

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

AMENDED

AGENDA
November 18, 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.

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

- *Superintendent*
- *Interim Superintendent*
- *Associate Superintendent of Administration and Business Services*
- *Director of Information Technology Services*
- *Capital Projects Purchasing Manager*

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: Three (3) 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*
- *Tessa Cavazos v. East Side Union High School District, et al., Santa Clara County Superior Court Case No. 107CV085424*

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

- *Two (2) potential case and Claim for Damages of J. K. Yao and R. Carrillo*

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)

6.01 100 Black Men of Silicon Valley 2011 Scholarship Recipients

- Megan Gage - Evergreen Valley High School
- Artondra Gray - Mt. Pleasant High School
- Shaunita Hampton - Piedmont Hills High School
- Ihan Ahmed - Oak Grove High School
- Sabrina Robleh - Oak Grove High School
- Samya Abdela - Silver Creek High School

6.02 Mary Metz – Appointment to California Community Colleges Statewide Health Workforce Initiative Advisory Committee

6.03 Eddie Garcia, Board President

7. Student Board Liaisons

7.01 Nhat Dang Do, ASB President – Evergreen Valley High School

7.02 MyMy Nguyen, ASB President – Piedmont Hills 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 Adopt Resolution #2010/2011-17 College Career Readiness for All - Dan Moser, Interim Superintendent, Manny Barbara, Vice President of Silicon Valley Education Foundation, and Rosa DeLeon, Californians for Justice

9.02 Board Audit Committee Update - Frank Biehl, Audit Committee Chair and Lan Nguyen, Audit Committee Vice Chair

9.03 Adopt Resolution #2010/2011-18 Intention to Lease District Property for Cellular and Wireless Communication Antenna Purposes - Dan Moser, Interim Superintendent, Jerry Kurr, Associate Superintendent of Administration and Business Services

- 9.04 Approve Contract for Interim Superintendent/Superintendent - Eddie Garcia, Board President
- 9.05 Approve Board Members Attendance and Lawful Expenses to CSBA 2010 Delegate Assembly and Annual Education Conference and Trade Show - Dan Moser, Interim Superintendent
- 9.06 CSBA 2011 Call for Nominations for Elected Members of the Delegate Assembly – Dan Moser, Interim Superintendent
- 9.07 Adopt Resolution #2010/2011-18 of Intention to Exchange Real Property – Dan Moser, Interim Superintendent
- 9.08 Approve Real Property Exchange Agreement – Dan Moser, Interim Superintendent

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

- 10.01 Progress Update for the New Chinese Language Program - J. Manuel Herrera, Board Member
- 10.02 Career Technical Education Presentation - Cathy Giammona, Associate Superintendent, Human Resources and Instruction; and Cari Vaeth, Director of Career Services and Adult Education
- 10.03 Collaborative Tech Prep Grant Between Mission College and Andrew Hill Presentation - Cathy Giammona, Associate Superintendent, Human Resources and Instruction and; Mary Metz, Medical/Health Professions Magnet Coordinator
- 10.04 Approve CAHSEE Local Waivers for Special Education Students - Cathy Giammona, Associate Superintendent, Human Resources and Instruction
- 10.05 Discussion regarding McKinney-Vento Homeless Assistance Act, Board Policy #5150 Education for Homeless Students - Patricia Martinez-Roach, Board Clerk

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

No items on calendar under this section.

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

- 12.01 Approve Staff Member Reimbursement for Direct Purchase of Equipment - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 12.02 Approve Budget Transfers Presented November 18, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 12.03 Approve Purchase Orders Presented November 18, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 12.04 Approve Change Orders to Purchase Orders Presented November 18, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services

- 12.05 Approve Contracts for Professional Services at or below \$50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 12.06 Approve Contracts for Professional Services over \$50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 12.07 Approve Memoranda of Understanding - Jerry Kurr, Associate Superintendent of Administration and Business Services

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

- 13.01 Adopt Resolution #2010/2011-18 To Use School Facility Program Funding for Construction of a Multi-Purpose Room at Santa Teresa High School - Jerry Kurr, Associate Superintendent of Administration and Business Services and June Francis Rono, Ph.D., Director of Facilities and Planning
- 13.02 Approve Purchase of Ninety-eight (98) Relocatable Classrooms from Mobile Modular, Inc. and Williams Scotsman, Inc. - Jerry Kurr, Associate Superintendent of Administration and Business Services and June Francis Rono, Ph.D., Director of Facilities and Planning
- 13.03 Approve the Lease of Relocatable Classrooms at Various School Sites - Jerry Kurr, Associate Superintendent of Administration and Business Services and June Francis Rono, Ph.D., Director of Facilities and Planning

14. Attachment A - Consent Calendar Items

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

15. Written Reports/Recommendation

No items on calendar under this section.

16. Board of Trustees/Superintendent Communications/Comments

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

17. Report Closed Session Action(s)

18. Adjournment

Attachment A - Consent Calendar

14. 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.

- 14.01 Ratify/Approve Classified Personnel Actions Presented November 18, 2010
- 14.02 Ratify/Approve Certificated Personnel Actions Presented November 18, 2010
- 14.03 Ratify/Approve Student Aide Personnel Actions Presented November 18, 2010
- 14.04 Approve School Field Trips
- 14.05 Approve Award of Bid
- 14.06 Accept Warrant Register for the Month of October 2010
- 14.07 Approve Minutes of October 21, 2010, Regular Board Meeting