

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

AGENDA
February 16, 2012

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) 347-5010. 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*)

Persons wishing to address the Board on Closed Session items or any subject not on the agenda must fill out a gold request form, which is located at the entrance of the Board Room.

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)

Closed Session

2.01 Expulsion(s): A-B

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

- *Superintendent*

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

- Assistant Superintendent of Instructional Services
- Associate Principal – Santa Teresa High School (1)
- Architect (1)
- Project Manager (1)

2.04 Public Employee Discipline/Dismissal/Release
(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

Marcus Battle, 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 – Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the
Government Code

- Three (3) Potential Cases

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. **Adoption of Agenda**

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

6.01 Fall Sports

Evergreen Valley High School:

- Girls' Cross Country, Mt. Hamilton Division
- Boys' Water Polo, Santa Teresa Division
- Girls' Water Polo, Santa Teresa Division

Oak Grove High School:

- Football, Mt. Hamilton Division

Santa Teresa High School:

- Girls' Volleyball, Santa Teresa Division

Andrew Hill High School:

- Girls' Volleyball, West Valley Division

Independence High School:

- Girls' Volleyball, West Valley Division

Piedmont Hills High School:

- Boys' Water Polo, Santa Teresa Division

7. Student Board Liaisons (5 minutes each)

7.01 Diego Rios, ASB President - Santa Teresa High School

7.02 Jim DeOcampo, ASB President - Silver Creek High School

8. Special Order of Business – Operational Items/Board Discussion and/or Action

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.

9. Public Hearing(s) - Operational Items/Board Discussion and/or Action

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 .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.

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

11.01 Discussion and/or Action regarding Superintendent Search: Proposed Salary and Approval of Application - Frank Biehl, Board President

11.02 Board Audit Committee Update, Discussion and/or Action - Lan Nguyen, Audit Committee Chairperson, and Patricia Martinez-Roach, Board Audit Committee Vice Chairperson

11.03 Discussion, Consideration, and/or Action regarding Selection/Appointment of Board Audit Committee Members - Lan Nguyen, Board Audit Committee Chairperson, and Patricia Martinez-Roach, Board Audit Committee Vice Chairperson

- 11.04 Presentation and Adoption of Resolution 2011/2012-18 Authorizing the Issuance and Sale of 2012 General Obligation Refunding Bonds in the Principal Amount of Not to Exceed \$149,000,000 for the Purpose of Refunding Outstanding GOB of the District - Marcus Battle, Associate Superintendent of Business Services, and Dale Scott, Financial Advisor from Dale Scott & Company (10 minutes)
- 11.05 Presentation, Discussion and/or Action regarding Solar Incentive for Calero High School – Marcus Battle, Associate Superintendent of Business Services, and Lindsey Corbin, Director of Business Development for Chevron Energy Solutions (10 minutes)
- 11.06 Consideration and Approval of Administrative Fee Agreement between District and D.L. Falk Construction, Inc. – Dan Moser, Superintendent
- 11.07 Discussion/Action regarding Employment Contract for Assistant Superintendent of Instructional Services - Dan Moser, Superintendent
- 11.08 Approve Board Member's Attendance and Lawful Expenses to APAHE 2012 Annual Conference (February 2 - 4, 2012) - Dan Moser, Superintendent
- 11.09 Adopt Resolution #2011/2012-19 Request For and Consideration to Consolidation of Elections and Approval of the Specifications of the Election Order - Dan Moser, Superintendent
- 11.10 Discussion and/or Action regarding 2012 California School Boards Association (CSBA) Delegate Assembly Election - Dan Moser, Superintendent
- 11.11 Discussion and/or Action regarding Public Records Act Request Policy - Patricia Martinez-Roach, Board Vice President
- 11.12 Discussion and/or Action regarding Latino College Preparatory Academy (LCPA) Charter School – Patricia Martinez-Roach, Board Vice President

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

- 12.01 Evergreen Valley High School African American Student Achievement Presentation – Cathy Giammona, Associate Superintendent, Human Resources and Instruction, Chantal Chatman, APED of Evergreen Valley High School, and Antoinette Battiste, Evergreen Valley High School African American Parent Coalition Co-President (15 minutes)
- 12.02 Physical Education (PE) Policies - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services (10 minutes)
- 12.03 Adult Education Program Presentation "The Next Step Academy" - Rich Uribe, Director of Adult Education and Career Services, Emily Wilson, Instructor, and Bea Thomas, Counselor (10 minutes)
- 12.04 Chinese Language Program Update - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services

- 12.05 Receive Charter School Renewal Petition from Escuela Popular - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services
- 12.06 Approve CAHSEE Local Waivers for Special Education Students - Cathy Giammona, Associate Superintendent, Human Resources and Instruction
- 12.07 Accept 2012-2013 Comprehensive School Safety Plans - Cathy Giammona, Associate Superintendent, Human Resources and Instruction; and George Sanchez, Coordinator of Student Services

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

- 13.01 Approve Variable Term Waiver Requests for Certificated Employees - Cathy Giammona, Associate Superintendent, Human Resources and Instruction

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

- 14.01 Presentation/Discussion on Solar Energy Savings - Marcus Battle, Associate Superintendent of Business Services (10 minutes)
- 14.02 Presentation on Information Technology Update - Marcus Battle, Associate Superintendent of Business Services, and Andrew Schwab, Director of Information Technology (10 minutes)
- 14.03 Discussion/Information on the Budget Calendar - Marcus Battle, Associate Superintendent of Business Services
- 14.04 Approve Contracts for Professional Services over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator
- 14.05 Approve Emergency One-Day School Closure for W.C. Overfelt High School on October 18, 2011 - Marcus Battle, Associate Superintendent of Business Services

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

- 15.01 Consideration and Approval of Consent to Assignment and Assumption of Contracts - Marcus Battle, Associate Superintendent of Business Services

16. Attachment A - Consent Calendar Items

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

17. Written Reports/Recommendation

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

18. Future Agenda Items

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

19. Board of Trustees/Superintendent Communications/Comments

19.01 Board of Trustees

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

19.02 Dan Moser, 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.**
- 16.01 Ratify/Approve Classified Personnel Actions Presented February 16, 2012
 - 16.02 Ratify/Approve Certificated Personnel Actions Presented February 16, 2012
 - 16.03 Ratify/Approve Student Aide Personnel Actions Presented February 16, 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 Approve Change Orders to Purchase Orders
 - 16.10 Accept Donations, Grants and Awards
 - 16.11 Accept Warrant Register for the Month of January 2012
 - 16.12 Approve Change Order #2 (Final Change Order) for Yerba Buena High School, Building 100 & 700 Modernization Project (Beals Martin Inc.)
 - 16.13 Approve Notice of Completion for Yerba Buena High School Building 100 & 700 Modernization Project (Beals Martin Inc.)
 - 16.14 Adopt Resolution #2011/2012-20 an Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546
 - 16.15 Approve Minutes of January 19, 2012, Regular Board Meeting
 - 16.16 Approve Minutes of January 24, 2012, Special Board Meeting