Clara County Superior Court Case No. 17CV312817

2.09 Conference with Legal Counsel – Anticipated Litigation  
Initiation of litigation pursuant to paragraph (4) of subdivision (d)  
of Section 54956.9

- One (1) Potential Case

**3. Resume Open Session at Approximately 6:00 P.M. – Education Center Board Room**

3.01 Pledge of Allegiance

**4. Welcome and Explanation to Audience**

4.01 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 speaker request form, which is located at the entrance of the Board Room. Written information is located near the entrance to the Board Room.

**5. Adoption of Agenda**

5.01 The Superintendent and/or Board Member(s) may request that items be removed from the agenda for consideration and/or carried to a future Board meeting for consideration and/or action, and/or that the Board take action in a regular meeting on a subject not listed on the published agenda on an emergency basis or other basis allowed by law. (Gov. Code 54954.2)

**6. Board Special Recognition(s)**

No Items on Calendar under this Section

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

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 Presentation and/or Discussion regarding Silicon Valley Career Technical Education - Alyssa Lynch, Superintendent, MetroED

- 8.03 Presentation, Discussion and/or Action to Accept the Unaudited Actual Financial Report for Fiscal Year 2016/2017 - Marcus Battle, Associate Superintendent of Business Services, and Silvia Pelayo, Director of Finance
- 8.04 Discussion and/or Action to Adopt Resolution #2017/2018-06 Authorizing the Issuance and Sale of General Obligation Bonds, 2014 Election, Series B (Ed-Tech Bonds®), in the Principal Amount of Not to Exceed \$20,000,000, and Approving Documents and Official Actions Relating Thereto - Marcus Battle, Associate Superintendent of Business Services, Dale Scott, Dale Scott and Company, and Charles F. Adams, Jones Hall

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

- 9.01 Hold Public Hearing at Approximately 6:10 p.m. for Resolution 2017/2018-07 Regarding the GANN Spending Limit - Marcus Battle, Associate Superintendent of Business Services, and Silvia Pelayo, Director of Finance
- 9.02 Discussion and/or Action to Adopt Resolution #2017/2018-07 Establishing Appropriations for GANN Spending Limit - Marcus Battle, Associate Superintendent of Business Services, and Silvia Pelayo, Director of Finance
- 9.03 Hold Public Hearing at Approximately 6:15 p.m. for Resolution #2017-2018-10 Regarding the Sufficiency of Textbooks and Instructional Materials per Education Code 60119 - Glenn Vander Zee, Associate Superintendent of Educational Services
- 9.04 Discussion and/or Action to Adopt Resolution #2017/2018-10 Regarding the Sufficiency of Textbooks and Instructional Materials per Education Code 60119 - Glenn Vander Zee, Associate Superintendent of Educational Services

**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 speaker 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 Adopt Resolution #2017/2018-05 In Support of Deferred Action for Childhood Arrivals (DACA) - Pattie Cortese, Board Clerk, and Frank Biehl, Board President
- 11.02 Discussion and/or Action to Receive First Reading of Amendments to Board Policy #5116 School Attendance Boundaries - Chris D. Funk, Superintendent

- 11.03 Discussion and/or Action regarding CSBA Call for Nominations for Directors-at-Large African American and American Indian - Frank Biehl, Board President
- 11.04 Discussion and/or Action regarding Superintendent's Employment Contract – Frank Biehl, Board President
- 11.05 Discussion and/or Action regarding Senior Manager of Internal Controls' Proposed Preliminary Draft Annual Audit Work Plan - Kelly Kwong, Senior Manager of Internal Controls, CPA

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

- 12.01 Discussion and/or Action to Approve Academic Criterion for Reclassification of English Learners to English Proficient Students for the 2017-2018 School Year-Glenn Vander Zee, Associate Superintendent of Educational Services
- 12.02 Discussion and/or Receipt of Charter School Renewal Petition for KIPP San Jose Collegiate submitted by KIPP Bay Area Schools - Glenn Vander Zee, Associate Superintendent of Educational Services
- 12.03 Discussion and/or Action to Receive First Reading of Amended Board Policy #5141.52 Suicide Prevention – Glenn Vander Zee, Associate Superintendent of Educational Services

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

- 13.01 Presentation and Discussion regarding the Short-Term Non-Certificated Summer Staffing Initiative - Marcus Battle, Associate Superintendent of Business Services, Julio Lucas, Director of Construction, Maintenance & Facilities, Janice Unger, Director of Purchasing and Capital Accounting, and Randy Phelps, Chief Technology Officer
- 13.02 Discussion and/or Action to Approve the Contract(s) for Professional Services Over \$25,000 - Marcus Battle, Associate Superintendent of Business Services, Janice Unger, Director of Purchasing and Capital Accounting, and Francine Brissey, General Purchasing Manager
- 13.03 Discussion and/or Action to Adopt Resolution #2017/2018-08 Competitive Negotiation for Financial Management Information System Procurement and Implementation Public Contract Code Section 20118.2 - Marcus Battle, Associate Superintendent of Business Services, Janice Unger, Director of Purchasing and Capital Accounting, and Francine Brissey, General Purchasing Manager
- 13.04 Discussion and/or Action to Ratify Final Proposition 39 Facilities Use Agreement with KIPP - Marcus Battle, Associate Superintendent of Business Services, Julio Lucas, Director of Construction, Maintenance and Facilities, and Rogelio M. Ruiz, Legal Counsel

