

**EAST SIDE UNION HIGH SCHOOL DISTRICT
REGULAR MEETING
OF THE
BOARD OF TRUSTEES
Meeting Held at Education Center
November 15, 2012
4:00 p.m.**

1. CALL TO ORDER/ROLL CALL

1.01 Roll Call

The Regular Meeting of the Board of Trustees was called to order at 4:02 p.m. by President Biehl. Vice President Martinez-Roach, Clerk Herrera, Member Nguyen and Member Le were present.

1.02 Announcement and Public Comment regarding Items to be discussed in Closed Session (Government Code 54957.7)

President Biehl extended a welcome to everyone, explained the format of the meeting, noted that all Board Meetings are recorded and offered the public to comment on item(s) to be discussed in Closed Session.

There were no public speakers.

1.03 Recess to Closed Session in the Superintendent's Conference Room (Open Session will resume at the end of Closed Session at approximately 6:00 p.m.) See item 2 on agenda (Closed Session).

The Board of Trustees recessed to Closed Session in the Superintendent's Conference Room.

2. CLOSED SESSION

2.01 Expulsion(s): A-F

Student A:

Motion by Vice President Martinez-Roach, second by Member Le, the Board approved the expulsion of Student A.

Vote: 5/0

Student B:

Motion by Vice President Martinez-Roach, second by Clerk Herrera, the Board approved the expulsion of Student B.

Vote: 5/0

Student C:

Motion by Clerk Herrera, second by Member Le, the Board approved the expulsion of Student C.

Vote: 5/0

Student D:

Motion by Member Le, second by Clerk Herrera, the Board approved the expulsion of Student D.

Vote: 5/0

Student E:

Motion by Clerk Herrera, second by Member Le, the Board approved the expulsion of Student E.

Vote: 5/0

Student F:

Motion by President Biehl, second by Vice President Martinez-Roach, the Board approved the suspended expulsion of Student F as modified by the Board.

Vote: 5/0

2.02 Public Employee Performance Evaluation (Government Code Section 54957)

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

2.04 Public Employee Discipline/Dismissal/Release (Government Code Section 54957)

Motion by Clerk Herrera, second by Member Nguyen, the Board approved the Settlement Agreement and General Release of Claims between the District and Paul Mansingh. A copy of the Settlement Agreement is on record with the District Office.

Vote: 5/0

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

Vida Branner, Director of Compensation and Classified Employee Relations

Cari Vaeth, Director of Human Resources

Employee Organizations:

American Federation of Teachers (AFT)
California School Employees Association (CSEA)
East Side Teachers Association (ESTA)

Unrepresented Organizations:

Administrators
Managers
Confidentials

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

- *Three (3) 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*

Motion by Clerk Herrera, second by Member Nguyen, the Board approved the Settlement Agreement and General Release of Claims between the District and Paul Mansingh. A copy of the Settlement Agreement is on record with the District Office.

Vote: 5/0

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.

President Biehl extended a welcome to everyone, explained the format of the meeting and noted that all Board Meetings are recorded.

5. ADOPTION OF AGENDA

For consideration by the Board of Trustees.

There were no changes to the agenda.

6. BOARD SPECIAL RECOGNITION(s)

6.01 Patricia Martinez-Roach, Board Vice President

7. **STUDENT BOARD LIAISONS**

No items 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 **Presentation and Receive Measure G and Measure E Citizens' Bond Oversight Committee Annual Report for 2010-2011 - Cecil W. Lawson, Chairperson of Measure G and Measure E Citizens' Bond Oversight Committee**

Presentation item; Report received

8.03 **Receive the Second Reading and Adoption of Proposed Draft Measure G and Measure E Citizens' Bond Oversight Committee Bylaws – Cecil W. Lawson, Chairperson of Measure G and Measure E Citizens' Bond Oversight Committee, and Chris D. Funk, Superintendent**

Motion by President Biehl, second by Vice President Martinez-Roach, to receive and adopt the second reading of the proposed draft of Measure G and Measure E Citizens' Bond Oversight Committee Bylaws as amended.

