

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

**AGENDA**  
***Annual Organizational Meeting & Regular Board Meeting***  
**December 10, 2009**

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) 347-5011. 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 Annual Organizational Board Meeting and 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 §54957.7*)

1.03 Recess to Closed Session (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)**

**2. Closed Session**

2.01 Expulsions: A-G

2.02 Public Employee Discipline/Dismissal/Release/Complaints/Administrative Leave  
(*Government Code Section 54957*)

2.03 Conference with Labor Negotiators  
(*Government Code Section 54957.6*)

Agency Designated Representatives:

Dan Moser, Interim Superintendent

Jerry Kurr, Associate Superintendent of Administration and Business Services

Cathy Giammona, Director of Human Resources

Vida Branner-Siders, Director of Compensation and Classified Employee Relations

Employee Organizations:

American Federation of Teachers (AFT)

California School Employees Association (CSEA)

East Side Teachers Association (ESTA)

2.04a Conference with Legal Counsel – Existing Litigation  
Subdivision (b) of Section 54956.9 of the Government Code

- Tessa Cavazos v. East Side Union High School District, et al.  
Santa Clara County Superior Court Case No. 107CV085424)
- Kinetics Mechanical Services, Inc. vs. East Side Union High School District,  
Santa Clara County Superior Court

2.04b Conference with Legal Counsel – Anticipated Litigation  
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the  
Government Code: One (1) potential case

2.05 Conference with Real Property Negotiators

Property: ESUHSD Educational Center, or portion thereof  
830 N. Capitol Avenue  
San Jose, CA 95133

District Negotiators: Dan Moser, Interim Superintendent  
Jerry Kurr, Associate Superintendent of Administration  
and Business Services  
Rogelio Ruiz, Legal Counsel  
Real Estate Representatives Sam Swan, Bob Hunt and Andre Hunt

Negotiating Parties: ESUHSD and Party To Be Determined

Under Negotiation: Price and Terms

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

2.07 Public Employment/Public Employee Appointment  
(*Government Code Section 54957*)

- *Interim Superintendent*
- *Interim Associate Superintendent of Instruction and Human Relations*
- *Interim Director 2 - Instructional Services*

**Open Session 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. Annual Organizational Meeting**

5.01 Nomination and Election of Board Officers

- 5.01.01 President
- 5.01.02 Vice President
- 5.01.03 Clerk

5.02 Appointment of Board Secretary

5.03 Nomination and Election of Representative to MetroED Board

5.04 Nomination and Election of Alternate Representative to MetroED Board

5.05 Appoint Two Board Members to Board's Standing Audit Committee

- Chairperson
- Vice Chairperson

5.06 Nomination of One Member of the Board of Trustees to Vote in the Election for Members of the Santa Clara County Committee of School District Organization

5.07 Nomination and Election of Representative to California School Boards Association Delegate Assembly

5.08 Nomination and Election of Representative to Santa Clara County School Boards Association

5.09 Adopt Resolution #2009/2010-21 Approving Authorized Signatures

5.10 Develop and Approve Schedule of Regular Board Meetings and Annual Organizational Meeting for 2010

**6. Consideration of Proposed Amendments to Agenda**

**7. Board Special Recognition(s)**

7.01 Girls' Golf – Evergreen Valley High School

**8. Student Board Liaisons**

8.01 Johnson Taing, ASB President – Piedmont Hills High School

8.02 Daniel Zaragoza, ASB President – Yerba Buena High School

**9. Public Members who wish to Address the Board of Trustees**

Persons wishing to address the Board must fill out a “gold” request form, which is located at the entrance of the Board Room.

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

10.01 Santa Teresa High School Presentation – Dan Moser, Interim Superintendent and John Duran, Principal

- 10.02 Silver Creek High School Presentation – Dan Moser, Interim Superintendent and Thelma Boac, Principal
- 10.03 Adopt Resolution #2009/2010-20 California State Department of Child Development Grant for 2009 - 2012 Contract – CRPM-9132 for Facilities Renovation and Repair – Dan Moser, Interim Superintendent and Deborah Barnes, Coordinator of Child Development

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

- 11.01 Receive Third Reading and Adopt Amended Board By Law #9250 Remuneration, Reimbursement and Other Benefits – Dan Moser, Interim Superintendent
- 11.02 Proposed Contract and Compensation for Interim Superintendent Position – Patricia Martinez-Roach, Board Member
- 11.03 Election of Governing Board Members by District - Patricia Martinez-Roach, Board Member

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

*None*

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

- 13.01 Approve Provisional Internship Permit Request for Certificated Employee – Dan Moser, Interim Superintendent, and Cathy Giammona, Director of Human Resources
- 13.02 Approve Request for Use of Education Code Section 44258.3 – Teachers on Special Assignment Authorizations for the 2009-2010 School Year - Dan Moser, Interim Superintendent, and Cathy Giammona, Director of Human Resources

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

- 14.01 Approve First Interim Financial Report - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 14.02 Approve Developer Fees Report for 2008-2009 – Jerry Kurr, Associate Superintendent of Administration and Business Services
- 14.03 Acceptance of Donations, Grants and Awards - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 14.04 Accept Warrant Register for the Month of November 2009 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 14.05 Approve Budget Transfers Presented December 10, 2009 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 14.06 Approve Purchase Orders Presented December 10, 2009 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 14.07 Approve Contracts for Professional Services at or below \$50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 14.08 Approve Contracts for Professional Services over \$50,001 - Jerry Kurr, Associate Superintendent of Administration and Business Services

14.09 Approve Memoranda of Understanding - Jerry Kurr, Associate Superintendent of Administration and Business Services

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

15.01 Approve Project Scope Change to Provide for the Design of an Enhanced Performance Environment to Accommodate Visiting Theatrical Performances as part of the Board Approved Scope of Work for the New Multipurpose/Classroom Building Project at Silver Creek High School – Alan Garofalo, Associate Superintendent of Student Services and Facilities

**16. Adult Education - Operational Items/Board Discussion and/or Action**

*None*

**17. Attachment A - Consent Calendar Items**

*See Attachment A – Administration recommends approval of the consent items shown on Attachment A.*

**18. Written Reports/Recommendation**

18.01 Receive Quarterly Report on Santa Clara County Treasury Investment Portfolio Status as of September 30, 2009

18.02 Receive Williams Settlement Annual Report for 2009

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

19.01 Board of Trustees

- J. Manuel Herrera
- Frank Biehl
  - MetroED Board Update
- Lan Nguyen
- Eddie Garcia
- Patricia Martinez-Roach

19.02 Dan Moser, Interim Superintendent

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

**21. Adjournment**

## Attachment A - Consent Calendar

**16. Superintendent asserts that the attached 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.**

17.01 Ratify/Approve Classified Personnel Actions Presented December 10, 2009

17.02 Ratify/Approve Certificated Personnel Actions Presented December 10, 2009

17.03 Ratify/Approve Student Aide Personnel Actions Presented December 10, 2009

17.04 Approve School Field Trips

17.05 Approve Notice of Completion for Andrew Hill High School, Eight (8) Portables Project (Lopes Electric)

17.06 Approve Minutes of October 24, 2009, Special Board Meeting

17.07 Approve Minutes of October 29, 2009, Special Board Meeting

17.08 Approve Minutes of October 31, 2009, Special Board Meeting