

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

**AGENDA**  
**October 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 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 6:30 p.m.)  
**SEE ITEM 2 ON AGENDA (CLOSED SESSION)**

**Closed Session**

2.01 Expulsion(s): *A-H*

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

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

- Coordinator, Special Services (1)
- Administrator of Charter School Oversight (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 K. Sana; and,*
- *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

- *Two (2) Potential Cases*

**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 Honoring 2013 Doctoral Degrees

- Katherine Everett – James Lick High School
- Nonie Pugh – Independent Study Program, Oak Grove High School
- Wendy Stegeman – Andrew Hill High School
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**7. Student Board Liaisons (5 minutes each)**

7.01 Independence High School Dance Department - Kellye Dodd and Cristina McClelland

7.02 Oak Grove High School - Gillian Xu, ASB Vice President

**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 IISME Research Collaborative (IRC) Presentation - Kristen Harrison, IISME Research Collaborative Leader, Ann Shioji, Teacher, Wm. C. Overfelt High School, and Brian Barrientez, Teacher, Wm. C. Overfelt High School

8.03 Presentation and Discussion on the Annual Energy Savings and Performance Report – Marcus Battle, Associate Superintendent of Business Services, David Baldwin, and Emily Douglas from Chevron Energy Solutions

**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 Presentation regarding College Connection Academy (CCA) - Tom Huynh, Principal, Yerba Buena School

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

- 12.01 Presentation and/or Discussion on the Avid Program - Juan Cruz, Assistant Superintendent of Instructional Services
- 12.02 Presentation and/or Discussion regarding Assembly Bill 9 (or Seth's Law) Anti-Bullying Service Delivery Model - Juan Cruz, Assistant Superintendent of Instructional Services
- 12.03 Presentation and/or Discussion regarding the Student Achievement Report - Juan Cruz, Assistant Superintendent of Instructional Services, and Kirsten King, Director of Instructional Services
- 12.04 Presentation and/or Discussion regarding the Plan to Utilize Common Core State Funds – Juan Cruz, Assistant Superintendent of Instructional Services and Kirsten King, Director of Instructional Services
- 12.05 Discussion and/or Action to Receive Third Valenzuela/CAHSEE and Williams Settlement Uniform Complaint Quarterly Report for Period Covering July 1, 2013 through September 30, 2013 as required by EC 35186 (Williams Settlement Legislation SB550 and AB2727) – Juan Cruz, Assistant Superintendent of Instructional Services and Tim Nguyen, Coordinator of English Language Learners Supplementary Education

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

- 13.01 Presentation, Discussion and/or Action Regarding Capital Program Reorganization - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, Cari Vaeth, Director of Human Resources, and Karen Poon, Director of Finance; Reviewed by Kelly Kwong, Senior Manager of Internal Controls
- 13.02 Discussion and/or Action to Adopt Resolution #2013/2014-10 Adopting Policies with Respect to the Issuance of Capital Appreciation Bonds - Marcus Battle, Associate Superintendent of Business Services, Dale Scott, Financial Advisor, Dale Scott & Company, and Charles F. Adams, Bond Counsel, Jones Hall
- 13.03 Discussion and/or Action to Approve Contracts for Professional Services Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator

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

- 14.01 Discussion and/or Action Regarding the Approval of the Proposed Classified Job Description Senior Contract Specialist - Cari Vaeth, Director, Human Resources
- 14.02 Discussion and/or Action Regarding the Approval of the Proposed Classified Management Job Description and Salary Range for Assistant Director, Capital Accounting - Cari Vaeth, Director, Human Resources

- 14.03 Discussion and/or Action Regarding the Approval of the Classified Management Job Description and Salary Range for Capital Budget Manager - Cari Vaeth, Director, Human Resources

