

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

AGENDA
April 15, 2010

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 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 Expulsion(s): A-G

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

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

- *Associate Superintendent of Student Services and Facilities*
- *Associate Superintendent of Administration and Business Services*

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

2.05 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, Interim Associate Superintendent of Human Resources and Instruction

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)

2.06a Conference with Legal Counsel – Existing Litigation
Subdivision (a) of Section 54956.9 of the Government Code: One (1) Case

- *Kinetics Mechanical Services, Inc. vs. East Side Union High School District, Santa Clara County Superior Court, Case No. 109CV141312*

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

- *Claim for Damages of R. Hudson and one (1) additional potential case*

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

- *One (1) potential case*

2.07 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
Patti McKernan, Legal Counsel
Real Estate Representatives Sam Swan, Bob Hunt and Andre Hunt

Negotiating Parties: ESUHSD, Santa Clara Valley Water District, and
Other Parties to be Determined

Under Negotiation: Price and Terms

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. Consideration of Proposed Amendments to Agenda

6. Board Special Recognition(s)

6.01 Cesar Chavez Grand Prize Winners

- Writing: Lani Ly, Independence High School
- Art: Grace Nguyen, Evergreen Valley High School
- Multimedia: Alex Huang, Oak Grove High School

6.02 Visual Arts Lifetime Achievement Award

- Phil Neiderhoff, Retired ESUHSD Art Teacher

7. Student Board Liaisons

7.01 ASB Representative – Mt. Pleasant High School

8. 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.

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

9.01 Yerba Buena High School Presentation – Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction, and Juan Cruz, Principal

9.02 Vietnamese Language Textbook Presentation - Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction, and Nguyet Dinh, Administrator of Language Minority Programs

9.03 Master Plan for English Learners (ELs) Presentation - Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction, and Nguyet Dinh, Administrator of Language Minority Programs

9.04 Approve New Textbooks:

- Process of Technology
- Engineering Graphics & Design

- Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction

9.05 Amend Date for 2010 Summer School Program - Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction, and Tim Nguyen, Coordinator of English Language Learners Supplementary Education

- 9.06 Approve Adult Education Summer School Program – Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction
- 9.07 Receive the First Valenzuela/CAHSEE and Williams Settlement Uniform Complaints Quarterly Report for Period Covering January 1 through March 31, 2010 as required by EC 35186 (Williams Settlement Legislation SB550 and AB2727) - Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction
- 9.08 Discussion and/or Action regarding the Comparison of Educational Models on Calero Presentation - Cathy Giammona, Interim Associate Superintendent, Human Resource and Instruction, and Vicki Ponticelli, Coordinator of Testing, Evaluation and Research

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

- 10.01 Approve Proposed Modernization Plan for Calero High School - Alan Garofalo, Associate Superintendent of Student Services and Facilities, and June Francis Rono, Ph.D., Director of Facilities and Planning
- 10.02 Approve Proposal for Services for the Development and Implementation of a Potential Parcel Tax Ballot Measure Feasibility Study and Preparation of a Public Information Program – Eddie Garcia, Board President, and Dan Moser, Interim Superintendent
- 10.03 Discussion and/or Action Regarding Input from Community Meetings Concerning Proposed Layoffs and Budget Shortfall - Dan Moser, Interim Superintendent
- 10.04 Receive Third Reading and Adopt Amended Board By Law #9250 Remuneration, Reimbursement and Other Benefits - Dan Moser, Interim Superintendent
- 10.05 Adopt Resolution #2009/2010-40 Declaring May 2-8, 2010, as California Teacher Appreciation Week and May 12, 2010, as California Day of the Teacher – Dan Moser, Interim Superintendent
- 10.06 Adopt Resolution #2009/2010-41 Declaring May 16-22, 2010, as Classified School Employees Week – Dan Moser, Interim Superintendent

