

**EAST SIDE UNION HIGH SCHOOL DISTRICT**  
**Regular Meeting of the Board of Trustees**  
**James Lick High School – Multipurpose Room**  
**57 N. White Road**  
**San Jose, CA 95127**

**AGENDA**  
**January 21, 2010**

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.

**2010 STATE OF THE DISTRICT ADDRESS**  
**BOARD PRESIDENT EDDIE GARCIA**  
**6:00 P.M.**  
**JAMES LICK HIGH SCHOOL**  
**MULTIPURPOSE ROOM**

**Closed Session will begin at 4:00 P.M.**

The Regular Board Meeting will begin at 4:00 p.m. at James Lick High School in the Multipurpose Room. 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 office adjacent to Multipurpose 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 and the 2010 State of the District in the Multipurpose Room -- approximately 6:30 p.m.)  
**SEE ITEM 2 ON AGENDA (CLOSED SESSION)**

**2. Closed Session**

- 2.01 EXPULSION(S): Student A
- 2.02 PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE/COMPLAINTS/  
ADMINISTRATIVE LEAVE (Government Code Section 54957)
- 2.03 PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
(*Government Code Section 54957*)

2.04 PUBLIC EMPLOYMENT/PUBLIC EMPLOYEE APPOINTMENT  
(Government Code Section 54957)

- *Interim Superintendent*
- *Interim Associate Superintendent of Instruction and Human Relations*
- *Interim Director 2 – Instructional Services (1)*
- *Interim Principal (1)*
- *Interim Associate Principal (1)*

2.05 CONFERENCE WITH LABOR NEGOTIATORS  
(Government Code Section 54957.6)

Agency Designated Representatives:

Dan Moser, Interim 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)

2.06a CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Subdivision (b) of Section 54956.9 of the Government Code: Two (2) Cases

- Office of Administrative Hearings Case No. N2009080462
- Kinetics Mechanical Services, Inc. vs. East Side Union High School District, Santa Clara County Superior Court, Case No. 109CV141312

2.06b 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

2.07 CONFERENCE WITH REAL PROPERTY NEGOTIATORS

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

District Negotiators: Dan Moser, Interim 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, Santa Clara Valley Water District, and  
Other Parties To Be Determined

Under Negotiation: Price and Terms

**Open Session at approximately 6:30 P.M. – James Lick High School Multipurpose 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 Multipurpose Room.

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

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

6.01 Fall Sports

- Andrew Hill High School
  - ❖ Football, Santa Teresa Division
  
- Evergreen Valley High School
  - ❖ Girls' Cross Country, Mt. Hamilton Division
  - ❖ Girls' Volleyball, Mt. Hamilton Division
  
- Independence High School
  - ❖ Girls' Tennis, Santa Teresa Division
  
- James Lick High School
  - ❖ Boys' Cross Country, West Valley Division
  
- Mt. Pleasant High School
  - ❖ Football, West Valley Division
  - ❖ Boys' Water Polo, Santa Teresa Division

6.02 Staff Sergeant David Gutierrez, Graduate of Santa Teresa High School:  
Posthumous Honor for Commitment and Duty to Nation and Community

**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 Multipurpose Room.

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

- 9.01 Receive the Fourth Valenzuela/CAHSEE and Williams Settlement Uniform Complaints Quarterly Report for Period Covering October 1 through December 31, 2009 as required by EC 35186 (Williams Settlement Legislation SB550 and AB2727) - Dan Moser, Interim Superintendent and Robert Ibarra, Coordinator of Professional Development/  
Migrant Education
- 9.02 Approve 2010 Incoming 9th Grade and Special Education Summer School - Dan Moser, Interim Superintendent and Tim Nguyen, Coordinator of English Language Learners  
Supplementary Education

