

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

AGENDA
May 10, 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-E

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

- *Superintendent*
- *Associate Superintendent of Human Resources and Instructional Services*
- *Associate Superintendent of Business Services*
- *Assistant Superintendent of Instructional Services*
- *Internal Auditor*

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

- Superintendent
- Director 3 – Information Technology
- Interim Director of Technology
- Coordinator of Testing, Evaluation and Research

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

Juan Cruz, Assistant Superintendent of Instructional Services

Vida Branner, Director of Compensation and Classified Employee Relations

Cari Vaeth, Director of Human Resources

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

- Claim for Damages from G. Harding
- Claim for Damages from A. Serpa
- Claim for Damages from D. Burkeen
- 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 National Merit Scholarship Winners

- Rohan S. Chitnis - Evergreen Valley High School
- Albert Chi-Ming Wong - Evergreen Valley High School
- Kevin Kao - Piedmont Hills High School
- Albert Mao Li - Piedmont Hills High School
- Vivian H. Vu - Piedmont Hills High School
- Brian T. Do - Silver Creek High School
- Preethi Padmanaban - Silver Creek High School

6.02 Hoffman Awards 2012

- Teacher Instructed Programs on Saturday (TIPS) - Yerba Buena High School
- Program Improvement in Alternate Setting (PRIAS) - East Side Union HSD

7. Student Board Liaisons (5 minutes each)

7.01 Deanna Pham, ASB Executive Vice President – Independence 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

9.01 Hold Public Hearing at Approximately 6:05 p.m. on a Charter School Petition Renewal Submitted by San Jose Conservation Corps - Juan Cruz, Assistant Superintendent of Instructional Services, and Kirsten King Director of Instructional Services

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 54954.3) 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 Presentation, Discussion and/or Action regarding Status/Update on Pilot of Early Alert Program at Andrew Hill, Oak Grove and Silver Creek High Schools - Juan Cruz, Assistant Superintendent of Instructional Services

11.02 Discussion, Information and/or Action regarding General Obligation Bond Voter Survey Results - Marcus Battle, Associate Superintendent of Business Services, and Dale Scott, Financial Advisor from Dale Scott and Company

11.03 Discussion, Consideration and/or Action regarding Selection/Appointment of Measure G and Measure E Citizens' Bond Oversight Committee Members - Dan Moser, Superintendent

- 11.04 Discussion, Consideration, and/or Action regarding Selection/Appointment of Alternate Board Audit Committee Member - Lan Nguyen, Board Audit Committee Chairperson, and Patricia Martinez-Roach, Board Audit Committee Vice Chairperson
- 11.05 Discussion and/or Action regarding Partial Credit for Foster Youth – Lan Nguyen, Board Member
- 11.06 Receive and Adopt Second Reading of Proposed Amended Board Bylaw #9270 Conflict of Interest: Revolving Door Policy and #9270E (Appendix A) Designated Positions/Disclosure Categories - Dan Moser, Superintendent
- 11.07 Receive and Adopt Second Reading of Proposed Amendments to Board Policy #2121 and Board Bylaws #9320 and #9321.1 - Dan Moser, Superintendent
- 11.08 Receive and Adopt Second Reading of Proposed Amendments to Board Policy #6142.7 Physical Education - Juan Cruz, Assistant Superintendent of Instructional Services, and Kirsten King, Director of Instructional Services

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

- 12.01 Update, Discussion and/or Action regarding Chinese Language as an Elective - Cathy Giammona, Associate Superintendent, Human Resources and Instruction; Juan Cruz, Assistant Superintendent of Instructional Services; and Kirsten King, Director of Instructional Services
- 12.02 Discussion and/or Action regarding Proposition 227 District Implementation Plan - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Juan Cruz, Assistant Superintendent of Instructional Services
- 12.03 Discussion and/or Action regarding the Vietnamese Language Report - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, Juan Cruz, Assistant Superintendent of Instructional Services, and Kirsten King, Director of Instructional Services
- 12.04 Adopt Santa Clara County Office of Education / East Side Union High School District's Plan for Expelled Youth - Juan Cruz, Assistant Superintendent of Instructional Services and George Sanchez, Coordinator of Student Services

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

- 13.01 Proposed Adoption of the Initial Proposal for Successor Contract: From East Side Union High School District to California School Employees Association, Chapter 187 – Dan Moser, Superintendent; Cathy Giammona, Associate Superintendent, Human Resources and Instruction; and Vida L. Branner, Director of Compensation and Classified Employee Relations
- 13.02 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; and Cathy Giammona, Associate Superintendent, Human Resources and Instruction
- 13.03 Approve Declaration of Need for Fully Qualified Educators - Cathy Giammona, Associate Superintendent, Human Resources and Instruction

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

- 14.01 Presentation, Discussion and/or Action of Preliminary Budget 2012-13 - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance
- 14.02 Approve Authorizing the Refinance of the Solar Equipment Lease/Purchase Agreement, and Approving Related Documents and Actions - Marcus Battle, Associate Superintendent of Business Services, and Dale Scott, Financial Advisor from Dale Scott and Company
- 14.03 Approve Contracts for Professional Services Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator

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

No items on calendar under this section.

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
- 17.02 Receive ESUHSD Information Technology Report

18. Future Agenda Items

- 18.01 Opportunity for Board of Trustees to Request Items on Future Agendas
- Parent Involvement Plan – Patricia Martinez-Roach, Board Vice President
 - Child Development Program – Patricia Martinez-Roach, Board Vice President
 - Special Education Program Costs - Patricia Martinez-Roach, Board Vice President
 - Charter Schools – Patricia Martinez-Roach, Board Vice President
 - Allowable Advertising – Frank Biehl, Board President
 - Social Networking - Patricia Martinez-Roach, Board Vice President

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 May 10, 2012
 - 16.02 Ratify/Approve Certificated Personnel Actions Presented May 10, 2012
 - 16.03 Ratify/Approve Student Aide Personnel Actions Presented May 10, 2012
 - 16.04 Approve School Field Trips
 - 16.05 Approve Award of Bids
 - 16.06 Approve Contracts for Professional Services At or Below \$50,000
 - 16.07 Approve Memoranda of Understanding
 - 16.08 Approve Budget Transfers
 - 16.09 Approve Purchase Orders
 - 16.10 Approve Change Orders to Purchase Orders
 - 16.11 Accept Warrant Register for the Month of April 2012
 - 16.12 Adopt Resolution 2011/2012-35 an Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546
 - 16.13 Approve Change Order #1 (Final Change Order) for Santa Teresa High School, New Multi-Purpose Building Project Increment 2 (Coulter Construction, Inc.)
 - 16.14 Approve Notice of Completion for Santa Teresa High School, New Multi-Purpose Building Project Increment 2 (Coulter Construction, Inc.)
 - 16.15 Approve Minutes April 18, 2012, Special Board Meeting
 - 16.16 Approve Minutes of April 19, 2012, Regular Board Meeting