

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

AGENDA
March 24, 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 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 in the Superintendent's Conference Room (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-F*
- 2.02 Public Employment/Public Employee Appointment
(*Government Code Section 54957*)
- 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

Hardy Childers, Interim Associate Superintendent of Business Services

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 Real Property Negotiators

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

District Negotiators: Dan Moser, Superintendent
Hardy Childers, Interim Associate Superintendent of
Business Services
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 Dr. Martin Luther King, Jr. Writing, Art, and Multimedia Contest Grand Prize Winners

- Grand Prize Art – Gabriella Argonza, Silver Creek High School
- Grand Prize Writing – Daniel Stahlnecker, Santa Teresa High School
- Grand Prize Multimedia – Tam Duong, Wm. C. Overfelt High School

6.02 Ragini Sharma, Army JROTC Cadet – Andrew Hill High School

6.03 Sciencepalooza!

- *Gary Robinson, President and Chief Executive Officer - Synopsys Outreach Foundation*
- *Heidi Black, ESUHSD Science Fair Coordinator*

7. Student Board Liaisons

7.01 Alaine Flandez, ASB President - Oak Grove 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 Approve Latino College Preparatory Academy Charter Renewal - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services

9.02 Proposed Adoption of the Initial Proposal for Successor Contract: From East Side Union High School District to San Jose Federation of Teachers Local 957, AFT, AFL-CIO - Dan Moser, Superintendent; Cathy Giammona, Associate Superintendent, Human Resources and Instruction

9.03 Proposed Adoption of the Initial Proposal for Successor Contract: From East Side Union High School District to East Side Teachers Association - Dan Moser, Superintendent; Cathy Giammona, Associate Superintendent, Human Resources and Instruction

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

9.05 Discussion, Consideration, and/or Action regarding Selection/Appointment of Board Audit Committee Members - Frank Biehl, Board Audit Committee Chair, and Patricia Martinez-Roach, Board Audit Committee Vice Chair

9.06 Approve Board Member's Attendance and Lawful Expenses to SSCSBA Annual Legislative Brunch and SSCSBA Annual Spring Hoffman Awards Dinner and Presentations by 2011 Hoffman Award Winners - Dan Moser, Superintendent

9.07 Discussion and/or Action regarding Use of School Facilities - Patricia Martinez-Roach, Board Member

- 9.08 Discussion and/or Action regarding Chinese Language as an Elective - J. Manuel Herrera, Board Member, and Patricia Martinez-Roach, Board Member
- 9.09 Adopt Resolution #2010/2011-32 - Senate Constitutional Amendment 5 (Simitian) (SCA 5) - Dan Moser, Superintendent

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

- 10.01 Accept 2011-2012 Comprehensive School Safety Plans for Andrew Hill, Foothill and James Lick High Schools - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and George Sanchez, Coordinator of Student Services

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

- 11.01 Approve Variable Term Waiver Request for Certificated Employee - Cathy Giammona, Associate Superintendent, Human Resources and Instruction

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

- 12.01 Adopt Resolution #2010/2011-33 Authorizing the Issuance and Sale of Taxable General Obligation Bonds, 2008 Election, Series C (Direct-Pay) Qualified School Construction Bonds in the Principal Amount Not to Exceed \$25,000,000 - Hardy Childers, Interim Associate Superintendent of Business Services
- 12.02 Adopt Resolution #2010/2011-34 Approving Authorization to Enter into Contracts to Accommodate Emergency Remediation District Facilities at Education Center for Health and Safety Reasons - Hardy Childers, Interim Associate Superintendent of Business Services
- 12.03 Adopt Resolution #2010/2011-35 Inter-Fund Temporary Transfers for Cash Flow Purposes - Hardy Childers, Interim Associate Superintendent of Business Services
- 12.04 Approve Contract for Professional Services over \$50,000 - Hardy Childers, Interim Associate Superintendent of Business Services

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

- 13.01 Approval of the Plan for Technology at San Jose Conservation Corps Charter School - June Francis Rono, Ph.D., Director of Facilities and Planning, and Mr. Bob Hennessey, San Jose Conservation Corps Charter School
- 13.02 Adopt Resolution #2010/2011-36 To Use School Facility Program Funding For Construction of a Multi-Purpose Room at Mt. Pleasant High School - June Francis Rono, Ph.D., Director of Facilities and Planning
- 13.03 Adopt Resolution #2010/2011-37 To Use School Facility Program Funding For Construction of a Multi-Purpose Room at Silver Creek High School - June Francis Rono, Ph.D., Director of Facilities and Planning
- 13.04 Approve the Request for Additional Facilities of KIPP San Jose Collegiate Charter School for the 2011-2012 School Year - June Francis Rono, Ph.D., Director of Facilities and Planning

- 13.05 Approve the Proposition 39 Request for Facilities of Summit Public Schools: Rainier School for the 2011-2012 School Year - June Francis Rono, Ph.D., Director of Facilities and Planning
- 13.06 Approve the Proposition 39 Request for Facilities of Summit Public Schools: Tahoma School for the 2011-2012 School Year - June Francis Rono, Ph.D., Director of Facilities and Planning

14. Attachment A - Consent Calendar Items

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

15. Written Reports/Recommendation

- 15.01 Receive Quarterly Report on the County of Santa Clara Treasury Investment Portfolio Status as of December 31, 2010

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 February 17, 2011
 - 14.01 Ratify/Approve Classified Personnel Actions Presented March 24, 2011
 - 14.02 Ratify/Approve Certificated Personnel Actions Presented March 24, 2011
 - 14.03 Ratify/Approve Student Aide Personnel Actions Presented March 24, 2011
 - 14.04 Approve School Field Trips
 - 14.05 Approve Award of Bid
 - 14.06 Acceptance of Donations, Grants and Awards
 - 14.07 Approve Budget Transfers Presented March 24, 2011
 - 14.08 Approve Purchase Orders Presented March 24, 2011
 - 14.09 Approve Change Orders to Purchase Orders Presented March 24, 2011
 - 14.10 Approve Contracts for Professional Services at or below \$50,000
 - 14.11 Approve Memoranda of Understanding
 - 14.12 Accept Warrant Register for the Month of February 2011
 - 14.13 Approve Notice of Completion for Independence Adult Ed, James Lick, Mt. Pleasant, Oak Grove, Piedmont Hills, Silver Creek and Yerba Buena High Schools, New Solar Panel Posts Installation Projects
 - 14.14 Approve Change Order #1 for William C. Overfelt High School Title IX Field Improvement Project (Valley Crest Landscape Development)
 - 14.15 Approve Change Order #1 for Evergreen Valley High School PE Teaching Stations Project (Ralph Larsen & Son, Inc.)
 - 14.16 Approve Notice of Completion for Foothill High School Buildings B, C, and E Modernization Project (Beals Martin, Inc.)
 - 14.17 Approve Notice of Completion for Independence, James Lick and Piedmont Hills High Schools, Title IX Scoreboard Projects
 - 14.18 Approve Minutes of January 29, 2011, Special Board Meeting/Board Retreat