

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

AGENDA
May 9, 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 4:30 P.M.

The Regular Board Meeting will begin at 4:30 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 Section 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 6:30 p.m.)
SEE ITEM 2 ON AGENDA (CLOSED SESSION)

Closed Session

2.01 Expulsion(s): *A-B*

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

- *Superintendent*

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

- *Principal (1)*
- *Associate Principal (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:

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 P. Cervantez*
- *One (1) Potential Case*

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

- *One (1) Potential Case*

Open Session at Approximately 6:30 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 Apollo High School Robotics Team

6.02 2013 Glenn Hoffmann Exemplary Program Award:
College Connection Academy (CCA)

7. Student Board Liaisons (5 minutes each)

7.01 Independence High School

- Brandon Ventura, ASB President
- Katelyn Aberin-Reyes, ASB Vice President of Special Events

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.

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

No items on calendar under this section.

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, Consideration, and/or Action regarding Selection/Appointment of Measures G, E and I Citizens' Bond Oversight Committee Members - Chris D. Funk, Superintendent

11.02 Discussion and/or Action regarding Vision, Mission and Core Values - Strategic Plan – Frank Biehl, Board President

11.03 Discussion and/or Action regarding Grant Writer Position - Van T. Le, Board Clerk

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

- 12.01 Discussion and/or Receipt of Charter School Petition B. Roberto Cruz Leadership Academy submitted by the NHU Foundation - Juan Cruz, Assistant Superintendent of Instructional Services and Kirsten King, Director of Instructional Services
- 12.02 Discussion and/or Receipt of Charter School Petition Latino College Preparatory Academy II submitted by the NHU Foundation - Juan Cruz, Assistant Superintendent of Instructional Services and Kirsten King, Director of Instructional Services

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

- 13.01 Discussion and/or Action Regarding the Approval of the Proposed Certificated Job Description for International Baccalaureate Coordinator - Cari Vaeth, Director, Human Resources
- 13.02 Discussion and/or Action to Approve Variable Term Waiver Request for Certificated Employee - Cari Vaeth, Director, Human Resources

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

- 14.01 Presentation, Discussion and/or Action of Preliminary Budget for 2013-2014 - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance
- 14.02 Adopt Resolution #2012/2013-31 to Hire Short-Term Non-Certificated Summer Staffing - Marcus Battle, Associate Superintendent of Business Services, and Vida Branner, Director of Compensation and Classified Employee Relations
- 14.03 Discussion and/or Action to Approve Form of Proposition 39 Facilities Use Agreement with ACE Charter School - Marcus Battle, Associate Superintendent of Business Services, Rogelio M. Ruiz, Esq., Legal Counsel
- 14.04 Discussion and/or Action to Approve Form of Proposition 39 Facilities Use Agreement with Downtown College Prep Charter School - Marcus Battle, Associate Superintendent of Business Services, and Rogelio Ruiz, Esq., Legal Counsel
- 14.05 Discussion and/or Action to Approve Form of Proposition 39 Facilities Use Agreement with Summit Public Schools: Rainier Charter School - Marcus Battle, Associate Superintendent of Business Services, and Rogelio M. Ruiz, Esq., Legal Counsel
- 14.06 Discussion and/or Action of Contracts for Professional Services Over \$50,000.00 - Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator

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

- 15.01 Discussion and/or Action of Bond/Capital Projects Contracts Over \$50,000 - 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 Discussion and/or Action of Measure I Planning and Allocation Process - Marcus Battle, Associate Superintendent of Business Services and Linda da Silva, Director of Construction, Maintenance and Facilities
- 15.03 Discussion and/or Action of Proposed Project Labor Agreement (PLA) for Measures G, E and I Projects - 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/Action 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 May 9, 2013
- 16.02 Ratify/Approve Certificated Personnel Actions Presented May 9, 2013
- 16.03 Ratify/Approve Student Aide Personnel Actions Presented May 9, 2013
- 16.04 Approve Student Field Trips
- 16.05 Discussion and/or Action to Approve proposed Preparticipation Physical Evaluation Form
- 16.06 Approve the First Valenzuela/CAHSEE and Williams Settlement Uniform Complaint Quarterly Report for Period Covering January 1, 2013 through March 31, 2013 as required by EC 35186 (Williams Settlement Legislation SB550 and AB2727)
- 16.07 Approve Memorandum of Understanding Form
- 16.08 Approve Contracts for Professional Services Under \$50,000
- 16.09 Approve Budget Transfers
- 16.10 Approve Purchase Orders
- 16.11 Approve Change Orders to Purchase Orders
- 16.12 Accept Warrant Register for the Month of April 2013
- 16.13 Accept Report of Board Expenses from November 30, 2012, through March 31, 2013
- 16.14 Approve Award of Bids for Bond/Capital Projects

- 16.15 Approve Bond/Capital Projects Contract for Professional Services At or Below \$50,000
- 16.16 Approve Final Change Order #1 for the Fields Upgrade Project at Andrew Hill, Independence and Silver Creek High Schools, G-025-211, G-065-211, G-055-211 (Jensen Corporation Landscape Contractor)
- 16.17 Approve Notice of Completion for the Fields Upgrade Project at Andrew Hill, Independence and Silver Creek High Schools, G-025-211, G-065-211, G-055-211 (Jensen Corporation Landscape Contractor)
- 16.18 Approve Notice of Completion for the Independence High School Title IX Interior Modernization Project, E-065-002 (Beals Martin & Associates, Inc.)
- 16.19 Approve Notice of Completion for the Mt. Pleasant High School Classroom Modernization Project, E-035-002 (Zolman Construction & Development, Inc.)
- 16.20 Approve Notice of Completion for the Mt. Pleasant High School Increment 2 Gym Modernization Project, E-035-002 (Zolman Construction & Development, Inc.)
- 16.21 Approve Notice of Completion for the Silver Creek High School Multipurpose Classroom Building Project, E-055-001 (Dilbeck & Sons, Inc.)
- 16.22 Approve Minutes of March 21, 2013, 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

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
Suspended Expulsions and Guidelines for Panel Recommendations	June 27, 2013	Discussion

Board Vice President J. Manuel Herrera

Item	Date (tentative)	Type
School Supplies	June 11, 2013	Discussion

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