Amend as follows:

11. *Amendment of Bylaws*

Current Language:

Any amendment to these Bylaws shall be approved by a majority vote of the Committee.

Amended language:

Subject to approval by the Governing Board of the East Side Union High School District, any amendment to these Bylaws shall be approved by a majority vote of the Committee.

Vote: 5/0

9. **PUBLIC HEARING(S) – OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION**

9.01 **Hold Public Hearing at Approximately 6:05 p.m. on a Charter School Petition Renewal Submitted by KIPP San Jose Collegiate - Juan Cruz, Assistant Superintendent of Instructional Services, and Kirsten King, Director of Instructional Services**

Public hearing held

- 9.02 Hold Public Hearing at Approximately 6:10 p.m. Regarding Tentative Agreement and Memorandum of Understanding Re: Furlough Days ("MOU") with the California School Employees Association, Chapter 187, July 1, 2012 - June 30, 2013 and Disclosure of Major Provisions of Tentative Agreement (AB1200) - Cari Vaeth, Director, Human Resources and Vida L. Branner, Director of Compensation and Classified Employee Relations**

Public hearing held

- 9.03 Ratify and Approve Tentative Agreement and Memorandum of Understanding Re: Furlough Days ("MOU") with the California School Employees Association, Chapter 187, July 1, 2012 - June 30, 2013 and Disclosure of Major Provisions of Tentative Agreement (AB1200) - Cari Vaeth, Director, Human Resources and Vida L. Branner, Director of Compensation and Classified Employee Relations**

Speaker:

- *Angie Nunn*

Motion by Vice President Martinez-Roach, second by Clerk Herrera, to ratify and approve the tentative agreement and memorandum of understanding regarding Furlough Days ("MOU") with the California School Employees Association, Chapter 187, from July 1, 2012 to June 30, 2013, and the disclosure of major provisions of the tentative agreement (AB1200).

Vote: 5/0

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.

Speakers:

- *Filiberto Zamora – Special Education*
- *Marisa Hanson – More Money for Teachers for School Supplies*

11. BOARD OF TRUSTEES/SUPERINTENDENT - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

- 11.01 Receive Second Reading and Adoption of Proposed Amended Board Bylaw #9270 Conflict of Interest Code: Revolving Door Policy and #9270E (Appendix A) Designated Positions/Disclosure Categories – Chris D. Funk, Superintendent**

Motion by Member Le, second by Vice President Martinez-Roach, to receive the second reading and adopt the proposed Board Bylaw #9270 Conflict of Interest Code: Revolving Door Policy and #9270E (Appendix A) Designated Positions/Disclosure Categories.

Vote: 5/0

11.02 Receive Third Reading and Adoption of Proposed New, Amended and Deleted Facilities Use Related Board Policies - Marcus Battle, Associate Superintendent of Business Services, Juan Cruz, Assistant Superintendent of Instructional Services, and Chris. D. Funk, Superintendent

Motion by Member Le, second by Clerk Herrera, to receive the third reading and adopt the proposed new, amended and deleted facilities use related Board Policies.

Vote: 5/0

11.03 Receive and Approve Facilities Usage Fee Schedule and Fair Market Rental Rates - Juan Cruz, Assistant Superintendent of Instructional Services, Marcus Battle, Associate Superintendent of Business Services and Chris D. Funk, Superintendent

Motion by Clerk Herrera, second by Member Le, to receive and approve the Facilities Usage Fee Schedule and Fair Market Rental Rates.

Vote: 5/0

11.04 Authorize/Approve Conference Registration and Hotel Room Expense for Newly Elected Board Member Magdalena Carrasco for CSBA Pre-Conference Events (Orientation for New Board Members) and Conference, November 28 – December 1, 2012 - Chris D. Funk, Superintendent

Motion by Member Le, second by President Biehl, to authorize/approve conference registration and hotel room expenses for newly elected Board Member Magdalena Carrasco for CSBA Pre-Conference Events (Orientation for New Board Members) and Conference, November 28 – December 1, 2012.

