

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

AGENDA
November 19, 2009

CORRECTED:
Agenda Item:
10.04 & 10.05

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) 347-5011. 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*)
- 1.03 Recess to Closed Session (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)

2. Closed Session

- 2.01 EXPULSIONS – A-B
- 2.02 PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE/COMPLAINTS/
ADMINISTRATIVE LEAVE (Government Code Section 54957)
- 2.03 CONFERENCE WITH LABOR NEGOTIATORS
(*Government Code Section 54957.6*)

Agency Designated Representatives:

Dan Moser, Acting Superintendent

Jerry Kurr, Associate Superintendent of Administration and Business Services

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)

2.04a CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Subdivision (b) of Section 54956.9 of the Government Code

2.04b CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code: One (1) potential case

2.05 CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: ESUHSD Educational Center, or portion thereof
830 N. Capitol Avenue
San Jose, CA 95133

District Negotiators: Dan Moser, Acting Superintendent
Jerry Kurr, Associate Superintendent of Administration
and Business Services
Rogelio Ruiz, Legal Counsel
Real Estate Representatives Sam Swan, Bob Hunt and Andre Hunt

Negotiating Parties: ESUHSD and Party To Be Determined

Under Negotiation: Price and Terms

2.06 PUBLIC EMPLOYEE PERFORMANCE EVALUATION

(Government Code Section 54957)

2.07 PUBLIC EMPLOYMENT/PUBLIC EMPLOYEE APPOINTMENT

(Government Code Section 54957)

- *Acting Superintendent*
- *Interim Superintendent*
- *Principal (1)*

Open Session 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. Consideration of Proposed Amendments to Agenda

6. Board Special Recognition(s)

6.01 Recipients of the 100 Black Men of Silicon Valley 2010 Scholarship Awards

- Charity Hawkins, Evergreen Valley High School
- Samara White, Evergreen Valley High School
- Tiana Carter, Mt. Pleasant High School
- Camylle Boxtton, Mt. Pleasant High School
- Caitlin Cunningham, Piedmont Hills High School

7. **Student Board Liaisons**

- 7.01 Michael Ho, ASB Secretary, Evergreen Valley High School
- 7.02 Cristian Poblano, ASB President, Wm. C. Overfelt High School

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 Board Room.

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

- 9.01 Migrant Education Presentation – Dan Moser, Acting Superintendent & Robert Ibarra, Coordinator of Professional Development/Migrant Education
- 9.02 Oak Grove High School Presentation - Dan Moser, Acting Superintendent and Carol Blackerby, Interim Principal
- 9.03 Piedmont Hills High School Presentation - Dan Moser, Acting Superintendent and Traci Williams, Piedmont Hills High School Principal
- 9.04 Adopt Resolution #2009/2010-15 to Support the SJ2020 Initiative to Eliminate the Achievement Gap – Dan Moser, Acting Superintendent
- 9.05 Adopt Amendment of Board Policy #1312.1 Uniform Complaint Procedures – Dan Moser, Acting Superintendent
- 9.06 Receive the Third Valenzuela/CAHSEE and Williams Settlement Uniform Complaint Quarterly Report for Period Covering July 1 through September 30, 2009, as required by Education Code 35186 (Williams Settlement Legislation SB550 and AB2727) – Dan Moser, Acting Superintendent

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

- 10.01 Receive First Reading to Amend Board Policies 5121 Grades/Evaluation of Student Achievement, 5121.1 Examinations, Finals, and 6146.2 Certificate of High School Equivalency Achievement - Patricia Martinez-Roach, Board President
- 10.02 Receive Second Reading and Adopt Amended Board By Law #9250 Remuneration, Reimbursement and Other Benefits – Dan Moser, Acting Superintendent
- 10.03 Receive Third Reading and Adopt Amended Board Policy #3350 Travel Expenses – Patricia Martinez-Roach, Board President
- 10.04 Receive Second Reading and Adopt Proposed Audit Committee Charter and Related Board Policy Amendments –[Frank Biehl, Clerk](#), and [J. Manuel Herrera, Vice President](#), [Ad Hoc Audit Committee](#)
- 10.05 Discussion/Consideration/Action to Cancel December 17, 2009, Regular Board Meeting and Move to December 10, 2009, as a [Regular](#) Board Meeting – Patricia Martinez-Roach, Board President
- 10.06 Discussion/Action regarding MACSA Academia Calmecac Charter School FCMAT Findings – Patricia Martinez-Roach, Board President

10.07 Discussion/Action to Appoint Interim Superintendent - Patricia Martinez-Roach, Board President

10.08 Discussion/Action regarding Superintendent Search – Patricia Martinez-Roach, Board President

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

11.01 Expulsion Hearing Committee Panel Personnel for 2009-2010 - Alan Garofalo, Associate Superintendent of Student Services and Facilities

