

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

AGENDA
May 10, 2011

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 in the Superintendent's Conference Room (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-D*

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

• *Associate Superintendent of Human Resources and Instruction*

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

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

2.05 Conference with Labor Negotiators
(Government Code Section 54957.6)

Agency Designated Representatives:

Dan Moser, Superintendent

Cathy Giammona, Associate Superintendent of Human Resources and Instruction

Hardy Childers, Interim Associate Superintendent of Business Services

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 – 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 Legal Counsel – Anticipated Litigation
Initiation of Litigation Pursuant to Government Code Section 54956.9(c):

- *Three (3) Potential Cases*

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, Superintendent
Hardy Childers, Interim Associate Superintendent of
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 Winter Sports

Piedmont Hills High School

- *Boys' Basketball, Mt. Hamilton Division*

Oak Grove High School

- *Girls' Basketball, Mt. Hamilton Division*

Evergreen Valley High School

- *Boys' Soccer, West Valley Division*
- *Wrestling, West Valley Division*

Silver Creek High School

- *Girls' Soccer, West Valley Division*

Santa Teresa High School

- *Wrestling, Mt. Hamilton Division*
- *Boys' Basketball, CCS Champions*

6.02 National Merit Scholarship Winners

- *JingJing Cao, Evergreen Valley High School*
- *Helen Qia Chen, Evergreen Valley High School*
- *Trang T. Dang, Piedmont Hills High School*
- *Rhed Shi, Evergreen Valley High School*

6.03 National Achievement Scholarship Winner

- *Megan L. Gage, Evergreen Valley High School*

6.04 Japan Bowl Winners

National Champions

- *Daniel C. Nguyen*
- *Vidush Mukund*

Level 3 Team

- *Anthony Van*
- *Mi H. Nguyen*
- *Mi T. "Chie" Nguyen*

Level 4 Team

- *Ajay "Tetsuo" Tripathi*
- *Brian "Smile" Ly*
- *Kevin "Akira" Pham*

7. **Student Board Liaisons**

No items on calendar under this section.

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

9.01 Consideration and Adoption, Rejection or Modification of May 4, 2011, Proposed Decision of Administrative Law Judge Regarding Reduction in Particular Kinds of Service (Office of Administrative Hearings Case No. 2011030109) - Dan Moser, Superintendent

9.02 Accept Superintendent's Recommendation to Dismiss Employees Due to Reduction in Particular Kinds of Service and Direct Superintendent to Issue Final Termination Notices in Accordance with the Board's Certificated Layoff Decision and the Requirements of the Education Code – Dan Moser, Superintendent

9.03 Hold Public Hearing at Approximately 6:20 p.m. - Regarding Tentative Successor Agreement with California School Employees Association, Chapter 187, July 1, 2010 – June 30, 2013, and Disclosure of Major Provisions of Tentative Agreement (AB1200) – Dan Moser, Superintendent; Cathy Giammona, Associate Superintendent, Human Resources and Instruction; and Vida Branner, Director of Compensation and Classified Employee Relations

9.04 Ratify and Approve Tentative Agreement with the California School Employees Association, Chapter 187, July 1, 2010 - June 30, 2013 - Dan Moser, Superintendent; Cathy Giammona, Associate Superintendent, Human Resources and Instruction; and Vida Branner, Director of Compensation and Classified Employee Relations

9.05 Hold Public Hearing at Approximately 6:30 p.m. - Proposed Adoption of the Initial Proposal for Successor Contract: From East Side Union High School District to California School Employees Association, Chapter 187 - Dan Moser, Superintendent; Cathy Giammona, Associate Superintendent, Human Resources and Instruction; and Vida Branner, Director of Compensation and Classified Employee Relations

9.06 Board Audit Committee Update, Discussion and/or Action - Frank Biehl, Audit Committee Chair and Patricia Martinez-Roach, Audit Committee Vice Chair

9.07 Discussion and/or Action to Nominate 2011 Outstanding Legislator of the Year and Adoption of Resolution #2010/2011-41 - Dan Moser, Superintendent

9.08 Nomination of 2012 CSBA President-Elect and/or CSBA Vice President - Dan Moser, Superintendent

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

10.01 Special Education Compliance and Oversight Plan Progress Presentation - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, Carole Hersom, Coordinator of Special Services, and Rich Uribe, Coordinator of Special Services

- 10.02 Approve CAHSEE Local Waivers for Special Education Students - Cathy Giammona, Associate Superintendent, Human Resources and Instruction
- 10.03 Review of Current Grading Policy for Discussion and/or Action - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services
- 10.04 ESTA Safety Survey Results - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Marisa Hanson, ESTA President

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

- 11.01 Approve Declaration of Need for Fully Qualified Educators - Cathy Giammona, Associate Superintendent, Human Resources and Instruction

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

- 12.01 Presentation on GASB 54 - Hardy Childers, Interim Associate Superintendent of Business Services, and Ahmad Gharaibeh, C.P.A. Vavrinek, Trine, Day & Co., LLP
- 12.02 Approve Contracts for Professional Services over \$50,000 - Hardy Childers, Interim Associate Superintendent of Business Services
- 12.03 Approve Delegation of Authority to Award Public Works Contracts - Hardy Childers, Interim Associate Superintendent of Business Services
- 12.04 Discussion and/or Action of Administrative Regulation and Board Policy #3350 Travel Expenses - Hardy Childers, Interim Associate Superintendent of Business Services, and Dan Moser, Superintendent

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

- 13.01 Approve Form Professional Inspection Services Agreement for Measure E and Measure G - Hardy Childers, Interim Associate Superintendent of 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

- 15.01 Report of Board Expenses for 2010/2011

16. Board of Trustees/Superintendent Communications/Comments

16.01 Board of Trustees

- Lan Nguyen, President
- Frank Biehl, Vice President
 - MetroED
- Van Le, Clerk
- Patricia Martinez-Roach, Member
- J. Manuel Herrera, Member

16.02 Dan Moser, Superintendent

17. Report Closed Session Action(s)

18. Adjournment

19. 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 May 10, 2011
- 14.02 Ratify/Approve Certificated Personnel Actions Presented May 10, 2011
- 14.03 Ratify/Approve Student Aide Personnel Actions Presented May 10, 2011
- 14.04 Approve School Field Trips
- 14.05 Approve Permanent Course Adoption for Expository Reading and Writing
- 14.06 Approve Award of Bids
- 14.07 Approve Contracts for Professional Services at or Below \$50,000
- 14.08 Approve Memoranda of Understanding
- 14.09 Approve Budget Transfers Presented May 10, 2011
- 14.10 Approve Purchase Orders Presented May 10, 2011
- 14.11 Approve Change Orders to Purchase Orders Presented May 10, 2011
- 14.12 Accept Donations/Awards/Grants
- 14.13 Accept Warrant Register for the Month of April 2011
- 14.14 Approve Minutes of March 10, 2011, Regular Board Meeting