

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

AGENDA
October 18, 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-C

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

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

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:

Chris D. Funk, Superintendent

Marcus Battle, Associate Superintendent of Business Services

Juan Cruz, Assistant Superintendent of Instructional Services

Cari Vaeth, Director of Human Resources

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)

Unrepresented Employees:

Administrators

Managers

Confidential Employees

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

- *Claim for Damages from J. Bustos*
- *Claim for Damages from R. Carrillo*
- *Claim for Damages from J. Nieto*
- *Two (2) Potential Cases*

- 2.07 Conference with Legal Counsel – Anticipated Litigation
Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9

- *Two (2) 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)

No items on calendar under this section.

7. Student Board Liaisons (5 minutes each)

- 7.01 Teresita Cruz & Daisy Guitron - Mt. Pleasant High School Puente Program Students
- 7.02 Liberty Tang, ASB President – Wm. C. Overfelt High School

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

- 8.01 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.
- 8.02 Presentation on the Energy Savings and Performance Annual Report - Marcus Battle, Associate Superintendent of Business Services, and Courtney Jenkins, Chevron Energy Solutions
- 8.03 Superintendent’s 90-Day Report – Chris D. Funk, Superintendent

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

No items on calendar under this section.

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 Receive First Reading of Proposed Amended Board Bylaw #9270 Conflict of Interest Code: Revolving Door Policy and #9270E (Appendix A) Designated Positions/Disclosure Categories – Chris D. Funk, Superintendent
- 11.02 Receive and Adopt Second Reading of Proposed New, Amended and Deleted Facilities Use Related Board Policies and Administrative Regulations - Marcus Battle, Associate Superintendent of Business Services, Juan Cruz, Assistant Superintendent of Instructional Services, and Chris. D. Funk, Superintendent
- 11.03 Discussion and/or Action regarding Proposed Draft Measure G and Measure E Citizens' Bond Oversight Committee ByLaws – Cecil Lawson, Chairperson of Measure G and Measure E Citizens’ Bond Oversight Committee, and Chris D. Funk, Superintendent

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

- 12.01 Early Alert Program: Update on School Efforts to Increase Use of School Loop - Juan Cruz, Assistant Superintendent of Instructional Services
- 12.02 Receive Charter School Renewal Petition from KIPP San Jose Collegiate - Juan Cruz, Assistant Superintendent of Instructional Services, and Kirsten King, Director of Instructional Services

- 12.03 Annual Student Achievement Data Report Presentation - Juan Cruz, Assistant Superintendent of Instructional Services, and Kirsten King, Director of Instructional Services
- 12.04 Receive the Third Valenzuela/CAHSEE and Williams Settlement Uniform Complaints Quarterly Report for Period Covering July 1, 2012 through September 30, 2012 as required by EC 35186 (Williams Settlement Legislation SB550 and AB2727) - Juan Cruz, Assistant Superintendent of Instructional Services, and Robert Ibarra, Coordinator of Professional Development/Migrant Education

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

No items on calendar under this section.

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

- 14.01 Adopt Resolution #2012/2013-09 Identifying District Representatives for the State Allocation Board - Marcus Battle, Associate Superintendent of Business Services
- 14.02 Approve Contracts for Professional Services Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator
- 14.03 Approve Proposed Termination of Professional Services Agreement and Purchase Orders Between East Side Union High School District and Bruce Flyn & Associates, Inc. - Marcus Battle, Associate Superintendent of Business Services, Rogelio Ruiz, Legal Counsel, Rehon & Roberts, and Janice Unger, Capital Projects Purchasing Manager

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

- 15.01 Approve Bond/Capital Projects Contracts Over \$50,000 – Marcus Battle, Associate Superintendent of Business Services, and Janice Unger, Capital Projects Purchasing Manager

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 Accel Program Report
- 17.03 Receive Annual Legal Expense Report for 2011/2012

18. Future Agenda Items

- 18.01 Opportunity for Board of Trustees to Request Items on Future Agendas

18.02 Future Items:

Board Vice President Martinez-Roach:

Item	Date (tentative)	Type
Parent Involvement Plan	December 2012	Presentation on Federal Findings
Child Development Program	August (annually)	Written Report
Special Education Program Costs	January (annually)	Study Session
Social Networking	January 2013	Board Policy Update

Board Member Nguyen:

Item	Date (tentative)	Type
International Baccalaureate (IB) Program	March 2013	Study Session
Review on Procurement and Bidding Process	April 2013	Presentation

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 Chris D. Funk, 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 October 18, 2012
- 16.02 Ratify/Approve Certificated Personnel Actions Presented October 18, 2012
- 16.03 Ratify/Approve Student Aide Personnel Actions Presented October 18, 2012
- 16.04 Approve School Field Trips
- 16.05 Approve Budget Transfers
- 16.06 Approve Purchase Orders
- 16.07 Approve Change Orders to Purchase Orders
- 16.08 Approve Memoranda of Understanding
- 16.09 Approve Contracts for Professional Services At or Below \$50,000
- 16.10 Approve Bond/Capital Projects Contracts for Professional Services At or Below \$50,000
- 16.11 Approve Notice of Completion for Piedmont Hills High School Exterior Painting Project (Leo's A-C, Inc.), Project #G-045-210
- 16.12 Approve Final Change Order for Evergreen Valley High School Window Repair Project (Millbrae Glass Ltd dba Capitol Glass Co.)
- 16.13 Approve Notice of Completion for Evergreen Valley High School Window Repair Project (Millbrae Glass Ltd dba Capitol Glass Co.), Project #FD35-075-002
- 16.14 Approve Final Change Order for Santa Teresa & Yerba Buena High Schools Gym Flooring Project (H.Y. Floor & Gameline Painting, Inc.)
- 16.15 Approve Notice of Completion for Santa Teresa and Yerba Buena High Schools Gym Flooring Project (H.Y. Floor and Gameline Painting, Inc.), Project #G-070-213 and G-060-213
- 16.16 Accept Warrant Register for the Month of September 2012
- 16.17 Approve Minutes of September 20, 2012, Regular Board Meeting