

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

AGENDA
November 15, 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-F*

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

- *Three (3) 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)

6.01 Patricia Martinez-Roach, Board Vice President

7. Student Board Liaisons (5 minutes each)

No items on calendar under this section.

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 and Receive Measure G and Measure E Citizens' Bond Oversight Committee Annual Report for 2010-2011 - Cecil W. Lawson, Chairperson of Measure G and Measure E Citizens' Bond Oversight Committee
- 8.03 Receive the Second Reading and Adoption of Proposed Draft Measure G and Measure E Citizens' Bond Oversight Committee Bylaws – Cecil W. Lawson, Chairperson of Measure G and Measure E Citizens' Bond Oversight Committee, and Chris D. Funk, Superintendent

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 KIPP San Jose Collegiate - Juan Cruz, Assistant Superintendent of Instructional Services, and Kirsten King, Director of Instructional Services
- 9.02 Hold Public Hearing at Approximately 6:10 p.m. Regarding Tentative Agreement and Memorandum of Understanding Re: Furlough Days ("MOU") with the California School Employees Association, Chapter 187, July 1, 2012 - June 30, 2013 and Disclosure of Major Provisions of Tentative Agreement (AB1200) - Cari Vaeth, Director, Human Resources and Vida L. Branner, Director of Compensation and Classified Employee Relations
- 9.03 Ratify and Approve Tentative Agreement and Memorandum of Understanding Re: Furlough Days ("MOU") with the California School Employees Association, Chapter 187, July 1, 2012 - June 30, 2013 and Disclosure of Major Provisions of Tentative Agreement (AB1200) - Cari Vaeth, Director, Human Resources and Vida L. Branner, Director of Compensation and Classified Employee Relations

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 Second Reading and Adoption 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 Third Reading and Adoption of Proposed New, Amended and Deleted Facilities Use Related Board Policies - Marcus Battle, Associate Superintendent of Business Services, Juan Cruz, Assistant Superintendent of Instructional Services, and Chris. D. Funk, Superintendent

- 11.03 Receive and Approve Facilities Usage Fee Schedule and Fair Market Rental Rates - Juan Cruz, Assistant Superintendent of Instructional Services, Marcus Battle, Associate Superintendent of Business Services and Chris D. Funk, Superintendent
- 11.04 Authorize/Approve Conference Registration and Hotel Room Expense for Newly Elected Board Member Magdalena Carrasco for CSBA Pre-Conference Events (Orientation for New Board Members) and Conference, November 28 – December 1, 2012 - Chris D. Funk, Superintendent
- 11.05 Ratify/Approve Superintendent's Attendance and Lawful Expenses to Conferences/ Workshops/Meetings - Chris D. Funk, Superintendent
- 11.06 Discussion, Consideration and/or Action to Reschedule December 6, 2012, Annual Organizational and Regular Board Meeting - Chris D. Funk, Superintendent
- 12. **Instructional Services/Student Services - Operational Items/Board Discussion and/or Action**
 - 12.01 Authorization for the District to Apply for the Linked Learning Pilot Grant - Juan Cruz, Assistant Superintendent of Instructional Services
- 13. **Human Resources - Operational Items/Board Discussion and/or Action**
 - 13.01 Approve Request for Use of Education Code Section 44258.3 - Teachers on Special Assignment Authorizations for the 2012-2013 School Year - Cari Vaeth, Director, Human Resources
 - 13.02 Approve Provisional Internship Permit Requests for Certificated Employees - Cari Vaeth, Director, Human Resources
 - 13.03 Adopt/Approve Classified, Classified Management and Certificated Administrative Holiday Schedule for the 2012-2013 School Calendar - Cari Vaeth, Director, Human Resources
- 14. **Business Services - Operational Items/Board Discussion and/or Action**
 - 14.01 Discussion and/or Action Regarding 2011/2012 Legal Expenses - 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
- 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

18. Future Agenda Items

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

18.02 Future Items:

Board President Biehl:

Item	Date (tentative)	Type
Status of Chinese Language Program	February 2013	Written Report

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 November 15, 2012
- 16.02 Ratify/Approve Certificated Personnel Actions Presented November 15, 2012
- 16.03 Ratify/Approve Student Aide Personnel Actions Presented November 15, 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 Adopt Resolution #2012/2013-10 an Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546
- 16.10 Accept Warrant Register for the Month of October 2012
- 16.11 Approve Award of Bid for Bond/Capital Projects
- 16.12 Approve Bond/Capital Projects Contracts for Professional Services At or Below \$50,000
- 16.13 Approve Notice of Completion for Andrew Hill and Santa Teresa High Schools, Gymnasium Bleacher Replacement Project (Applied Industrial Technologies)
- 16.14 Approve Notice of Completion for William C. Overfelt High School – Leadership Public Schools Alterations to Five (5) Classroom Relocatables and Construction of One (1) Shade Structure Project (Flory Construction)
- 16.15 Approve Notice of Completion for Yerba Buena High School Ten (10) Relocatable Classrooms Project, P-8 through P-17 (East Side Union High School District Self-Performed)
- 16.16 Approve Notice of Completion for Yerba Buena High School One (1) Relocatable Classroom Project (Design Mobile Systems)
- 16.17 Approve Minutes of October 18, 2012, Regular Board Meeting