Vote: 4/0, Board Vice President Martinez-Roach abstained from vote

11.05 Ratify/Approve Superintendent's Attendance and Lawful Expenses to Conferences/Workshops/Meetings - Chris D. Funk, Superintendent

Motion by Member Le, second by Clerk Herrera, to ratify/approve Superintendent's attendance and lawful expenses to conferences/workshops/meetings as presented.

Vote: 5/0

11.06 Discussion, Consideration and/or Action to Reschedule December 6, 2012, Annual Organizational and Regular Board Meeting - Chris D. Funk, Superintendent

Motion by President Biehl, second by Member Nguyen, to reschedule the Decembe 6, 2012, Annual Organizatonal and Regular Board Meeting to December 11, 2012.

Vote: 4/0, Board Vice President Martinez-Roach abstained from vote

12. INSTRUCTIONAL SERVICES/STUDENT SERVICES - OPERATIONAL ITEMS/.BOARD DISCUSSION AND/OR ACTION

12.01 Authorization for the District to Apply for the Linked Learning Pilot Grant - Juan Cruz, Assistant Superintendent of Instructional Services

Motion by Clerk Herrera, second by Member Nguyen, to authorize the District to apply for the Linked Learning Pilot Grant.

Vote: 5/0

13. HUMAN RESOURCES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

13.01 Approve Request for Use of Education Code Section 44258.3 - Teachers on Special Assignment Authorizations for the 2012-2013 School Year - Cari Vaeth, Director, Human Resources

Motion by Clerk Herrera, second by Member Le, to approve the request for use of Education Code section 44258.3, Teacher on Special Assignment Authorizations, for the 2012-2013 school year.

Vote: 5/0

13.02 Approve Provisional Internship Permit Requests for Certificated Employee – Cari Vaeth, Director, Human Resources

Motion by Member Nguyen, second by Clerk Herrera, to approve the provisional internship permit requests for certificated employee.

Vote: 5/0

13.03 Adopt/Approve Classified, Classified Management and Certificated Administrative Holiday Schedule for the 2012-2013 School Calendar - Cari Vaeth, Director, Human Resources

Motion by Member Nguyen, second by Member Le, to adopt/approve the Classified, Classified Management and Certificated Administrative Holiday Schedule for 2012-2013.

Vote: 5/0

14. BUSINESS SERVICES/STUDENT SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

14.01 Discussion and/or Action Regarding 2011/2012 Legal Expenses - Marcus Battle, Associate Superintendent of Business Services

Motion by Member Nguyen, second by President Biehl, to receive the 2011/2012 legal expenses as presented.

Vote: 5/0

14.02 Approve Contracts for Professional Services Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator

Motion by Clerk Herrera, second by Member Nguyen, to approve the contracts for professional services over \$50,000 (copy attached.).

Vote: 5/0

15. FACILITIES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

15.01 Approve Bond/Capital Projects Contracts for Professional Services Over \$50,000 – Marcus Battle, Associate Superintendent of Business Services, and Janice Unger, Capital Projects Purchasing Manager

Motion by Member Nguyen, second by President Biehl, to approve bond/capitol projects contracts for professional services over \$50,000 (attached).

Vote: 5/0

16. ATTACHMENT A – CONSENT CALENDAR ITEMS

Motion by Member Nguyen, second by Clerk Herrera, to approve the entire consent calendar.

