

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

**AGENDA**  
**March 21, 2013**

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 3:30 P.M.**

The Regular Board Meeting will begin at 3:30 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 Section 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 7:00 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)

- *Senior Manager of Internal Controls*

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 of J. Roa*
- *Claim for Damages Cal-Pacific Construction, Inc.*
- *One (1) Potential Case*

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

- *One (1) Potential Case*

2.08 Conference with Legal Counsel – Existing Litigation  
Subdivision (a) of Government Code Section 54956.9

- *Brian Cardenas v. East Side Union High School District, Tahoma Charter School and Alum Rock Union Elementary School District, OAH Case No. 2012110722*

## **Open Session at Approximately 7:00 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 Oak Grove High School

- Stephanie Dang, Senior Class Senator & AFJROTC Commander
- Vi Tran, AFJROTC Support Commander
- Sarah Nguyen, AFJROTC Community Service Commander

#### 7.02 Santa Teresa High School

- Kellie Melton, ASB President

### **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 Discussion and/or Action of Escuela Popular/Center for Training and Careers Charter Renewal Petition - Juan Cruz, Assistant Superintendent of Instructional Services and Kirsten King, Director of Instructional Services

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

9.01 Hold Public Hearing at Approximately 7:05 p.m. Regarding the Proposed Adoption of the Initial Proposal for Successor Contract: From East Side Union High School District to California School Employees Association, Chapter 187 - Cari Vaeth, Director, Human Resources and Vida L. Branner, Director, Compensation and Classified Employee Relations

9.02 Hold Public Hearing at Approximately 7:10 p.m. - Receive and Sunshine the Initial Proposal for Successor Contract: From California School Employees Association, Chapter 187 to East Side Union High School District - Cari Vaeth, Director, Human Resources and Vida L. Branner, Director, 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 Discussion and/or Action to Approve Use of Board Discretionary, Measure I Bond Funds for Educare Facility – Chris D. Funk, Superintendent
- 11.02 Discussion and/or Action to Receive Second Reading and Adoption of New Board Policy #0105 Equity - Chris D. Funk, Superintendent, and Juan Cruz, Assistant Superintendent of Instructional Services
- 11.03 Discussion and/or Action to Receive First Reading of Amended Board ByLaw #9250 Remuneration, Reimbursement and Other Benefits - Chris D. Funk, Superintendent
- 11.04 Discussion and/or Action to Receive First Reading of Amended Audit Committee Charter - Lan Nguyen, Audit Committee Chair, and Magdalena Carrasco, Audit Committee Vice Chair

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

- 12.01 Presentation and Discussion on the Science and Physical Education Collaboration - Juan Cruz, Assistant Superintendent of Instructional Services, and Eric Luescher, Physical Education Teacher

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

- 13.01 Discussion and/or Action Regarding Proposed Adoption of the Amended Initial Proposal for Successor Contract - East Side Union High School District to East Side Teachers Association - Cari Vaeth, Director, Human Resources

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

- 14.01 Discussion and/or Action to Approve Final Proposition 39 Facilities Offer and Facilities Use Agreement with Summit Public Schools: Rainier Charter School - Marcus Battle, Associate Superintendent of Business Services, and Rogelio M. Ruiz, Esq., Legal Counsel
- 14.02 Discussion and/or Action to Approve Final Proposition 39 Facilities Offer and Facilities Use Agreement with Downtown College Prep Charter School - Marcus Battle, Associate Superintendent of Business Services, and Rogelio M. Ruiz, Esq., Legal Counsel

- 14.03 Adopt Resolution #2012-2013-25 Authorizing the Application Submission for the 2013 Lower Emission School Bus Replacement Program - Marcus Battle, Associate Superintendent of Business Services, and Julie Kasberger, Director of General Services

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

- 15.01 Discussion and/or Action of Bond/Capital Projects Contracts Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, and Janice Unger, Capital Projects Purchasing Manager
- 15.02 Discussion and/or Action to Determine that Design-Build Delivery for Swimming Pool Modernization Project will Reduce Project Costs, Expedite the Project's Completion, or Provide Features Not Achievable Through the Design-Bid-Build Process - Marcus Battle, Associate Superintendent of Business Services and Linda da Silva, Director of Construction, Maintenance and Facilities
- 15.03 Adopt Resolution #2012/2013-26 Approving Use of Design-Build Delivery Method for the Swimming Pool Modernization Project - Marcus Battle, Associate Superintendent of Business Services and Linda da Silva, Director of Construction, Maintenance and Facilities

**16. Consent / Action Calendar**

**All items listed under 16, the Consent/Action Calendar, are considered by the Board to be routine and will be enacted in one motion.** There will be no discussion of these items prior to the time the Board considers the motion, unless members of the Board or the Superintendent request specific items to be discussed and/or removed from the Consent Calendar.

