

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

**AGENDA**  
**August 22, 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 4:00 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 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 6:00 p.m.)  
**SEE ITEM 2 ON AGENDA (CLOSED SESSION)**

**Closed Session**

2.01 Expulsion(s): *None*

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

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*
- *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*

**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)**

No item(s) on calendar under this section.

**7. Student Board Liaisons (5 minutes each)**

No item(s) on calendar under this section.

**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 Discussion and/or Action of Consideration of Petition of Proposed B. Roberto Cruz Leadership Academy High School - Juan Cruz, Assistant Superintendent of Instructional Services and Kirsten King, Director of Instructional Services

8.03 Discussion and/or Action of Consideration of Petition of Proposed Latino College Preparatory Academy II High School - Juan Cruz, Assistant Superintendent of Instructional Services and Kirsten King, Director of Instructional Services

8.04 Presentation and Receive Measure G, Measure E and Measure I Citizens' Bond Oversight Committee Annual Report for 2011-2012 - Joshua Barousse, Chairperson and Cecil W. Lawson, former Chairperson of Measure G, Measure E and Measure I Citizens' Bond Oversight Committee

8.05 Receive Proposed Amendments of Measure G, Measure E and Measure I Citizens' Bond Oversight Committee Bylaws - Joshua Barousse, Chairperson and Cecil W. Lawson, former Chairperson of Measure G, Measure E and Measure I Citizens' Bond Oversight Committee

8.06 Presentation, Discussion and/or Action regarding Summary of Bond Sale-2013 General Obligation Refunding Bonds - Marcus Battle, Associate Superintendent of Business Services, Dale Scott, Financial Advisor, Dale Scott & Company, Scott Henry, Senior Vice President, and Katherine Perkins Vice President, De La Rosa & Company Investment Bankers

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

9.01 Hold Public Hearing at Approximately 6:05 p.m. - Discussion and/or Action to Receive and Sunshine the Initial Proposal for Successor Contract: From San Jose Federation of Teachers, Local 957, AFT, AFL-CIO to the East Side Union High School District - 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 Adopt Resolution #2013/2014-01 Supporting a Road Map to Citizenship for Aspiring Citizens of the United States - Frank Biehl, Board President, and Magdalena Carrasco, Board Member
- 11.02 Discussion and/or Action to Adopt Resolution #2013/2014-02 Close the Commercial Property Loophole - Frank Biehl, Board President
- 11.03 Discussion and/or Action to Approve East Side Alliance Memorandum of Understanding - Chris D. Funk, Superintendent
- 11.04 Discussion and/or Action regarding California School Boards Association (CSBA) Candidate Nominations for Directors-at-Large: American Indian and Black – Frank Biehl, Board President
- 11.05 Discussion and/or Action to Adopt Resolution #2013/2014-03 Authorizing the Issuance of General Obligation Bonds, 2012 Election, Series A in the Principal Amount of Not to Exceed \$20,000,000, and Authorizing the Institution of Judicial Validation Proceedings regarding Expenditure of Bond Proceeds on Proposed Educare of Silicon Valley Project - Marcus Battle, Associate Superintendent of Business Services, and Rogelio Ruiz, Legal Counsel
- 11.06 Discussion, Consideration and/or Action to Amend 2013 Board Meeting Calendar – Chris D. Funk, Superintendent

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

- 12.01 Presentation of ESTA 2012-2013 Safety Survey Results - Juan Cruz, Assistant Superintendent of Instructional Services and Marisa Hanson, ESTA President

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

- 13.01 Discussion and/or Action to Approve Provisional Permit Requests for Certificated Employees - Cari Vaeth, Director, Human Resources
- 13.02 Discussion and/or Action Regarding the Approval of the Reinstatement and Proposed Reclassification of the Classified Management Job Description and Salary Range for Accounting Manager - Cari Vaeth, Director, Human Resources
- 13.03 Discussion and/or Action Regarding the Approval of the Proposed Reclassification of the Classified Management Job Description and Salary Range for Budget Specialist to Fiscal and Budget Manager - Cari Vaeth, Director, Human Resources
- 13.04 Discussion and/or Action Regarding the Approval of the Proposed Administrative Job Description and Salary Range for Administrator of Charter School Oversight - Cari Vaeth, Director, Human Resources

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

- 14.01 Presentation, Discussion and/or Action regarding Security Cameras - Marcus Battle, Associate Superintendent of Business Services, and Randy Phelps, Director of Information Technology
- 14.02 Discussion and/or Action of Contracts for Professional Services Over \$50,000 - 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 to Ratify CUPCCAA Informal Bond Projects - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Janice Unger, Capital Projects Purchasing Manager
- 15.03 Discussion and/or Action to Ratify Summer Projects for Calero High School Voice and Data System, and Professional Services Contract for Cleaning Services - Marcus Battle, Associate Superintendent of Business Services, and Janice Unger, Capital Projects Purchasing Manager

**Consent / Action Calendar  
Sections 16-20**

**All items listed under 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. Board of Trustees / Superintendent - Consent / Action Calendar**

