

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

AGENDA
January 20, 2011

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 3:30 P.M.

The Regular Board Meeting will begin at 3:30 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-I*

- 2.02 Public Employment/Public Employee Appointment
(*Government Code Section 54957*)
 - *Associate Superintendent of Administration and Business Services*
 - *Director of Information Technology Services*

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

- 2.04 Public Employee Performance Evaluation
(*Government Code Section 54957*)

2.05 Conference with Labor Negotiators
(Government Code Section 54957.6)

Agency Designated Representatives:

Dan Moser, Superintendent

Cathy Giammona, Associate Superintendent of Human Resources and Instruction

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)

2.06 Conference with Legal Counsel – Existing Litigation
Subdivision (a) of Section 54956.9 of the Government Code: Two (2) Cases

- *Kinetics Mechanical Services, Inc. vs. East Side Union High School District, Santa Clara County Superior Court, Case No. 109CV141312*
- *Geraldine Forte vs. East Side Union High School District, U.S. District Court for the Northern District of California, San Jose Division, Case Number CV 10-01368 HRL*

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

- *Claim of Bruce Flyn Associates, Inc. and Bruce Flyn and Two Other Potential Cases*

2.08 Conference with Legal Counsel – Anticipated Litigation
Initiation of Litigation Pursuant to Government Code Section 94956.9(c)

- *Three Potential Cases*

2.09 Conference with Real Property Negotiators

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

District Negotiators: Dan Moser, Superintendent
Rogelio Ruiz, Legal Counsel
Real Estate Representatives Sam Swan, Bob Hunt and Andre Hunt

Negotiating Parties: ESUHSD, Santa Clara Development Company, 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 JROTC Leadership and Academic Bowl Finals: Andrew Hill School Army JROTC

- Hector Rosas, Team Captain
- Anthony Pham
- Thai Nguyen
- Jazmine Tabion

6.02 Fall Sports Recognitions: Blossom Valley Athletic League Champions

Andrew Hill High School

- Girls' Tennis, West Valley Division

Evergreen Valley High School

- Girls' Golf, Mt. Hamilton Division
- Boys' Golf, West Valley Division
- Boys' Water Polo, Santa Teresa Division

Independence High School

- Football, Santa Teresa Division

Mt. Pleasant High School

- Football, West Valley Division

Oak Grove High School

- Boys' Cross Country, Santa Teresa Division
- Football, Mt. Hamilton Division

Piedmont Hills High School

- Boys' Water Polo, Santa Teresa Division
- Football, Mt. Hamilton Division

Silver Creek High School

- Girls' Volleyball, Santa Teresa Division

Yerba Buena High School

- Girls' Tennis, Santa Teresa Division

7. Student Board Liaisons

7.01 Vanessa Silva, ASB President – Santa Teresa High School

7.02 Edna Gregorio, School Site Council Chairperson – Wm. C. Overfelt 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. Superintendent/Board of Trustees - Operational Items/Board Discussion and/or Action

9.01 Board Audit Committee Update, Discussion and/or Action - Frank Biehl, Audit Committee Chair and Patricia Martinez-Roach, Audit Committee Vice Chair

9.02 Receive Annual Financial Audit Report Ending June 30, 2010 - Dan Moser, Superintendent

9.03 Presentation, Discussion and/or Action of Internal Auditor Work Plan - Ian Marsh, Internal Auditor

9.04 Accept Report of Superintendent's Conferences/Expenses from June 1, 2010, through December 31, 2010 - Dan Moser, Superintendent

9.05 Adopt Resolution #2010/2011-22 Fred Korematsu Day of Civil Liberties and the Constitution - Van Le, Board Clerk

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

10.01 Overfelt High School Presentation - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Vito Chiala, Principal

10.02 Hold Public Hearing at Approximately 6:30 p.m. on the State Board of Education Waiver - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services

10.03 Approve State Board of Education General Waiver Request: 60-Day Extension for the Posting of the School Accountability Report Card (SARC) - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instruction

10.04 Accept Enrollment Update for Calero High School - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services

10.05 Receive the Fourth Valenzuela/CASHEE and Williams Settlement Uniform Complaint Quarterly Report for Period Covering October 1, 2010 through December 31, 2010 as required by EC 35186 (Williams Settlement Legislation SB550 and AB2727) - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Robert Ibarra, Coordinator of Professional Development/Migrant Education

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

No items on calendar under this section.

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

12.01 Acceptance of Donations, Grants and Awards - Dan Moser, Superintendent

12.02 Approve Contracts for Professional Services at or below \$50,000 - Dan Moser, Superintendent

12.03 Approve Contracts for Professional Services over \$50,000 - Dan Moser, Superintendent

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

No items on calendar under this section.

14. Attachment A - Consent Calendar Items

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

15. Written Reports/Recommendation

No items on calendar under this section.

16. Board of Trustees/Superintendent Communications/Comments

16.01 Board of Trustees

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

16.02 Dan Moser, Superintendent

17. Report Closed Session Action(s)

18. Adjournment

Attachment A - Consent Calendar

- 14. 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.**
- 14.01 Ratify/Approve Classified Personnel Actions Presented January 20, 2011
 - 14.02 Ratify/Approve Certificated Personnel Actions Presented January 20, 2011
 - 14.03 Ratify/Approve Student Aide Personnel Actions Presented January 20, 2011
 - 14.04 Approve School Field Trips
 - 14.05 Approve Award of Bids
 - 14.06 Approve Budget Transfers Presented January 20, 2011
 - 14.07 Approve Purchase Orders Presented January 20, 2011
 - 14.08 Approve Change Orders to Purchase Orders Presented January 20, 2011
 - 14.09 Approve Memoranda of Understanding
 - 14.10 Accept Warrant Register for the Month of December 2010
 - 14.11 Approve Change Order #1 for the Expanded Lighting Scope at Santa Teresa High School
 - 14.12 Approve Notice of Completion for James Lick High School, Demolition of Existing Building #500 Project (PARC Services, Inc.)
 - 14.13 Approve Notice of Completion for James Lick High School, Demolition of Existing Child Care Center Project (PARC Services, Inc.)
 - 14.14 Approve Change Order #1 for Santa Teresa High School, Multi-Purpose Building Increment #1 Sitework Project (Joseph J. Albanese, Inc.)
 - 14.15 Approve Notice of Completion for Santa Teresa High School, Multi-Purpose Building Increment #1 Sitework Project (JJ Albanese, Inc.)
 - 14.16 Approve Minutes of December 16, 2010, Annual Organizational Meeting/Regular Board Meeting