

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

AGENDA
June 22, 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 5:00 P.M.

The Regular Board Meeting will begin at 5:00 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
- 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 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, 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: One (1) Case

- *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 6:00 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)

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 Board Room.

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

- 9.01 Board Audit Committee Update – Frank Biehl, Board Audit Committee Chair, and Lan Nguyen, Board Audit Committee Vice Chair
- 9.02 Excuse Absence of Board President Garcia from June 17 and June 22, 2010, Board Meetings – Dan Moser, Interim Superintendent
- 9.03 Amendment #1 to Contract of Interim Superintendent – Lan Nguyen, Board Vice President
- 9.04 Amendment #1 to Contract of Associate Superintendent of Human Resources and Instructional Services – Dan Moser, Interim Superintendent
- 9.05 Amendment #1 to Contract of Associate Superintendent of Student Services and Facilities – Dan Moser, Interim Superintendent
- 9.06 Amendment #1 to Contract of Associate Superintendent of Administration and Business Services – Dan Moser, Interim Superintendent
- 9.07 Receive First Reading and Adopt Amended Changes to Board By Law #9270 Conflict of Interest; Revolving Door Policy – Dan Moser, Interim Superintendent
- 9.08 Adopt Resolution #2009/2010-52 in Support of the California Jobs Budget sponsored by the Education Coalition – Frank Biehl, Board Member
- 9.09 Receive Report of Interim Superintendent’s Conferences/Expenses from February 26, 2010, to June 2010 - Dan Moser, Interim Superintendent

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

- 10.01 Discussion and/or Action Change in Governance and Operations of LCPA to the NHU Foundation – Cathy Giammona, Associate Superintendent, Human Resources and Instruction
- 10.02 Approval of Consolidated Program Application (Con App) Part I for 2010-2011- Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Tim Nguyen, Coordinator of Supplementary Education

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

None

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

None

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

- 13.01 Approve the Annual Budget Adoption for 2010-2011 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.02 Approve Lease Agreement with T-Mobile for Cellular and Wireless Communication Antenna at Oak Grove High School - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.03 Approve Use of Tier III Categorical Program Funds as Unrestricted Funds (Education Code Section 42605(c2)) - J. Kurr, Associate Superintendent of Administration and Business Services and C. Giammona, Associate Superintendent Human Resources and Instruction
- 13.04 Adopt Resolution #2009/2010-51 an Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.05 Acceptance of Donations, Grants and Awards - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.06 Accept Warrant Register for the Month of May 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.07 Approve Budget Transfers Presented June 22, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.08 Approve Purchase Orders Presented June 22, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.09 Approve Change Orders to Purchase Orders Presented June 22, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.10 Approve Contracts for Professional Services at or below \$50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services

- 13.11 Approve Contracts for Professional Services over \$50,000 - Jerry Kurr,
Associate Superintendent of Administration and Business Services
- 13.12 Approve Memoranda of Understanding - Jerry Kurr, Associate Superintendent of
Administration and Business Services

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

- 14.01 Approve the Plan for a Dedicated Central Services Building at Overfelt Adult Center –
Alan Garofalo, Associate Superintendent of Student Services and Facilities, and
Cari Vaeth, Director of Adult Education and Career Services

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 22, 2010
- 15.02 Ratify/Approve Certificated Personnel Actions Presented June 22, 2010
- 15.03 Approve School Field Trips
- 15.04 Approve Use of Piggyback Bid Awards
- 15.05 Approve Minutes of April 15, 2010, Regular Board Meeting
- 15.06 Approve Minutes of May 6, 2010, Special Board Meeting
- 15.07 Approve Minutes of May 10, 2010, Special Board Meeting
- 15.08 Approve Minutes of May 20, 2010, Regular Board Meeting