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

- 15.01 Presentation and Discussion on the Lease Leaseback Delivery Method for Modernization Projects at Independence High School - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, Kenneth Kerch, AIA, SGI Bond Program Manager, and Mike Van Pelt, Van Pelt Construction Services
- 15.02 Presentation, Discussion and/or Action on the Update of the Bond Program - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Kenneth Kerch, AIA, SGI Bond Program Manager
- 15.03 Adopt Resolution #2013/2014-08 To Certify Housing and Community Relocatable Buildings at Overfelt Adult Education Center Are No Longer Being Used as School Buildings - Marcus Battle, Associate Superintendent of Business Services, and Linda da Silva, Director of Construction, Maintenance and Facilities
- 15.04 Discussion and/or Action of Bond/Capital Projects Contract(s) 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
- 15.05 Discussion and/or Action to Ratify CUPCAA Informal Bond Project(s) - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Janice Unger, Capital Projects Purchasing Manager
- 15.06 Discussion and/or Action of Proposed Cost Sharing of White Road Street Lighting Upgrade Project - Marcus Battle, Associate Superintendent of Business Services, and Linda da Silva, Director of Construction, Maintenance and Facilities
- 15.07 Discussion and/or Action to Extend Measure G Program Management Agreement with Seville Group Inc. - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Janice Unger, Capital Projects Purchasing Manager
- 15.08 Discussion and/or Action to Extend Measure E Program Management Agreement with Seville Group Inc. - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, 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 Minutes of September 19, 2013, Regular Board Meeting
- 16.02 Ratify/Approve Board Member's Lawful Expenses/Mileage to Conferences/ Workshops/Meetings

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

- 17.01 Approve School Field Trips

#### **18. Business Services - Consent / Action Calendar**

- 18.01 Approve Award of Bids
- 18.02 Approve Contracts for Professional Services At or Below \$50,000
- 18.03 Approve Memoranda of Understanding
- 18.04 Approve Budget Transfers
- 18.05 Approve Purchase Orders
- 18.06 Approve Change Orders to Purchase Orders
- 18.07 Accept Report of Credit Card Expenses for Statement Dated July 22, 2013
- 18.08 Accept Warrant Register for the Month of September 2013
- 18.09 Adopt Resolution #2013/2014-09 Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546
- 18.10 Approve Facilities Use Agreements

#### **19. Human Resources - Consent / Action Calendar**

- 19.01 Ratify/Approve Classified Personnel Actions Presented October 17, 2013
- 19.02 Ratify/Approve Certificated Personnel Actions Presented October 17, 2013

19.03 Ratify/Approve Student Aide Personnel Actions Presented October 17, 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 #1 for the Piedmont Hills & Oak Grove High Schools Gym Flooring Replacement Project, G-045-213 & G-050-213 (H.Y Floor and Gameline Painting, Inc.)
- 20.04 Approve Final Change Order #2 for Independence High School Swimming Pool Renovation Project, G-065-203 (Gonsalves & Stronck Construction, Inc.)
- 20.05 Approve Notice of Completion for the Summit Rainier Charter School at Mt. Pleasant High School Portable Renovation Project, F35-089-001 (Jeff Luchetti Construction Inc.)
- 20.06 Approve Notice of Completion for James Lick High School Interior Flooring Project, G-030-212 (B.T. Mancini Co.)
- 20.07 Approve Notice of Completion for the Yerba Buena High School Title IX Project, E-060-003 (Jeff Luchetti Construction Inc.)
- 20.08 Approve Notice of Completion for the Mt. Pleasant High School Title IX Project, E-035-002 (Jeff Luchetti Construction Inc.)
- 20.09 Approve Notice of Completion for the Mt. Pleasant High School Bleacher Fire Repair Project, F67-035-531 (Southern Bleacher Company)
- 20.10 Approve Notice of Completion for the Independence High School B Villa Kitchen Fire Restoration and Renovation Project, Z-065-601 (Restoration Management Company)
- 20.11 Approve Amended Notice of Completion for Independence High School KIPP Relocatable Science Classroom Project, and Classrooms and Restrooms Project, MG2011-01 (Enviroplex, Inc.)

**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

**22. Future Agenda Items**

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

22.02 Future Items:

**Board President Biehl**

<b>Item</b>	<b>Date (tentative)</b>	<b>Type</b>
Report on Strategic Plan Budget Process	January 2014	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**