Vote: 5/0

16.01 Ratify/Approve Classified Personnel Actions Presented November 15, 2012

16.02 Ratify/Approve Certificated Personnel Actions Presented November 15, 2012

16.03 Ratify/Approve Student Aide Personnel Actions Presented November 15, 2012

16.04 Approve School Field Trips

16.05 Approve Contracts for Professional Services At or Below \$50,000

16.06 Approve Memoranda of Understanding

16.07 Approve Budget Transfers

16.08 Approve Purchase Orders

16.09 Adopt Resolution #2012/2013-10 an Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546

16.10 Accept Warrant Register for the Month of October 2012

16.11 Approve Award of Bid for Bond/Capital Projects

- 16.12 Approve Bond/Capital Projects Contracts for Professional Services At or Below \$50,000
- 16.13 Approve Notice of Completion for Andrew Hill and Santa Teresa High Schools, Gymnasium Bleacher Replacement Project (Applied Industrial Technologies)
- 16.14 Approve Notice of Completion for William C. Overfelt High School – Leadership Public Schools Alterations to Five (5) Classroom Relocatables and Construction of One (1) Shade Structure Project (Flory Construction)
- 16.15 Approve Notice of Completion for Yerba Buena High School Ten (10) Relocatable Classrooms Project, P-8 through P-17 (East Side Union High School District Self-Performed)
- 16.16 Approve Notice of Completion for Yerba Buena High School One (1) Relocatable Classroom Project (Design Mobile Systems)
- 16.17 Approve Minutes of October 18, 2012, Regular Board Meeting

17. WRITTEN REPORTS/RECOMMENDATIONS

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

Item received

18. FUTURE AGENDA ITEMS

- 18.01 Opportunity for Board of Trustees to request items on future agendas.

Request(s):

<i>Item</i>	<i>Requestor</i>
<i>Reconciliation of Measure G and Measure E Projects (Presentation)</i>	<i>Board Member Le</i>

- 18.02 Future Items:

Board of Trustees & Administration:

Item	Date (tentative)	Type
<i>Status of Chinese Language Program</i>	<i>February 2013</i>	<i>Written Report</i>

Board Vice President Martinez-Roach:

Item	Date (tentative)	Type
<i>Parent Involvement Plan</i>	<i>December 2012</i>	<i>Presentation on Federal Findings</i>
<i>Child Development Program</i>	<i>August (annually)</i>	<i>Written Report</i>
<i>Special Education Program Costs</i>	<i>January (annually)</i>	<i>Study Session</i>
<i>Social Networking</i>	<i>January 2013</i>	<i>Board Policy Update</i>

Board Member Nguyen:

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

19. BOARD OF TRUSTEES/SUPERINTENDENT COMMUNICATIONS/COMMENTS

19.01 Board of Trustees

Van Le, Board Member

Patricia and I worked with Superintendent Funk on the Homeless Project. I would like to invite everyone to the event. It will be on Friday, December 7. We will be providing gift cards to our students. We are still working on the event, including the fundraising.

Patricia Martinez-Roach, Board Vice President

The homeless issue has been an issue for many years and is dear to my heart. I understand that we did not get grant funding this year, but hope that next year the District aggressively pursues funding.

J. Manuel Herrera, Board Clerk

I just want to pass out an update on MetroED and highlight three items. Number one, an annual report has been published that summarizes the programs. Number two, we have now formally initiated a search for the new Superintendent. Three, we have contracted with School Services of California for a new funding model for the JPA and we will be going through a very thorough process on that.

Frank Biehl, Board President

I want to wish everyone a Happy Thanksgiving. I look forward to seeing my fellow Board Members at CSBA in San Francisco. We have accomplished a lot this last year. It is time to move forward.

19.02 Chris D. Funk, Superintendent

I want to wish everyone a Happy Thanksgiving. I hope that you take the opportunity to reconnect with your family, loved ones and friends and have a chance to relax. If you do travel, safe travels to everyone.

20. REPORT CLOSED SESSION ACTION(S)

Attorney will report on Closed Session action item(s).

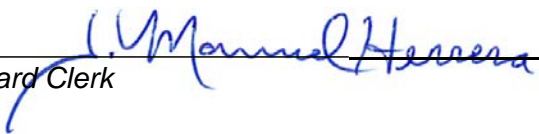
See section 2.0 for reporting out of Closed Session items.

21. ADJOURNMENT

President adjourns the meeting.

The meeting was adjourned at 8:28 PM.

Respectfully submitted,



Board Clerk