- 13.05 Discussion and/or Action Regarding Land Use by Luis Valdez Leadership Academy (LVLA) at Yerba Buena High School, 1855 Lucretia Avenue, San Jose, CA 95122 - Marcus Battle, Associate Superintendent of Business Services, and Julio Lucas, Director of Construction, Maintenance & Facilities
- 13.06 Discussion and/or Action to Approve Request for a One-Time Waiver of Board Policy 5142.1 to Allow for a Fireworks Display at Oak Grove High School on October 6, 2017 - 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 Requests for Certificated Employees - Cari Vaeth, Associate Superintendent of Human Resources
- 14.02 Discussion and/or Action to Approve Provisional Permit Request for Certificated Employees – Cari Vaeth, Associate Superintendent of Human Resources
- 14.03 Discussion and/or Action to Approve New Classified Management Job Description and Salary Range for Facilities Operations Manager - Cari Vaeth, Associate Superintendent of Human Resources
- 14.04 Review, Consideration and Adoption of Resolution #2017/2018-11 Authorizing Elimination and Layoff of Classified Management Services: Assistant Director of Facilities and Operations (1.0 FTE) - Cari Vaeth, Associate Superintendent of Human Resources
- 14.05 Discussion and/or Action to Approve a Project Manager Position - Cari Vaeth, Associate Superintendent of Human Resources

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

- 15.01 Presentation, Discussion and/or Action to Revise the Format of the Construction Contract Change Order Board Memos - Marcus Battle, Associate Superintendent of Business Services, and Janice Unger, Director of Purchasing and Capital Accounting
- 15.02 Discussion and/or Action to Approve the Bond/Capital Projects Contract(s) Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, Julio Lucas, Director of Construction, Maintenance and Facilities, and Janice Unger, Director of Purchasing and Capital Accounting

## **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.

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

- 16.01 Approve Minutes of June 8, 2017, Regular Board Meeting
- 16.02 Approve Minutes of June 22, 2017, Regular Board Meeting

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

- 17.01 Ratify/Approve School Field Trips
- 17.02 Approve Career Technical Education Advisory Committee for the 2017-2018 School Year
- 17.03 Approve School Attendance Review Board (SARB) for 2017-2018 School Year

### **18. Business Services - Consent / Action Calendar**

- 18.01 Approve Award of Bids and Request for Proposals for General Purchasing
- 18.02 Ratify/Approve Contract(s) for Professional Services At or Below \$25,000
- 18.03 Approve Purchase Orders Dated August 1, through August 31, 2017
- 18.04 Ratify/Approve Change Orders to Purchase Orders
- 18.05 Ratify/Approve CUPCCAA Informal General Purchasing Project(s)
- 18.06 Ratify/Approve Memoranda of Understanding
- 18.07 Adopt Resolution #2017/2018-09 Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546

- 18.08 Approve Lawful Business Travel Expense of Marcus Battle, Associate Superintendent of Business Services, Primary Designated School Official (PDSO), Nadia Davis, Attendance Accounting/International Student Program Coordinator, Designated School Official (DSO), Nguyet Dinh, Administrator of Minority Language Programs, and Jonathan Mach, Assistant Principal, Silver Creek High School to travel to China
- 18.09 Approve Budget Transfers for the Month of July, 2017
- 18.10 Accept Warrant Register for the Month of July, 2017

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

- 19.01 Ratify/Approve Classified Personnel Actions Presented September 19, 2017
- 19.02 Ratify/Approve Certificated Personnel Actions Presented September 19, 2017
- 19.03 Ratify/Approve Student Aide Personnel Actions Presented September 19, 2017

**20. Facilities - Consent / Action Calendar**

- 20.01 Approve Award of Bids and Request for Proposals for Bond/Capital Projects
- 20.02 Ratify Bond/Capital Projects Contract(s) for Professional Services At or Below \$50,000
- 20.03 Ratification of Bond/Capital Projects Change Orders to Construction Contracts and Purchase Orders At or Below \$175,000
- 20.04 Ratify CUPCCAA Informal Bond Project(s)

**21. Written Reports/Recommendation**

- 21.01 Receive Internal Audit Report Bond Fund: Expenditure and Payment Procedures (FY17-1)
- 21.02 Receive Internal Audit Report Bond Fund: Conflict of Interest (FY17-2)
- 21.03 Receive Internal Audit Report Employee Other Reimbursement (FY17-3)
- 21.04 Receive Internal Audit Report Payroll Operational Review Follow Up (FY17-4)
- 21.05 Receive Internal Audit Report Credit Cards (FY17-5)
- 21.06 Receive Internal Audit Report Employee Travel and Conference (FY17-6)
- 21.07 Receive Internal Audit Report Employee Car Allowance and Mileage Reimbursement (FY17-7)
- 21.08 Receive Report on Summer Swim Programs at East Side Union High School District



