

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

AGENDA
January 17, 2013

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 3:00 P.M.

The Regular Board Meeting will begin at 3:00 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*)

Persons wishing to address the Board on Closed Session items or any subject not on the agenda must fill out a gold request form, which is located at the entrance of the Board Room.

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)

Closed Session

2.01 Expulsion(s): A

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

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

- *Senior Manager of Internal Controls*

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:

Chris D. Funk, Superintendent

Marcus Battle, Associate Superintendent of Business Services

Juan Cruz, Assistant Superintendent of Instructional Services

Cari Vaeth, Director of Human Resources

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)

Unrepresented Employees:

Administrators

Managers

Confidential Employees

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

- *Claim for Damages of A. Fass*
- *Two (2) Potential Cases*

2.07 Conference with Legal Counsel – Anticipated Litigation
Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9

- *Two (2) Potential Cases*

2.08 Conference with Legal Counsel – Existing Litigation
Subdivision (a) of Government Code Section 54956.9

- *One Roe, et al. v. Anthony Loza, East Side Union High School District, Esther Pollack, and Does 1 -100; Santa Clara County Superior Court Case No. 112CV234748*

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. Adoption of Agenda

6. Board Special Recognition(s)

- 6.01 Youth Connections Foundation Logo Contest Student Recognition
• Tiffany Red, Mt. Pleasant High School

7. Student Board Liaisons (5 minutes each)

- 7.01 Megan Sagala, ASB President, and Valerie Mamaril, ASB President Elect -
Evergreen Valley High School
- 7.02 Katie Ortega, ASB President – Piedmont Hills High School

8. Special Order of Business – Operational Items/Board Discussion and/or Action

- 8.01 The Superintendent and/or Board Member(s) may request that items be considered, discussed, and acted on out of the order indicated on the agenda as per schedule.
- 8.02 Presentation, Discussion and/or Action of Fixed Assets and Inventory Report –
Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M.
Contracts Administration Coordinator, Julie Kasberger, Director of General Services, and
Duggan Kerney, President, CPRS

9. Public Hearing(s) - Operational Items/Board Discussion and/or Action

- 9.01 Hold Public Hearing at Approximately 6:10 p.m. on the Provisions of the Charter School Petition of B. Roberto Cruz Leadership Academy to Consider the Level of Support for Each Petition by Teachers Employed by the District, Other Employees of the District, and Parents - Juan Cruz, Assistant Superintendent of Instructional Services and Kirsten King, Director of Instructional Services
- 9.02 Hold Public Hearing at Approximately 6:15 p.m. on the Provisions of the Charter School Petition of Latino College Preparatory Academy II to Consider the Level of Support for Each Petition by Teachers Employed by the District, Other Employees of the District, and Parents - Juan Cruz, Assistant Superintendent of Instructional Services and Kirsten King, Director of Instructional Services
- 9.03 Hold Public Hearing at Approximately 6:20 p.m. Regarding the Proposed Adoption of the Initial Proposal for Successor Contract: From East Side Union High School District to East Side Teachers Association - Cari Vaeth, Director, Human Resources

10. Public Members who wish to Address the Board of Trustees

Members of the public may address the Board on any subject not on tonight's agenda; however, provisions of the Brown Act (Government Code Section 54954.2(a) and 54954.3) preclude any action. As an unagendized item, no response is required from the Board or District staff and no action can be taken; however, the Board may instruct the Superintendent to agendize the item for a future meeting. When your name is called, please come to the podium, state your name for the record, and limit your remarks to three (3) minutes.

Persons wishing to address the Board must fill out a gold request form, which is located at the entrance of the Board Room.

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

- 11.01 Discussion and/or Action to Receive First Reading of Board Policy #7121 Athletic Field Stadium Lighting and Amplified Sound System - Chris D. Funk, Superintendent
- 11.02 Discussion and/or Action regarding Superintendent to become a Fellow of the American Leadership Forum - Silicon Valley as a Member of the Single Issue Education Class of 2013 - Chris D. Funk, Superintendent

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

- 12.01 Discussion and/or Receipt of Escuela Popular Accelerated Family Learning Center Charter Renewal - Juan Cruz, Assistant Superintendent of Instructional Services, and Kirsten King, Director of Instructional Services
- 12.02 Discussion, Receipt and/or Adoption of Second Reading of Proposed Amendment to Board Policy 1312.3 Community Relations – Uniform Complaint Procedures, and Board Policy 1312.3 E Uniform Complaint Procedure Form - Juan Cruz, Assistant Superintendent of Instructional Services

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

No Items on Calendar Under this Section

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

- 14.01 Discussion and Report on Governor's Budget Update - Marcus Battle, Associate Superintendent of Business Services
- 14.02 Discussion and/or Action of Budget Development Calendar for 2013/14 - Marcus Battle, Associate Superintendent of Business Services
- 14.03 Discussion and/or Action to Accept Annual Financial Audit Report Ending June 30, 2012 - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance, and Ahmad Gharaibeh, Vavrinek, Trine, Day & Co., LLP
- 14.04 Discussion and/or Action to Accept Annual Financial and Performance Audit Reports for Measure G and Measure E Ending June 30, 2012 - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance, and Ahmad Gharaibeh, Vavrinek, Trine, Day & Co., LLP
- 14.05 Presentation, Discussion and/or Action of New Digital Teacher Signature for Attendance Reporting - Marcus Battle, Associate Superintendent of Business Services, Karen Poon, Director of Finance, and Nadia Davis, Attendance Manager
- 14.06 Adopt Resolution #2012/2013-15 Establishing Citizens Oversight Committee for Bonds Issued Under Measure I - Marcus Battle, Associate Superintendent of Business Services, and Charles Adams, Jones Hall
- 14.07 Discussion and/or Action of Request for Proposals of Copier Equipment and Services - Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M. Contracts Administration Coordinator, Julie Kasberger, Director of General Services

