

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

AGENDA
November 17, 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-B

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

- *Superintendent*
- *Associate Superintendent of Human Resources and Instruction*

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

- *Director III -- Information Technology (1)*

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

Marcus Battle, 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 – Existing Litigation
Subdivision (a) of Section 54956.9 of the Government Code

- *South Bay Industry Labor Management Trust vs. East Side Union High School District*

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 Case*

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
Marcus Battle, 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 Paul Kick – 2011 Outstanding Teacher of America (Carlston Family Foundation)

6.02 Dean Renfrow, President – 180 Degrees Program

7. Student Board Liaisons

7.01 Melani Cabanayan, ASB President - Piedmont Hills High School

7.02 Marisol Zaragoza, ASB President – Yerba Buena 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. Board of Trustees/Superintendent - Operational Items/Board Discussion and/or Action

9.01 Consideration of Petition for Proposed ACE Charter High School - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services

9.02 Presentation of District Life Insurance Plan Changes - Marcus Battle, Associate Superintendent of Business Services

9.03 Presentation on Child Nutrition Services - Marcus Battle, Associate Superintendent of Business Services, Julie Kasberger, Director of General Services, and Dan Moser, Superintendent

9.04 Discussion and/or Action regarding FCMAT Close-Out Letter from the Santa Clara County Office of Education - Patricia Martinez-Roach, Board Member

9.05 Discussion and/or Action regarding Spirit and Fundraising Event - Van Le, Board Clerk, and Patricia Martinez-Roach, Board Member

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 Adopt the Amended Board Audit Committee Charter – Frank Biehl, Audit Committee Chair, and Patricia Martinez-Roach, Audit Committee Vice Chair

- 9.08 Receive Second Reading and Adopt Amendment to Board Policy #1330 Use of School Facilities - Dan Moser, Superintendent
- 9.09 Adopt Resolution #2011/2012-12 in Support of Senate Constitutional Amendment (SCA) 5 - Dan Moser, Superintendent
- 9.10 Consideration and Authorization of Hearing Concerning D.L. Falk Construction, Inc. Re: Violation of Public Contract Code Sections 4104 and 4106 and Possible Imposition of Remedies as Allowed by Law - Dan Moser, Superintendent

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

- 10.01 Update, Discussion and/or Action regarding Chinese Language as an Elective – Cathy Giammona, Associate Superintendent, Human Resources and Instruction and Kirsten King, Director of Instructional Services
- 10.02 Receive Second Reading and Adopt Board Policy #5120.1 Assignment of Credit – Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services
- 10.03 Receive Second Reading and Adopt Board Policy #5120.3 Assignment of Grades – Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services
- 10.04 Approve the Work Experience Education (WEE) Program and Application – Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Cari Vaeth, Director of Adult Education and Career Services
- 10.05 Receive/Discussion/Action SCCOE 2011 Williams Settlement Annual Report – Cathy Giammona, Associate Superintendent, Human Resources and Instruction
- 10.06 Approve Inter-District Attendance Agreement with Lodi Unified School District – Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and George Sanchez, Coordinator of Student Services

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

- 11.01 Hold Public Hearing at Approximately 6:45 p.m. - Regarding Tentative Agreement and Memorandum of Understanding Re: Furlough Days (“MOU”) with the California School Employees Association, Chapter 187, July 1, 2011 – June 30, 2012; and Memorandum of Understanding with the California School Employees Association (CSEA), Chapter 187, Effective July 1, 2011 (the “Transportation MOU”) – Dan Moser, Superintendent; Cathy Giammona, Associate Superintendent, Human Resources and Instruction; and Vida Branner, Director of Compensation and Classified Employee Relations
- 11.02 Ratify and Approve Tentative Agreement and Memorandum of Understanding Re: Furlough Days (“MOU”) with the California School Employees Association, Chapter 187, July 1, 2011 – June 30, 2012; Ratify and Approve Memorandum of Understanding with the California School Employees Association (CSEA), Chapter 187, Effective July 1, 2011 (the “Transportation MOU”) – Dan Moser, Superintendent; Cathy Giammona, Associate Superintendent, Human Resources and Instruction; and Vida Branner, Director of Compensation and Classified Employee Relations

- 11.03 Approve Job Description and Salary Range for Classified Management Position of District Architect - Dan Moser, Superintendent; Cathy Giammona, Associate Superintendent, Human Resources and Instruction

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

- 12.01 Adopt Resolution #2011/2012-13 an Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546 - Marcus Battle, Associate Superintendent of Business Services, Donna Bertrand, C.P.M., Contracts Administration Coordinator
- 12.02 Approve Request of Allowance of Attendance Due to Emergency Conditions – Marcus Battle, Associate Superintendent of Business Services
- 12.03 Approve Contracts for Professional Services over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator
- 12.04 Receive First Reading and Adopt Amendment to Board Policy 3105 Fund Balance (GASB 54) - Marcus Battle, Associate Superintendent of Business Services
- 12.05 Adopt Resolution #2011/2012-14 Committing Fund Balance in Accordance with GASB 54 - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance

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

- 13.01 Presentation/Update on the General Obligation Bond Program Funding Review – Marcus Battle, Associate Superintendent of Business Services
- 13.02 Approve Measure E Forecast and Spending Plan - Marcus Battle, Associate Superintendent of Business Services in Consultation with SGI
- 13.03 Approve Measure G Site Improvement/Deferred Maintenance Plan - Marcus Battle, Associate Superintendent of Business Services in Consultation with SGI

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 Receive District Technology Plan
- 15.02 Receive Update to Previously Approved Change Orders for Current Bond Projects which Exceed the 10% Allowance

16. Future Agenda Items

- 16.01 Requests for Future Agenda Items

17. Board of Trustees/Superintendent Communications/Comments

17.01 Board of Trustees

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

17.02 Dan Moser, Superintendent

18. Report Closed Session Action(s)

19. 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 17, 2011
- 14.02 Ratify/Approve Certificated Personnel Actions Presented November 17, 2011
- 14.03 Ratify/Approve Student Aide Personnel Actions Presented November 17, 2011
- 14.04 Approve School Field Trips
- 14.05 Approve Contracts for Professional Services at or Below \$50,000
- 14.06 Approve Memoranda of Understanding
- 14.07 Approve Budget Transfers Presented November 17, 2011
- 14.08 Approve Purchase Orders Presented November 17, 2011
- 14.09 Approve Change Orders to Purchase Orders Presented November 17, 2011
- 14.10 Accept Warrant Register for the Month of October 2011
- 14.11 Approve Change Order #1 for James Lick High School, Title IX Field Improvements Project (Jensen Corporation Landscape Contractors, Inc.)
- 14.12 Approve Minutes of October 20, 2011, Regular Board Meeting