- 21.09 Receive Report for East Side Union High School District on Minority and/or Women Owned Business
- 21.10 Receive Report on Energy Savings
- 21.11 Non-Public School 5-Year Comparison

**22. Future Agenda Items**

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

22.02 Future Items:

**Frank Biehl, Board President**

<b>Item</b>	<b>Date (tentative)</b>	<b>Type</b>
Bond Projects	TBD	Report
Charter Schools	TBD	Report
Solar Project	TBD	Report

**J. Manuel Herrera, Board Vice President**

<b>Item</b>	<b>Date (tentative)</b>	<b>Type</b>
STEAM	TBD	Presentation/Discussion
IPC Annual Update <ul style="list-style-type: none"> <li>• Activities To-Date</li> </ul>	TBD	Presentation/Discussion

**Pattie Cortese, Board Clerk**

<b>Item</b>	<b>Date (tentative)</b>	<b>Type</b>
Translation Services	TBD	Presentation/Discussion
Teen Parents <ul style="list-style-type: none"> <li>• Education</li> <li>• Support</li> <li>• Child Care at James Lick HS</li> </ul>	TBD	Presentation/Discussion
Community Liaisons vs. PCIS and Attendance Clerks <ul style="list-style-type: none"> <li>• Delineation of Roles and Expectations and How they Work Together</li> </ul>	TBD	Presentation/Discussion

**Van Le, Board Member**

<b>Item</b>	<b>Date (tentative)</b>	<b>Type</b>
Challenge Exams for Course Advancement	November 16, 2017	Report
Grading Policy	November 16, 2017	Presentation/Discussion
Role of PCIS vs. Liaisons <ul style="list-style-type: none"><li>• Ethnicity/Diversity compared to Site Enrollment</li><li>• Roles and Responsibilities</li></ul>	TBD	Presentation/Discussion
Adult Education Program	TBD	Report
Alternative Education <ul style="list-style-type: none"><li>• Programs Offered</li></ul>	TBD	Report

**Lan Nguyen, Board Member**

<b>Item</b>	<b>Date (tentative)</b>	<b>Type</b>
After School Programs	October 12, 2017	Presentation/Discussion
Facilities Work Order Ticket Tracking	TBD	Presentation/Discussion

## 22.03 Annual Governance Calendar

<b>July</b>
Summer School Program (concludes session)
Summer School Graduation

<b>August</b>
Board Members' Expenses Report (Apr/May/June)
Expulsion Hearing Panel Committee
First Day of School
Superintendent's Annual Evaluation
Williams Quarterly Report

<b>September</b>
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

<b>October</b>
Board Members Expenses' Report (July/Aug/Sept)
Bond Program Presentation
Solar Energy Presentation
Student Achievement Presentation
Williams Quarterly Report

<b>November</b>
Academic Success Analysis Biannual Presentation
Board Study Session/Workshop
Election Orientation for New Board Members

<b>December</b>
Annual Organizational Board Meeting
CSBA Annual Conference
Election Orientation for New Board Members
End of First Semester
First Interim Report

<b>January</b>
Audit Report
Board Audit Committee Selections/Appointments
Board Members' Expenses Report (Oct/Nov/Dec)
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

<b>February</b>
African American Students Achievement Awards
Audit Committee Charter Amendment(s)
CSBA Delegate Assembly Election
IPC Annual Presentation
Non-Re-Elects
Safety Plan Goals for Each Site
State of the District

<b>March</b>
Academic Success Analysis Biannual Presentation
Cesar Chavez Writing, Art & Multi-Media Awards Luncheon
Latino Student Awards Recognition Ceremony
March 15 Notices
NSBA Annual Conference ( <i>March or April</i> )
Second Interim Report
SJPD Secondary Employment Application
Superintendent's Mid-Year Evaluation
Vietnamese Students Achievement Awards

<b>April</b>
Board Members' Expenses Report (Jan/Feb/Mar)
Board Study Session/Workshop
Form 700 – Statement of Economic Interests Due to Santa Clara County (filing)
Honor Nights (April/May)
Migrant Education Awards Night
Williams Quarterly Report

<b>May</b>
Asian American/Pacific Islander History Month: Poster & Essay Contest Awards/Celebration
Board Self-Evaluation
Board Study Session/Workshop
Budget (Preliminary/Draft) Presentation
Employee Retiree & Recognition Event
Graduations
Honor Nights
Last Day of School
Preliminary Review of Proposed LCAP

<b>June</b>
Annual Consolidated Program Application (CONAPP)
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
International Student Program Annual Presentation
Master Contracts for Capital Projects
Plan for Expelled Youth (due every three years – next due date: 2018)
Program Improvement Update
Safety Plan Assessment for Each School
Single Plan for Student Achievement (SPSA) for Each School
Sports Recognitions (Winter/Spring)
Summer School Program (session begins)

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

23.01 Board of Trustees

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

23.02 Chris D. Funk, Superintendent

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

24.01 Legal Counsel will Report on Closed Session Actions

**25. Adjournment**

25.01 President Adjourns the Meeting