

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

AGENDA
December 12, 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-F*

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

- *Superintendent (mid-year review)*
- *Associate Superintendent of Business Services*
- *Assistant Superintendent of Instructional Services*

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

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 (d)(2) of Government Code
Section 54956.9

- *Two (2) Potential Cases*

2.07 Conference with Legal Counsel – Anticipated Litigation
Initiation of litigation pursuant to subdivision (d)(4) 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. Annual Organizational Meeting

- 5.01 Board President's Reflection
- 5.02 Nomination and Election of Board Officers: President; Vice President; Clerk
- 5.03 Nomination and Appointment of Two Board Members to Board's Standing Audit Committee: Chairperson and Vice Chairperson
- 5.04 Nomination and Election of Representative to MetroED Board (2-Year Term)
- 5.05 Nomination and Election of Alternate Representative to MetroED Board (One-Year Term)
- 5.06 Nomination of One Member of the Board of Trustees to Vote in the Election of the Santa Clara County Committee on School District Organization
- 5.07 Nomination and Election of Representative to Santa Clara County School Boards Association
- 5.08 Nomination and Election of One Member to East Side Alliance Advisory Committee
- 5.09 Nomination and Election of One Alternate Member to East Side Alliance Advisory Committee

***** Five Minute Break *****

- 5.10 Appointment of Board Secretary
- 5.11 Call for Nominations to CSBA Delegate Assembly

6. Adoption of Agenda

- 6.01 For consideration by the Board of Trustees

7. Board Special Recognition(s)

- 7.01 Applied Materials
 - Siobhan Kenney, Director of Global Community Affairs
 - Lynda Greene, Education Liaison
- 7.02 Dianne Lemke, Recipient of Community Service Award from San Andreas Regional Center for Work with ESUHSD Special Ed Parents' Advisory Committee
- 7.03 BeautifulDay.org
 - Jon Tolbert
 - Joanne Glen

8. Student Board Liaisons (5 minutes each)

- 8.01 Asim Hasan, ASB President - Andrew Hill High School

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

- 9.01 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.

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

- 10.01 Hold Public Hearing at Approximately 6:50 p.m. Disclosure of Major Provisions of Proposed Tentative Agreement with California School Employees Association, Chapter 187, July 1, 2013 - June 30, 2016 (per AB1200); Discussion and/or Action – Cari Vaeth, Director, Human Resources and Vida L. Branner, Director of Compensation and Classified Employee Relations
- 10.02 Discussion and/or Action to Ratify and Approve Tentative Agreement with California School Employees Association, Chapter 187, July 1, 2013 - June 30, 2016 - Cari Vaeth, Director, Human Resources and Vida L. Branner, Director of Compensation and Classified Employee Relations
- 10.03 Hold Public Hearing at Approximately 6:55 p.m. Disclosure of Major Provisions of Proposed Tentative Agreement with San Jose Federation of Teachers, AFT Local 957, AFL-CIO, July 1, 2013 - June 30, 2014 (per AB1200); Discussion and/or Action – Cari Vaeth, Director, Human Resources
- 10.04 Discussion and/or Action to Ratify and Approve Tentative Agreement with San Jose Federation of Teachers, AFT Local 957, AFL-CIO, July 1, 2013 - June 30, 2014 - Cari Vaeth, Director, Human Resources

11. 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.

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

- 12.01 Discussion and/or Action to Receive and Adopt Second Reading of ESUHSD Strategic Plan - Chris D. Funk, Superintendent
- 12.02 Discussion and/or Action to Accept A-G White Paper - Chris D. Funk, Superintendent
- 12.03 Discussion and/or Action to Approve James Lick and Overfelt High Schools to Join the New Tech Network as New Tech High Schools, pending Staff Votes - Glenn VanderZee, Principal - James Lick High School, and Vito Chiala, Principal - Wm. C. Overfelt High School

- 12.04 Discussion and/or Action to Receive First Reading of Amended Board Policy #7310 Naming of a Specific Building, Facility, Area, Space or Memorial Plaque - Chris D. Funk, Superintendent
- 12.05 Discussion and/or Action to Receive First Reading of Amended Board Policy #1325 Advertising and Promotion - Chris D. Funk, Superintendent
- 12.06 Discussion and/or Action to Receive and Adopt First Reading of Amended Board ByLaw #9100 Organization - Chris D. Funk, Superintendent
- 12.07 Discussion and/or Action of Schedule of Regular Board Meetings and Annual Organizational Meeting from January 2014 through June 2015 - Chris D. Funk, Superintendent
- 12.08 Discussion and/or Action to Approve 1.95% Base Salary Increase to Associate Superintendent Marcus Battle and Assistant Superintendent Juan Cruz – Chris D. Funk, Superintendent
- 12.09 Excuse Absence of Board Member Lan Nguyen from the November 14, 2013, Board Meeting (Education Code Section 35120) – Chris D. Funk, Superintendent

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

- 13.01 Discussion and/or Action to Receive First Reading of Proposed New Board Policy 5145.31 Transgender and Gender Non-Conforming - Juan Cruz, Assistant Superintendent of Instructional Services

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

- 14.01 Discussion and/or Action of First Interim Financial Report for Fiscal Year 2013/14 - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance
- 14.02 Discussion and/or Action to Approve Contract(s) for Professional Services Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator

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

No Items on Calendar Under this Section

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

- 16.01 Presentation and/or Discussion regarding Capital Program Reorganization - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities
- 16.02 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
- 16.03 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

Consent / Action Calendar

Sections 17-21

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.

