

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

CORRECTED

AGENDA
April 16, 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 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 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 6:00 p.m.)
SEE ITEM 2 ON AGENDA (CLOSED SESSION)

Closed Session

2.01 Expulsion(s): *A-D*

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

- *Superintendent*

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 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*

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)**

Winter Sports

Evergreen Valley High School:

- Girls' Basketball, Santa Teresa Division
- Boys' Basketball, Santa Teresa Division
- Boys' Soccer, Santa Teresa Division

Mt. Pleasant High School:

- Boys' Soccer, Mt. Hamilton Division

Oak Grove High School:

- Wrestling, Mt. Hamilton Division

Piedmont Hills High School:

- Boys' Basketball, Mt. Hamilton Division
- Girls' Soccer, West Valley Division

Santa Teresa High School:

- Girls' Soccer, CCS Champions

Boys' Wrestling BVAL Champions:

- Alvin Nguyen, Silver Creek, 108
- Jordan Pierce, Oak Grove, 134
- Jacob Thalín, Santa Teresa, 140
- Gordan Chace, James Lick
- Patricio Munoz, James Lick
- Nicholas Bernardo, Oak Grove
- Lai Saechao, W. C. Overfelt

Girls' Wrestling State and CCS Champions:

- Jasmine Mendoza, W. C. Overfelt, State and CCS Champion, 138
- Crystal Soto, W. C. Overfelt, CCS Champion

7. Student Board Liaisons (5 minutes each)

7.01 Foothill High School

- Natasha Butler, Student Representative
- Angelica Noriega, Student Representative
- Aaron Fuentes, Student Representative
- Allison Washington, Student Representative
- Davianna Pelayo, Student Representative

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 to Approve Use of Board Discretionary, Measure I Bond Funds for Educare Facility – Juan Cruz, Assistant Superintendent of Instructional Services
- 8.03 Presentation and/or Discussion regarding Suicide Prevention and Mental Health Services – Lan Nguyen, Board Member, and Victor Ojakian, Board Chair, Santa Clara County Mental Health Board
- 8.04 Discussion and/or Action to Approve Final Proposition 39 Facilities Offer and Form of Facilities Use Agreement with KIPP Bay Area Schools Charter - Marcus Battle, Associate Superintendent of Business Services, and Rogelio M. Ruiz, Esq., Legal Counsel
- 8.05 Presentation and/or Discussion of KIPP San Jose Collegiate Measure E Bond Request - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, Tom Ryan, KSJC Principal, and Tracy Hanna, Director of Growth, KIPP
- 8.06 Discussion and/or Action of Measure E Distribution for KIPP San Jose Collegiate Charter School - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities

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 Discussion and/or Action regarding Salary and Employment Contract for Senior Manager of Internal Controls - Frank Biehl, Board President
- 11.02 Presentation and Discussion regarding School Supplies - J. Manuel Herrera, Board Vice President, and Chris D. Funk, Superintendent
- 11.03 Discussion and/or Action to Receive Second Reading and Adoption of Amended Audit Committee Charter - Lan Nguyen, Audit Committee Vice Chair, and Magdalena Carrasco, Audit Committee Vice Chair
- 11.04 Discussion and/or Action to Receive Second Reading and Adoption of Amended Board ByLaw #9250 Remuneration, Reimbursement and Other Benefits – Chris D. Funk, Superintendent
- 11.05 Adopt Resolution #2012/2013-28 In Support of Retaining Adult Education in K-12 – Frank Biehl, Board President
- 11.06 Adopt Resolution #2012/2013-29 in Support of Senate Constitution Amendment 3 (SCA3) Authored by Senators Mark Leno, Jerry Hill and Fran Pavley – Frank Biehl, Board President
- 11.07 Discussion and/or Action to Reschedule June 13, 2013, Regular Board Meeting to June 11, 2013 - Frank Biehl, Board President