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

- 15.01 Adopt Resolution #2012/2013-16 Authorizing Election under Public Contract Code Section 22030 to Become Subject to California Uniform Public Construction Cost Accounting Act Procedures - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Janice Unger, Capital Projects Purchasing Manager
- 15.02 Adopt Resolution #2012/2013-17 Regarding the Enacting of Informal Bidding Procedures under the California Uniform Public Construction Cost Accounting Act - Marcus Battle, Associate Superintendent of Business, Linda da Silva, Director of Construction, Maintenance and Facilities, and Janice Unger, Capital Projects Purchasing Manager
- 15.03 Discussion and/or Action to Receive Report of Status of Measure G, Measure E, and Capital Improvement Program - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Lorraine Guerin, Bond Program Deputy Manager, Seville Group, Inc.
- 15.04 Discussion and/or Action of Bond/Capital Projects Contract Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, and Janice Unger, Capital Projects Purchasing Manager

16. Consent / Action Calendar

All items listed under 16, the Consent/Action Calendar, are considered by the Board to be routine and will be enacted in one motion. There will be no discussion of these items prior to the time the Board considers the motion, unless members of the Board or the Superintendent request specific items to be discussed and/or removed from the Consent Calendar.

Superintendent asserts that the following 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.

- 16.01 Ratify/Approve Classified Personnel Actions Presented January 17, 2013
- 16.02 Ratify/Approve Certificated Personnel Actions Presented January 17, 2013
- 16.03 Ratify/Approve Student Aide Personnel Actions Presented January 17, 2013
- 16.04 Approve School Field Trips
- 16.05 Approve Memoranda of Understanding
- 16.06 Approve Contracts for Professional Services Under \$50,000
- 16.07 Approve Budget Transfers
- 16.08 Approve Purchase Orders
- 16.09 Approve Change Orders to Purchase Orders
- 16.10 Accept Credit Card Expenses

- 16.11 Adopt Resolution #2012/2013-18 an Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546
- 16.12 Accept Warrant Register for the Month of December 2012
- 16.13 Approve Award of Bid for Bond/Capital Projects
- 16.14 Approve Bond/Capital Projects Contracts for Professional Services At or Below \$50,000
- 16.15 Approve Final Change Order for Andrew Hill High School Title IX Modernization Project (Cal-Pacific Construction)
- 16.16 Approve Final Change Order for Mt. Pleasant High School Multipurpose Building Project (Dilbeck & Sons)
- 16.17 Approve Notice of Completion for Mt. Pleasant High School Multipurpose Building Project, E-035-003 (Dilbeck & Sons)
- 16.18 Approve Final Change Order for Site Lighting Replacement/Addition Project at Piedmont Hills, Silver Creek, Yerba Buena and Santa Teresa High Schools (Angotti & Reilly, Inc.)
- 16.19 Approve Notice of Completion for the Site Lighting Replacement/Addition Project at Piedmont Hills, Silver Creek, Yerba Buena and Santa Teresa High Schools, E-045-005, E-055-007, E-060-007, E-070-004 (Angotti & Reilly, Inc.)
- 16.20 Approve Final Change Order for W.C. Overfelt High School New Security Cameras in Building C & E Project (Angotti & Reilly, Inc.)
- 16.21 Approve Notice of Completion for the W.C. Overfelt High School New Security Cameras in Building C & E Project, E-040-006 (Angotti & Reilly, Inc.)
- 16.22 Approve Final Change Order for Oak Grove High School Exterior Painting Project (Leo's A-C, Inc.)
- 16.23 Approve Notice of Completion for Oak Grove High School Exterior Painting Project, G-050-210 (Leo's A-C, Inc.)
- 16.24 Approve Board Members Attendance to IAHV's S.M.A.R.T Programs for Educators
- 16.25 Ratify/Approve Superintendent's Attendance and Lawful Expenses to Conferences/Workshops/Meetings
- 16.26 Approve Minutes of December 11, 2012, Annual Organizational and Regular Board Meeting

17. Written Reports/Recommendation

Items under 17 are Written Reports that are received into the public record. No action is taken by the Board. A Board Member or the Superintendent may request an item to be placed on the agenda for discussion and/or action at a future meeting.

- 17.01 Receive Update to Previously Approved Change Orders for Current Bond Projects which Exceed the 10% Allowance

- 17.02 Receive Notice of Previously Approved Bid Award for California Environmental Quality Act (CEQA) Consulting Services
- 17.03 Discussion and/or Action to Receive Board Expenses from May 6, 2011, through November 30, 2012 - Marcus Battle, Associate Superintendent of Business Services

18. Future Agenda Items

- 18.01 Opportunity for Board of Trustees to Request Items on Future Agendas
- 18.02 Future Items:

Board President Frank Biehl:

Item	Date (tentative)	Type
Status of Chinese Language Program	February 2013	Written Report
Parent Involvement Plan	March 2013	Board Policy

Board Clerk Van Le:

Item	Date (tentative)	Type
Special Education Program Overview	March 2, 2013	Study Session

Board Member Lan Nguyen:

Item	Date (tentative)	Type
International Baccalaureate (IB) Program	March 2013	Study Session
Review on Procurement and Bidding Process	April 2013	Presentation

19. Board of Trustees/Superintendent Communications/Comments

- 19.01 Board of Trustees
 - Frank Biehl, President
 - J. Manuel Herrera, Vice President
 - MetroED
 - Van Le, Clerk
 - Lan Nguyen, Member
 - Board Audit Committee
 - Magdalena Carrasco, Member

19.02 Chris D. Funk, Superintendent

20. Report Closed Session Action(s)

21. Adjournment