17. Board of Trustees / Superintendent - Consent / Action Calendar

- 17.01 Ratify/Approve Board Member's Lawful Expenses/Mileage to Conferences/Workshops/Meetings
- 17.02 Approve Minutes of October 17, 2013, Regular Board Meeting
- 17.03 Approve Minutes of October 29, 2013, Study Session/Board Meeting
- 17.04 Approve Minutes of November 14, 2013, Regular Board Meeting

18. Instructional Services / Student Services - Consent / Action Calendar

- 18.01 Approve School Field Trips
- 18.02 Discussion and/or Action of CAHSEE Local Waivers for Special Education Students

19. Business Services - Consent / Action Calendar

- 19.01 Approve Award of Bid(s)
- 19.02 Approve Contract(s) for Professional Services At or Below \$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
- 19.07 Accept Report of Credit Card Expenses for Statement Dated September 23, 2013
- 19.08 Accept Warrant Register for the Month of November 2013
- 19.09 Discussion and/or Action to Adopt Resolution #2013/2014-12 Bank Account for Associated Student Body Organization for Calero High School - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance

- 19.10 Discussion and/or Action to Approve Emergency One-Day School Closure for Silver Creek High School on November 20, 2013 Due to Power Outrage - Marcus Battle, Associate Superintendent of Business Services

20. Human Resources - Consent / Action Calendar

- 20.01 Ratify/Approve Classified Personnel Actions Presented December 12, 2013
- 20.02 Ratify/Approve Certificated Personnel Actions Presented December 12, 2013
- 20.03 Ratify/Approve Student Aide Personnel Actions Presented December 12, 2013

21. Facilities - Consent / Action Calendar

- 21.01 Approve Bond/Capital Projects Contract(s) for Professional Services At or Below \$50,000
- 21.02 Approve Award of Bids for Bond/Capital Projects
- 21.03 Approve Measure I Distribution for KIPP San Jose Collegiate Charter School
- 21.04 Approve Final Change Order #1 for the Piedmont Hills and Silver Creek High School Gym Bleacher Replacement Project, G-045-204 & G-055-204 (Swenson & Associates)
- 21.05 Approve Final Change Order #1 for Andrew Hill High School Temporary Modularity Project, E-025-003 (Cal State Construction)
- 21.06 Amend Final Change Order #1 Silver Creek High School Multi-purpose Classroom Building Project, E-055-001 (Dilbeck & Sons, Inc.)
- 21.07 Approve Notice of Completion for Yerba Buena and Silver Creek High Schools Site Improvements Project, E-060-006 and E-055-006 (Golden Bay Fence Plus Iron Works, Inc.)
- 21.08 Approve Notice of Completion for Evergreen Valley High School Site Improvements Project, E-075-005 (Joseph J. Albanese, Inc.)
- 21.09 Approve Notice of Completion for Overfelt Adult Education Center New Classroom Facility Project, E-042-001 (Cal-Pacific Construction)
- 21.10 Approve Notice of Completion for Calero High School Modernization Project, E-080-002 (Integrated Communication Systems)
- 21.11 Approve Notice of Completion for Calero High School Modernization Project, E-080-002 (Cal Coast Telecom)

22. Written Reports/Recommendation

Items under section 22 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.

- 22.01 Receive Update to Previously Approved Change Orders for Current Bond Projects which Exceed the 10% Allowance
- 22.02 Receive Quarterly Statement on Silicon Valley Community Foundation "Go for It!" Scholarship Fund as of September 30, 2013

23. Future Agenda Items

- 23.01 Opportunity for Board of Trustees to Request Items on Future Agendas
- 23.02 Future Items:

Board Member Frank Biehl

Item	Date (tentative)	Type
Report on Strategic Plan Budget Process	January 2014	Presentation/Discussion

24. Board of Trustees/Superintendent Communications/Comments

- 24.01 Board of Trustees
 - Frank Biehl
 - J. Manuel Herrera
 - MetroED
 - Van Le
 - Lan Nguyen
 - Board Audit Committee
 - Magdalena Carrasco
- 24.02 Chris D. Funk, Superintendent

25. Report Closed Session Action(s)

- 25.01 Legal Counsel will Report on Closed Session Action Item(s)

26. Adjournment

- 26.01 President Adjourns the Meeting