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

- 12.01 Discussion and/or Information of Safety Emergency Procedures - Juan Cruz, Assistant Superintendent of Instructional Services
- 12.02 Discussion and/or Action to Approve the Coordinated Early Intervening Services (CEIS) Plan - Juan Cruz, Assistant Superintendent of Instructional Services and Toby Hopstone, Director of Special Services
- 12.03 Discussion and/or Action to Approve Appointment of the Carl D. Perkins Advisory Board Members - Juan Cruz, Assistant Superintendent of Instructional Services, and Rich Uribe, Director of Adult Education and Career Services

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

- 13.01 Discussion and/or Action 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 of Compensation and Classified Employee Relations

- 13.02 Discussion and/or Action Regarding the Approval of the Proposed Revised Certificated Job Description for Athletic Director - Cari Vaeth, Director, Human Resources
- 13.03 Discussion and/or Action Regarding the Proposed Classified Management Job Description and Salary Range for Senior Project Manager - Cari Vaeth, Director, Human Resources

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

- 14.01 Presentation, Discussion and/or Action on the Plan for District Wide Copiers - Marcus Battle, Associate Superintendent of Business Services, Donna Bertrand, C.P.M., Contracts Administration Coordinator, and Randy Phelps, Director of Information Technology
- 14.02 Presentation on General Purchasing and Bidding Process (Non-Bond Program) - Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator
- 14.03 Discussion and/or Action to Delegate Authority to the Superintendent or Designee to Dispose of Surplus/Obsolete Equipment/Furniture Items per Education Code Sections 17545 and 17546 - Marcus Battle, Associate Superintendent, Business Services and Donna Bertrand, C.P.M. Contracts Administration Coordinator
- 14.04 Discussion and/or Action of 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 Discussion and/or Action of Bond/Capital Projects Contract Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, and Janice Unger, Capital Projects Purchasing Manager

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 April 16, 2013
- 16.02 Ratify/Approve Certificated Personnel Actions Presented April 16, 2013
- 16.03 Ratify/Approve Student Aide Personnel Actions Presented April 16, 2013

- 16.04 Discussion and/or Action of California Interscholastic Federation (CIF) Application for Renewal of 2013-2014 Multi-School Membership
- 16.05 Approve School Field Trips
- 16.06 Approve CAHSEE Local Waivers for Special Education Students
- 16.07 Approve Memoranda of Understanding
- 16.08 Approve Contracts for Professional Services Under \$50,000
- 16.09 Approve Budget Transfers
- 16.10 Approve Purchase Orders
- 16.11 Approve Change Orders to Purchase Orders
- 16.12 Accept Report of Credit Card Expenses for Statement Dated March 22, 2013
- 16.13 Adopt Resolution #2012/2013-30 an Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546
- 16.14 Accept Warrant Register for the Month of March 2013
- 16.15 Acceptance of Donations, Awards and Grants
- 16.16 Approve Award of Bids for Bond/Capital Projects
- 16.17 Approve Bond/Capital Projects Contracts for Professional Services At or Below \$50,000
- 16.18 Approve Notice of Completion for the District Wireless Project, RFP-17-11-12 (NetXperts, Inc.)
- 16.19 Approve Final Change Order #1 for the Oak Grove High School Title IX Interior Modernization Project, E-050-003 (Calstate Construction, Inc.)
- 16.20 Approve Notice of Completion for the Oak Grove High School Title IX Interior Modernization Project, E-050-003 (Calstate Construction, Inc.)
- 16.21 Approve Notice of Completion for the Yerba Buena High School Title IX Interior Modernization Project, E-060-003 (D. L. Falk Construction Inc.)
- 16.22 Approve Notice of Completion for the James Lick High School New Two Story Classroom Building 500 Project, E-030-001 (D. L. Falk Construction Inc.)
- 16.23 Receive Superintendent's Work Year Calendar for 2012-2013
- 16.24 Approve Minutes of March 2, 2013, Special Board Meeting
- 16.25 Approve Minutes of March 7, 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 Facilities Planning & Construction, Maintenance & Operations Report (90-Day Report)

18. Future Agenda Items

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

Board Clerk Van Le:

| Item | Date (tentative) | Type |
|-------------------------|-------------------------|---------------------|
| Public Relations Budget | April 25, 2013 | Board Study Session |

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