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

- 11.01 Presentation of New Legislation Affecting Athletics Coaches Training - Alan Garofalo, Associate Superintendent of Student Services and Facilities, Ed Buller, Athletic Director, and Lindy Bonetti, Heart Strong Crisis Training
- 11.02 Accept 2010-2011 Comprehensive School Safety Plans - Alan Garofalo, Associate Superintendent of Student Services and Facilities
- 11.03 Approve Carl D. Perkins 131 Grant 2010-2011 Grant Application for East Side Union High School District - Alan Garofalo, Associate Superintendent of Student Services and Facilities, and Cari Vaeth, Director of Adult Education and Career Services
- 11.04 Approve Carl D. Perkins 132 Grant 2010-2011 Grant Application for East Side Adult Education Program - Alan Garofalo, Associate Superintendent of Student Services and Facilities, and Cari Vaeth, Director of Adult Education and Career Services

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

- 12.01 Approve Adult Education Calendar for the 2010-2011 School Year – Dan Moser, Interim Superintendent; Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction and Cari Vaeth, Director, East Side Adult Education and Career Services
- 12.02 Receive and Sunshine the Initial Proposal for Successor Contract: From San Jose Federation of Teachers Local 957, AFT, AFL-CIO to East Side Union High School District - Dan Moser, Interim Superintendent, and Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction
- 12.03 Approve Classified Management Job Description and Salary Range for Internal Auditor - Dan Moser, Interim Superintendent, and Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction

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

- 13.01 Adopt Resolution #2009/2010-42 Declaring April 27, 2010, as School Bus Driver Day - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.02 Approval of Lease Agreements with T-Mobile (OG), Verizon (ST), and Clearwire (MP, EV, YB, OG, AH) for Cellular and Wireless Communication Antennas at School Sites - Jerry Kurr, Associate Superintendent of Administration and Business Services, and Rogelio Ruiz, Legal Counsel
- 13.03 Approve Use of East Side Union High School District Logo by Banc of America Public Capital Corp's Energy Services Group - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.04 Acceptance of Donations, Grants and Awards - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.05 Accept Warrant Register for the Month of March 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.06 Approve Budget Transfers Presented April 15, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.07 Approve Purchase Orders Presented April 15, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.08 Approve Change Orders to Purchase Orders Presented April 15, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.09 Approve and/or Ratification of Leased Portables Housed at Various School Sites – Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.10 Approve Contracts for Professional Services at or below \$50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services

13.11 Approve Contract for Professional Services over \$50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services

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

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

14.01 Measure G and Measure E Citizens' Bond Oversight Committee Interim Update – Jon Reinke, Chairperson of Measure G and Measure E Citizens' Bond Oversight Committee

14.02 Approve Participation for Earth Day Network Project at James Lick High School - Alan Garofalo, Associate Superintendent of Student Services and Facilities, and Glenn VanderZee, Principal, James Lick High School

14.03 Approve Proposed Measure E Bond Program Budget Reconciliation and Status Review of Current Projects - Alan Garofalo, Associate Superintendent of Student Services and Facilities, and June Francis Rono, Ph.D., Director of Facilities and Planning

15. Attachment A - Consent Calendar Items

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

16. Written Reports/Recommendation

None

17. Board of Trustees/Superintendent Communications/Comments

17.01 Board of Trustees

- Lan Nguyen, Vice President
- Patricia Martinez-Roach, Clerk
- J. Manuel Herrera, Member
- Frank Biehl, Member
 - MetroED
- Eddie Garcia, President

17.02 Dan Moser, Interim Superintendent

18. Report Closed Session Action(s)

19. Adjournment

Attachment A - Consent Calendar

- 15. 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.**

- 15.01 Ratify/Approve Classified Personnel Actions Presented April 15, 2010
- 15.02 Ratify/Approve Certificated Personnel Actions Presented April 15, 2010
- 15.03 Ratify/Approve Student Aide Personnel Actions Presented April 15, 2010
- 15.04 Approve Field Trips
- 15.05 Award of Bids
- 15.06 Approve Change Order #1 for Piedmont Hills High School, Title IX Softball Field Improvements Project (Jensen Corporation Landscape Contractors, Inc.)
- 15.07 Approve Change Order #1 for William C. Overfelt High School and Yerba Buena High School, Kitchen Renovation Project (Calstate Construction, Inc.)
- 15.08 Approve Minutes of February 18, 2010, Regular Board Meeting
- 15.09 Approve Minutes of March 4, 2010, Regular Board Meeting