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

- 10.01 Ratify the Memorandum of Understanding (MOU) entered into by and between the State of California and East Side Union High School District - Dan Moser, Interim Superintendent
- 10.02 Selection/Appointment of Members to Audit Committee - Frank Biehl, Board Member & Lan Nguyen, Board Vice President
- 10.03 Proposed Contract and Compensation for Interim Superintendent Position – Eddie Garcia, Board President
- 10.04 Adopt Resolution #2009/2010-23 Recognition of February 2010 as National African American History Month – Dan Moser, Interim Superintendent
- 10.05 Adopt Resolution #2009/2010-24 Bill of Rights for Children and Youth – Patricia Martinez-Roach, Board Clerk
- 10.06 Potential Process(es) for Conducting a Superintendent Search – Eddie Garcia, Board President and Dan Moser, Interim Superintendent
- 10.07 Approve Board Members Attendance and Lawful Expenses to the 2010 Community Breakfast/State of the City Address by Mayor Chuck Reed and Charter Summit 2010 – Dan Moser, Interim Superintendent

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

*None*

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

- 12.01 Approve Variable Term Waiver Request for Certificated Employee - Dan Moser, Interim Superintendent and Cathy Giammona, Director, Human Resources

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

- 13.01 Approve Retainer Agreement with McArthur and Levin, LLP for Special Education Legal Services - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.02 Acceptance of Donations, Grants and Awards - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.03 Accept Warrant Register for the Month of December 2009 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.04 Approve Budget Transfers Presented January 21, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.05 Approve Purchase Orders Presented on January 21, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.06 Approve Contracts for Professional Services at or below \$50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.07 Approve Contracts for Professional Services over \$50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services

- 13.08 Approve Memoranda of Understanding - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.09 Adopt Resolution #2009/2010-25 Intention to Lease District Property for Cellular and Wireless Communication Antenna Purposes - Jerry Kurr, Associate Superintendent of Administration and Business Services

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

- 14.01 Approve the Update to the District Facility Design Guidelines - Alan Garofalo, Associate Superintendent of Student Services and Facilities, and June Francis Rono, Ph.D., Director of Facilities and Planning
- 14.02 Adopt Resolution # 2009/2010-22 To Certify for Purposes of Mandated Cost Eligibility that the Availability and Configurations of Science Facilities were Analyzed by the District and It Was Determined that to Provide the Mandated Science Classes, the District Should Remodel or Build Additional Science Classrooms - Alan Garofalo, Associate Superintendent of Student Services and Facilities

**15. Attachment A - Consent Calendar Items**

*See Attachment A – Administration recommends approval of the consent items shown on Attachment A.*

**16. Written Reports/Recommendation**

*None*

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

- 17.01 Board of Trustees
- Lan Nguyen, Vice President
  - Patricia Martinez-Roach, Clerk
  - J. Manuel Herrera, Member
  - Frank Biehl, Member
  - Eddie Garcia, President
- 17.02 Dan Moser, Interim Superintendent

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

**19. Adjournment**

## Attachment A - Consent Calendar

- 15. 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.**
  
- 15.01 Ratify/Approve Classified Personnel Actions Presented January 21, 2010
- 15.02 Ratify/Approve Certificated Personnel Actions Presented January 21, 2010
- 15.03 Ratify/Approve Student Aide Personnel Actions Presented January 21, 2010
- 15.04 Approve School Field Trips
- 15.05 Award of Bids
- 15.06 Approve Change Order #1 for Foothill High School Science Building Project (Dolan Concrete)
- 15.07 Approve Change Order #1 for Foothill High School Science Building Project (El Camino Paving)
- 15.08 Approve Change Order #1 for Foothill High School Science Building Project (Environmental Systems, Inc.)
- 15.09 Approve Change Order #1 for Foothill High School Science Building Project (Gonsalves & Stronck)
- 15.10 Approve Change Order #1 for Foothill High School Science Building Project (Lonestar Landscape)
- 15.11 Approve Change Order #1 for Foothill High School Science Building Project (Mastria Painting)
- 15.12 Approve Change Order #1 for Foothill High School Science Building Project (Radiant Electric)
- 15.13 Approve Change Order #1 for Santa Teresa High School Modernization of Auditorium and Music Labs Project (Cal Pacific Construction, Inc.)
- 15.14 Approve Minutes of November 14, 2009, Special Board Meeting
- 15.15 Approve Minutes of November 19, 2009, Regular Board Meeting