

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

AGENDA
June 17, 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.

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 Expulsion(s): A-C
- 2.02 Public Employee Discipline/Dismissal/Release
(*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*)

- *Associate Superintendent of Human Resources and Instructional Services*
- *Director 2 – Instructional Services*
- *Principal – Oak Grove High School*
- *Associate Principal – Oak Grove High School*

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, Interim Associate Superintendent of Human Resources and Instruction

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 (a) of Section 54956.9 of the Government Code: Two (2) Cases

- *Kinetics Mechanical Services, Inc. vs. East Side Union High School District, Santa Clara County Superior Court, Case No. 109CV141312*
- *Geraldine Forte vs. East Side Union High School District, U.S. District Court for the Northern District of California, San Jose Division, Case Number CV 10-01368 HRL*

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 claim and claims for damages of M. Olivera and M. Miranda*

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 6:00 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 Goodwill of Silicon Valley

6.02 National Merit Scholarship Recipients

- Josh W. Chen – Evergreen Valley High School
- Jefferson Lai – Piedmont Hills High School

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 Board Room.

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

9.01 Hispanic Youth Institute Presentation - Kathryn Grady, Hispanic College Fund Director for Corporate and Foundation Relations for the Western States, and Ray Ruiz, President of Community Development Resources, Inc., and NHU Board Member

9.02 Presentation, Discussion and/or Action regarding Polling Results of Potential Parcel Tax Measure for November 2010 – Dan Moser, Interim Superintendent

9.03 Discussion and Receive Response to Santa Clara County Civil Grand Jury regarding Human Resources Practices and Procedures – Dan Moser, Interim Superintendent, and Cathy Giammona, Associate Superintendent of Human Resources and Instruction

9.04 Discussion and/or Action to Amend Board Policies:

- 6155.1 Grades/Evaluation of Student Achievement
- 6154 Homework/Makeup Work
- 6146.2 Certificate of High School Equivalency Achievement
- 5121 Grades/Evaluation of Student Achievement
- 5121.1 Examinations, Finals
- 5113 Absences and Excuses

- Patricia Martinez-Roach, Board Clerk- Patricia Martinez-Roach, Board Clerk

9.05 Receive First Reading to Amend Board Policies #6020 Parent Involvement and #6171 Title I Programs - Patricia Martinez-Roach, Board Clerk

9.06 Board Audit Committee Update – Frank Biehl, Board Audit Committee Chair, and Lan Nguyen, Board Audit Committee Vice Chair

9.07 Adopt Resolution #2009/2010-49 in Support of Robles-Wong v. California, Litigation Challenging the State's School Finance System - Frank Biehl, Board Member

9.08 Receive Report of Board Members Expenses from July 2009 through May 2010 – Jerry Kurr, Associate Superintendent of Administration and Business Services

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

10.01 Adult Education Master Plan Presentation - Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction, and Cari Vaeth, Director of Adult Education and Career Services

10.02 Approve 2010 Single Plan for Student Achievement - Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction

10.03 Approve Applications for Title I School-wide Program Status - Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction, and Tim Nguyen, Coordinator of English Language Learners Supplementary Education

10.04 Approve New Courses:

- Marine Biology
- Multimedia Arts III

- Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction

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

11.01 Presentation of ESTA Safety Survey Results - Alan Garofalo, Associate Superintendent of Student Services and Facilities, and Marisa Vera Hanson, East Side Teachers Association President

11.02 Adopt Santa Clara County Office of Education / East Side Union High School District's Plan for Expelled Youth - Alan Garofalo, Associate Superintendent of Student Services and Facilities

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, Interim Associate Superintendent, Human Resources and Instruction

12.02 Hold Public Hearing at Approximately 6:20 p.m. regarding Proposed Tentative Agreement with East Side Teachers Association/CTA/NEA, August 31, 2010 – August 31, 2011, and Disclosure of Major Provisions of Tentative Agreement (AB1200) – Dan Moser, Interim Superintendent, and Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction

12.03 Ratify and Approve Tentative Agreement with East Side Teachers Association/CTA/NEA, August 31, 2010 – August 31, 2011 – Dan Moser, Interim Superintendent, and Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction

- 12.04 Approve Amended Student/Certificated Calendar for the 2010-2011 School Year – Dan Moser, Interim Superintendent, and Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction
- 12.05 Declaration of Need for Fully Qualified Educators as Needed- Dan Moser, Interim Superintendent; and Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction
- 12.06 Approve 2010-2011 Administrative, Management, and Confidential Reduced Salary Schedules – Dan Moser, Interim Superintendent, and Cathy Giammona, Interim Associate Superintendent of Human Resources and Instruction

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

- 13.01 Hold Public Hearing at Approximately 7:00 p.m. Regarding the 2010-2011 Proposed Budget Adoption - Jerry Kurr, Associate Superintendent of Administration and Business Services

The proposed budget is available for inspection at the District Office (Business Services Department).

- 13.02 Hold Public Hearing at Approximately 7:30 p.m. Regarding the Proposed Use of Tier III Categorical Program Funds as Unrestricted Funds (Education Code Section 42605(c2)) - Jerry Kurr, Associate Superintendent of Administration and Business Services and Cathy Giammona, Interim, Associate Superintendent of Human Resources and Instruction
- 13.03 Approve Use of Tier III Categorical Program Funds as Unrestricted Funds (Education Code Section 42605(c2)) - Jerry Kurr, Associate Superintendent of Administration and Business Services and Cathy Giammona, Interim Associate Superintendent of Human Resources and Instruction
- 13.04 Presentation of Comparative Analysis of Health and Welfare Benefits and Total Compensation - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.05 Receive Second Reading and Adopt New Board Policy # 3519 Alterations, Modifications, Repairs and Improvements - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.06 Adopt Resolution # 2009/2010-50 Intention to Lease District Property for Cellular and Wireless Communication Antenna Purposes - Jerry Kurr, Associate Superintendent of Administration & Business Services, and Rogelio Ruiz, Legal Counsel
- 13.07 Approve the Tax Exempt Master Equipment Lease Purchase Agreement with Bank of America – Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.08 Approve Authorization for the Interim Superintendent or Designee to Authorize Summer Projects - Jerry Kurr, Associate Superintendent of Administration and Business Services,
- 13.09 Approve Authorization for the Interim Superintendent to Award Emergency Projects during the Summer - Jerry Kurr, Associate Superintendent of Administration and Business Services

13.10 Approve Change Orders to Purchase Orders Presented June 17, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services

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

None

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
 - MetroED
- 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 June 17, 2010
- 15.02 Ratify/Approve Certificated Personnel Actions Presented June 17, 2010
- 15.03 Ratify/Approve Student Aide Personnel Actions Presented June 17, 2010
- 15.04 Approve School Field Trips
- 15.05 Approve CAHSEE Local Waivers for Special Education Students
- 15.06 Approve Award of Bids
- 15.07 Approve Minutes of March 6, 2010, Special Board Meeting
- 15.08 Approve Minutes of March 18, 2010, Regular Board Meeting
- 15.09 Approve Minutes of March 18, 2010, Special Board Meeting