- 16.01 Approve Board Members' Attendance to the 9th Annual NALEO National Summit and the 2013 Unity Conference
- 16.02 Ratify/Approve Superintendent's Attendance and Lawful Expenses to Conferences/ Workshops/Meetings
- 16.03 Approve Minutes of June 27, 2013, Regular Board Meeting

**17. Instructional Services / Student Services - Consent / Action Calendar**

- 17.01 Approve Expulsion Hearing Committee Personnel for 2013-2014
- 17.02 Discussion and/or Action of Consolidated Program Application (Con App) Part I for 2013-2014
- 17.03 Discussion and/or Action to Receive the Second Valenzuela/CAHSEE and Williams Settlement Uniform Complaints Quarterly Report for Period Covering April 1, 2013 through June 30, 2013 as required by EC 35186 (Williams Settlement Legislation SB550 and AB2727)

**18. Human Resources - Consent / Action Calendar**

- 18.01 Ratify/Approve Classified Personnel Actions Presented August 22, 2013
- 18.02 Ratify/Approve Certificated Personnel Actions Presented August 22, 2013
- 18.03 Ratify/Approve Student Aide Personnel Actions Presented August 22, 2013
- 18.04 Ratify/Approve the Adult Education Calendar for 2013-2014 School Year

**19. Business Services - Consent / Action Calendar**

- 19.01 Approve Award of Bids
- 19.02 Approve Contracts for Professional Services Under \$50,000
- 19.03 Approve Memoranda of Understanding
- 19.04 Approve Budget Transfers
- 19.05 Approve Purchase Orders
- 19.06 Approve Change Orders to Purchase Orders for Year-End Reconciliation
- 19.07 Accept Report of Credit Card Expenses for Statement Dated June 22, 2013
- 19.08 Accept Warrant Register for the Months of June 2013 and July 2013

**20. Facilities - Consent / Action Calendar**

- 20.01 Approve Award of Bids for Bond/Capital Projects
- 20.02 Approve Bond/Capital Projects Contracts for Professional Services At or Below \$50,000
- 20.03 Approve Final Change Order #2 for the Mt. Pleasant High School Increment 2 Gym Modernization Project, E-035-002 (Zolman Construction & Development, Inc.)
- 20.04 Approve Final Change Order #2 for the Mt. Pleasant High School Classroom Modernization Project, E-035-002 (Zolman Construction & Development, Inc.)

- 20.05 Approve Final Change Order #2 for the Yerba Buena High School Title IX Modernization Project, E-060-003 (D. L. Falk Construction, Inc.)
- 20.06 Approve Final Change Order #2 for the Andrew Hill High School Title IX Interior Modernization Project, E-025-001 (Cal-Pacific Construction, Inc.)
- 20.07 Approve Final Change Order #1 for the Silver Creek High School Multipurpose Classroom Building Project, E-055-001 (Dilbeck & Sons, Inc.)
- 20.08 Approve Final Change Order #1 for the James Lick High School New Two Story Building 500 Project, E-030-001 (D. L. Falk Construction, Inc.)
- 20.09 Approve Notice of Completion for Piedmont Hills and Oak Grove High Schools Gym Floor Replacement Project, G-045-213 and G-050-213 (H.Y. Floor & Gameline Painting)
- 20.10 Approve Notice of Completion for Piedmont Hills and Silver Creek High Schools Bleacher Replacement Project, G-045-204 and G-055-204 (Swenson & Associates)
- 20.11 Approve Notice of Completion for the Independence High School Pool Renovation Project, G-065-203 (Gonsalves & Stronck Construction Co. Inc.)
- 20.12 Approve Notice of Completion for the Andrew Hill High School Temporary Portable Utility Project, E-025-003 (Calstate Construction, Inc.)
- 20.13 Approve Notice of Completion for the Santa Teresa High School Modernization of 100, 200, 400, 700, 1300 & 1400 Buildings Project, E-070-003 (United Compliance Corporation)

## **21. Written Reports/Recommendation**

**Items under section 21 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.

- 21.01 Receive Update to Previously Approved Change Orders for Current Bond Projects which Exceed the 10% Allowance
- 21.02 Receive Self-Insured Schools of California (SISC) GASB 45 Quarterly Report ending June 30, 2013

## **22. Future Agenda Items**

- 22.01 Opportunity for Board of Trustees to Request Items on Future Agendas

22.02 Future Items:

**Board Clerk Van Le**

<b>Item</b>	<b>Date (tentative)</b>	<b>Type</b>
AVID Program	September 19, 2013	Presentation/Discussion
Bond Program Construction Projects Report	October 17, 2013	Presentation/Discussion

**Board Member Magdalena Carrasco**

<b>Item</b>	<b>Date (tentative)</b>	<b>Type</b>
Assembly Bill 9 / Anti-Bullying Service Delivery Model	September 19, 2013	Presentation/Discussion

**Board Member Lan Nguyen**

<b>Item</b>	<b>Date (tentative)</b>	<b>Type</b>
Vietnamese Language Program	September 19, 2013	Presentation/Discussion

**23. Board of Trustees/Superintendent Communications/Comments**

23.01 Board of Trustees

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

23.02 Chris D. Funk, Superintendent

**24. Report Closed Session Action(s)**

**25. Adjournment**