Superintendent asserts that the following 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 March 21, 2013
- 16.02 Ratify/Approve Certificated Personnel Actions Presented March 21, 2013
- 16.03 Ratify/Approve Student Aide Personnel Actions Presented March 21, 2013
- 16.04 Approve School Field Trips
- 16.05 Approve Award of Bids
- 16.06 Approve Contracts for Professional Services Under \$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 Report of Credit Card Expenses for Statements Dated February 22, 2013
- 16.12 Adopt Resolution #2012/2013-27 an Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546
- 16.13 Accept Warrant Register for the Month of February 2013
- 16.14 Approve Award of Bids for Bond/Capital Projects
- 16.15 Approve Bond/Capital Projects Contracts for Professional Services At or Below \$50,000
- 16.16 Approve Final Change Order #1 for the W.C. Overfelt High School New Security Cameras in Building C & E Project, E-040-006 (Angotti & Reilly, Inc.)
- 16.17 Approve Notice of Completion for the W.C. Overfelt High School New Security Cameras in Building C & E Project, E-040-006 (Angotti & Reilly, Inc.)
- 16.18 Approve Final Change Order #2 for the Athletic Facility Improvement Project at Independence, Mt. Pleasant, W.C. Overfelt, and Silver Creek High Schools, G-065-201, G-035-201, G-040-201, and G-055-201 (O.C. Jones & Sons, Inc.)
- 16.19 Approve Notice of Completion for the Athletic Facility Improvement Project at Independence, Mt. Pleasant, W.C. Overfelt, and Silver Creek High Schools, G-065-201, G-035-201, G-040-201, and G-055-201 (O.C. Jones & Sons, Inc.)
- 16.20 Approve Final Change Order #1 for the Evergreen Valley High School Synthetic Turf & All-Weather Track Resurfacing Project, FD35-075-001 (O.C. Jones & Sons, Inc.)
- 16.21 Approve Notice of Completion for the Evergreen Valley High School Synthetic Turf & All Weather Track Resurfacing Project, FD35-075-001 (O.C. Jones & Sons, Inc.)
- 16.22 Approve Notice of Completion for the Independence, Mt. Pleasant, W.C. Overfelt, Silver Creek and Evergreen Valley High Schools Synthetic Turf & All Weather Track Resurfacing Project, G-065-201, G-035-201, G-040-201, G-055-201 and FD35-075-001 (Fieldturf USA, Inc.)
- 16.23 Approve Board Members Attendance to SVEF Grade 8 Algebra and the New Common Core Standards: Getting the Facts Straight! Forum
- 16.24 Ratify/Approve Superintendent's Attendance and Lawful Expenses to Conferences/Workshops/Meetings
- 16.25 Approve Minutes of February 2, 2013, Special Board Meeting/Retreat
- 16.26 Approve Minutes of February 14, 2013, Special Board Meeting
- 16.27 Approve Minutes of February 14, 2013, Regular Board Meeting

**17. Written Reports/Recommendation**

**Items under 17 are Written Reports that are received into the public record.** No action is taken by the Board. A Board Member or the Superintendent may request an item to be placed on the agenda for discussion and/or action at a future meeting.

- 17.01 Receive Update to Previously Approved Change Orders for Current Bond Projects which Exceed the 10% Allowance
- 17.02 Receive Quarterly Report on Santa Clara County Treasury Investment Portfolio Status as of December 31, 2012
- 17.03 Receive Santa Clara County Office of Education First Interim Certification Letter
- 17.04 Receive 2013 Summer School Program Report
- 17.05 Receive District Parent Involvement Plan Report

**18. Future Agenda Items**

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

- 18.02 Future Items:

**Board Vice President J. Manuel Herrera:**

Item	Date (tentative)	Type
School Supplies	April 16, 2013	Discussion

**Board Clerk Van Le:**

Item	Date (tentative)	Type
Review of Safety Procedures	April 16, 2013	Board Policy

**Board Member Lan Nguyen:**

Item	Date (tentative)	Type
Review on Procurement and Bidding Process	April 16, 2013	Presentation

**19. Board of Trustees/Superintendent Communications/Comments**

19.01 Board of Trustees

- Frank Biehl, President
- J. Manuel Herrera, Vice President
  - MetroED
- Van Le, Clerk
- Lan Nguyen, Member
  - Board Audit Committee
- Magdalena Carrasco, Member

19.02 Chris D. Funk, Superintendent

**20. Report Closed Session Action(s)**

**21. Adjournment**