

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

AMENDED

AGENDA
October 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) 347-5010. 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 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.

Board President Eddie Garcia intends to participate in this Regular Board Meeting by teleconference from the following location, which shall be freely accessible to the public during the teleconference:

3211 Stimson Way
San Jose, CA 95135

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-B*

2.02 Public Employment/Public Employee Appointment
(*Government Code Section 54957*)

- *Superintendent*
- *Interim Superintendent*
- *Associate Superintendent of Administration and Business Services*
- *Associate Superintendent of Student Services and Facilities*
- *Associate Superintendent of Human Resources and Instruction*
- *Internal Auditor*
- *Director of Information Technology Services*
- *Interim Director of Technology Services*
- *Coordinator of Communications/Surveillance Systems*

2.03 Public Employee Discipline/Dismissal/Release
(*Government Code Section 54957*)

2.04 Public Employee Performance Evaluation
(*Government Code Section 54957*)

- *Interim Superintendent*

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, Director of Compensation and Classified Employee Relations

Employee Organizations:

American Federation of Teachers (AFT)

California School Employees Association (CSEA)

East Side Teachers Association (ESTA)

2.06 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*
- *Office of Administrative Hearings Case No. 201000734*

2.07 Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code:

- *Four (4) potential cases and Claim for Damages of R. Martinez*

2.08 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 Development Company, 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 Maeleen Hiatt, ESUHSD Teacher of the Year

6.02 Measure E Logo Contest Winners

6.03 NFTE National Recognition

- *Crystal Vo (ESUHSD Student Finalist)*
- *Ka-Ling Scoppetone (Teacher)*

7. Student Board Liaisons

7.01 Victor Phu, ASB President – Yerba Buena High School

7.02 Joshua Ochoa, Student – Foothill 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. Superintendent/Board of Trustees - Operational Items/Board Discussion and/or Action

- 9.01 Presentation by Save Our Sports Committee – Patty Carrillo
- 9.02 Presentation regarding Upcoming San Jose-Evergreen Community College District Measure G Bond - Jeanine Hawk, Vice Chancellor of Administrative Services - San Jose-Evergreen Community College District
- 9.03 Adopt Resolution #2010/2011-14 College and Career Readiness for All - Dan Moser, Interim Superintendent, Manny Barbara, Vice President of Silicon Valley Education Foundation, and Rosa De Leon, Californians for Justice
- 9.04 Receive and Adopt Amended Board By Laws #9270 Conflict of Interest; Revolving Door Policy and #9270 Appendix A Designated Positions/Disclosure Categories – Dan Moser, Interim Superintendent
- 9.05 Approve Extension of Exclusive Right to Negotiate Agreement - Dan Moser, Interim Superintendent
- 9.06 Approve Board Members Attendance and Lawful Expenses to SCCSBA/SCCOE Annual Fall Dinner and Making Tough Decisions...Together Workshop - Dan Moser, Interim Superintendent
- 9.07 Board Audit Committee Update – Frank Biehl, Board Audit Committee Chair, and Lan Nguyen, Board Audit Committee Vice Chair
- 9.08 Employment Contract for Internal Auditor – Lan Nguyen, Board Vice President

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

- 10.01 Summary Presentation on the Report of Student Achievement 2009-2010 and Program Improvement - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services
- 10.02 Special Services Presentation - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Carole Hersom, Coordinator of Special Services
- 10.03 Receive the Third Valenzuela/CAHSEE and Williams Settlement Uniform Complaint Quarterly Report for Period Covering July 1, 2010 through September 30, 2010 as required by EC 35186 (Williams Settlement Legislation SB550 and AB2727) - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Robert Ibarra, Coordinator of Professional Development/Migrant Education
- 10.04 Approved Funding Change In Contract CCAP-9081 Infant Toddler Resource Program - Cathy Giammona, Associate Superintendent, Human Resources and Instruction

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

No items on calendar under this section.

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

- 12.01 Approve Variable Term Waiver Requests for Certificated Employees - Cathy Giammona, Associate Superintendent, Human Resources and Instruction
- 12.02 Hold Public Hearing at Approximately 6:30 p.m. Regarding Proposed Tentative Agreement with the San Jose Federation of Teachers, AFT Local 957, AFL-CIO, July 1, 2010 – June 30, 2011, and Disclosure of Major Provisions of Tentative Agreement (AB1200) - Cathy Giammona, Associate Superintendent, Human Resources and Instruction
- 12.03 Ratify and Approve Tentative Successor Agreement with San Jose Federation of Teachers, AFT Local 957, AFL-CIO, July 1, 2010 - June 30, 2011 - Cathy Giammona, Associate Superintendent, Human Resources and Instruction
- 12.04 Approve the Classified Management Title and Job Description Director, Information Technology - Cathy Giammona, Associate Superintendent, Human Resources and Instruction
- 12.05 Adopt Resolution #2010/2011-16 Accepting Donation to District to Fund Counselor Position for Up to Four Years -- Dan Moser, Interim Superintendent, and Cathy Giammona, Associate Superintendent of Human Resources and Instruction

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

- 13.01 Adopt Resolution #2010/2011-15 Authorizing and Approving the Borrowing of Funds for Fiscal Year 2010-11; the Issuance and Sale of a 2010-11 Tax and Revenue Anticipation Note (TRANS) - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.02 Presentation on the Status of Phase I Solar Project - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.03 Approve Authorization to Expand the District's Usage of Recycled Water for Exterior Grounds Irrigation - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.04 Approve Staff Member Reimbursement for Direct Purchase of Equipment - 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 Approve Budget Transfers Presented October 21, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.07 Approve Purchase Orders Presented October 21, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.08 Approve Change Orders to Purchase Orders Presented October 21, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.09 Approve Contracts for Professional Services at or below \$50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services

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

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

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

14.01 Approval for Use of Proposed Bond Measure E Logo Design - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and June Francis Rono, Ph.D., Director of Facilities and Planning

14.02 Discussion regarding Board Policy #7211 Developer Fees and Administrative Regulation #7211 Developer Fees - Jerry Kurr, Associate Superintendent of Administration and Business Services and June Francis Rono, Ph.D., Director of Facilities and Planning

15. Attachment A - Consent Calendar Items

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

16. Written Reports/Recommendation

No items on calendar under this section.

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 October 21, 2010
- 15.02 Ratify/Approve Certificated Personnel Actions Presented October 21, 2010
- 15.03 Ratify/Approve Student Aide Personnel Actions Presented October 21, 2010
- 15.04 Approve School Field Trips
- 15.05 Approve Award of Bids
- 15.06 Approve Award of Bid for District-Wide Printers, Document Cameras and LCD Projectors (RFB-01-10-11)
- 15.07 Accept Warrant Register for the Month of September 2010
- 15.08 Approve Minutes of August 19, 2010, Regular Board Meeting
- 15.09 Approve Minutes of September 16, 2010, Regular Board Meeting