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

12.01 Approve Provisional Internship Permit Request for Certificated Employee – Dan Moser, Acting Superintendent, and Cathy Giammona, Director of Human Resources

12.02 Approve Request for Use of Education Code Section 44258.3 – Teachers on Special Assignment Authorizations for the 2009-2010 School Year - Dan Moser, Acting Superintendent, and Cathy Giammona, Director of Human Resources

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

13.01 Adopt Resolution #2009/2010-16 Authorizing a Lease Purchase Agreement for the Purpose of Financing the Solar Renewable Energy Project, Designating the Master Equipment Lease Purchase Agreement as a Tax Exempt Obligation; and Authorizing and Prescribing Other Matters Related Thereto – Jerry Kurr, Associate Supt of Administration and Business Services, Alan Garofalo, Associate Superintendent of Student Services and Facilities, and Rogelio Ruiz, Legal Counsel

13.02 Adopt Resolution #2009/2010-17 and Short-Term Financing for Network Infrastructure Upgrade to Accommodate the Increased Demand for Data, Video and Voice Communication Utilized in Classroom Instruction - Jerry Kurr, Associate Supt of Administration and Business Services, Alan Garofalo, Associate Superintendent of Student Services and Facilities, and Rogelio Ruiz, Legal Counsel

13.03 Approve the Pricing for the After School Snack Program – Jerry Kurr, Associate Supt of Administration and Business Services

13.04 Acceptance of Donations, Grants and Awards - Jerry Kurr, Associate Superintendent of Administration and Business Services

13.05 Accept Warrant Register for the Month of October 2009 - Jerry Kurr, Associate Superintendent of Administration and Business Services

13.06 Approve Budget Transfers Presented November 19, 2009 - Jerry Kurr, Associate Superintendent of Administration and Business Services

13.07 Approve Purchase Orders Presented on November 19, 2009 - Jerry Kurr, Associate Superintendent of Administration and Business Services

13.08 Approve Contracts for Professional Services at or below \$50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services

13.09 Approve Contracts for Professional Services over \$50,001 - Jerry Kurr, Associate Superintendent of Administration and Business Services

- 13.10 Approve Memoranda of Understanding - Jerry Kurr, Associate Superintendent of Administration and Business Services

14. Facilities - Operational Items/Board Discussion and/or Action

- 14.01 Measures G and E Update - Alan Garofalo, Associate Superintendent of Student Services and Facilities
- 14.02 Citizens' Bond Oversight Committee (CBOC) Quarterly Update - Alan Garofalo, Associate Superintendent of Student Services and Facilities, and Jon Reinke, Citizens' Bond Oversight Committee Chairman
- 14.03 Approve Amended Work Authorization Agreement for Sugimura Finney Architects for Design Work of Board Approved Modernization of Building E and the North Wing Area of Building C at Wm. C. Overfelt High School - Alan Garofalo, Associate Superintendent of Student Services and Facilities, and June Francis Rono, Ph.D., Director of Facilities and Planning
- 14.04 Approve Amendment to the Construction Management Services Contract for Facilities Management Planning and Operations, Inc. to Include Board Approved Modernization of Building E and the North Wing Area of Building C at Wm. C. Overfelt High School – Alan Garofalo, Associate Superintendent of Student Services and Facilities, and June Francis Rono, Ph.D., Director of Facilities and Planning
- 14.05 Approve Selection of Environmental Consultant for CEQA Compliance to Conduct an Initial Study of the James Lick New Two Story Building 500 - Alan Garofalo, Associate Superintendent of Student Services and Facilities, and June Francis Rono, Ph.D., Director of Facilities and Planning
- 14.06 Adopt Resolution # 2009/2010-18 to Allow Our District Representative to File New Construction and Modernization Grant Applications with the State Office of Public School Construction (OPSC) to Seek Available State Funding for District School Sites - Alan Garofalo, Associate Superintendent of Student Services and Facilities, and June Francis Rono, Ph.D., Director of Facilities and Planning
- 14.07 Adopt Resolution #2009/2010-19 San Jose Conservation Corps and Charter School - Alan Garofalo, Associate Superintendent of Student Services and Facilities

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 Developer Fees Report

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 Dan Moser, Acting 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/Approve Classified Personnel Actions Presented November 19, 2009

16.02 Ratify/Approve Certificated Personnel Actions Presented November 19, 2009

16.03 Ratify/Approve Student Aide Personnel Actions Presented November 19, 2009

16.04 Approve School Field Trips

16.05 Award of Bids

16.06 Approve Minutes of October 8, 2009, Regular Board Meeting

16.07 Approve Minutes of October 20, 2009, Special Board Meeting