

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

**AGENDA**  
**January 16, 2014**

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*)

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 (d)(2) of Government Code  
Section 54956.9

- *Two (2) Potential Cases*

- 2.07 Conference with Legal Counsel – Anticipated Litigation  
Initiation of litigation pursuant to subdivision (d)(4) of Government Code Section 54956.9

- *One (1) Potential Case*

- 2.08 Conference with Legal Counsel – Existing Litigation  
Paragraph (1) of subdivision (d) of Section 54956.9

*Felicia Segura v. East Side Union High School District, Santa Clara County Superior Court Case  
No. 1-13-SC-054940*

*Alexis Fundraising Foundation v. East Side Union High School District, Los Angeles County  
Superior Court Case No. 13D05708*

**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**

5.01 For consideration by the Board of Trustees

**6. Board Special Recognition(s)**

6.01 Fall Sports

- Andrew Hill High School --Football, West Valley Division, Blossom Valley Athletic League Champions
- Oak Grove High School -- Volleyball, Santa Teresa Division, Blossom Valley Athletic League Champions
- Silver Creek High School -- Girls' Water Polo, Santa Teresa Division, Blossom Valley Athletic League Champions
- Evergreen Valley High School -- Tennis Singles Champion, Taylor Lim, Mt. Hamilton Division, Blossom Valley Athletic League Champion

**7. Student Board Liaisons (5 minutes each)**

7.01 Runi Tanna, ASB President - Piedmont Hills 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 Black History Month Presentation - Mulugeta Habtegabriel, Co-Chair - African American Student Advocates (AASA)
- 8.03 Discussion and/or Action to Review and Accept the Annual Financial Audit Report for Fiscal Year Ending June 30, 2013 - Marcus Battle, Associate Superintendent of Business Services, Karen Poon, Director of Finance, and Joyce Peters, from Vavrinek, Trine, Day & Co., LLP
- 8.04 Discussion and/or Action to Review and Accept the Annual Financial and Performance Audit Reports for Fiscal Year Ending June 30, 2013, for Measure G and Measure E - Marcus Battle, Associate Superintendent of Business Services, Karen Poon, Director of Finance, and Joyce Peters, from Vavrinek, Trine, Day & Co., LLP
- 8.05 Presentation, Discussion and/or Action to Receive Report on Districtwide Security Cameras, and Approve Professional Service Contract for Design Services - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance & Facilities, Randy Phelps, Director of Information Technology, Janice Unger, Capital Projects Purchasing Manager, and Jeanine Lovejoy, The Consulting Group

**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, Consideration and/or Action regarding Selection/Appointment of Board Audit Committee Members - Magdalena Carrasco, Audit Committee Chair, and Frank Biehl, Audit Committee Vice Chair
- 11.02 Discussion and/or Action to Receive and Adopt Second Reading of Amended Board Policy #7310 Naming of a Specific Building, Facility, Area, Space or Memorial Plaque – Chris D. Funk, Superintendent
- 11.03 Discussion and/or Action to Receive and Adopt Second Reading of Amended Board Policy #1325 Advertising and Promotion - Chris D. Funk, Superintendent
- 11.04 Discussion and/or Action to Receive and Adopt Second Reading of Amended Board ByLaw #9100 Organization - Chris D. Funk, Superintendent

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

- 12.01 Discussion and/or Action of Charter Petition for B. Roberto Cruz Leadership Academy High School - Juan Cruz, Assistant Superintendent of Instructional Services
- 12.02 Discussion and/or Action of Charter Petition for Latino College Preparatory Academy II (LCPA II) - Juan Cruz, Assistant Superintendent of Instructional Services
- 12.03 Discussion and/or Action to Receive Fourth Valenzuela/CAHSEE and Williams Settlement Uniform Complaint Quarterly Report for Period Covering October 1, 2013, through December 31, 2013 as required by EC 35186 (Williams Settlement Legislation SB550 and AB2727) - Juan Cruz, Assistant Superintendent of Instructional Services, and Tim Nguyen, Coordinator of English Language Learners Supplementary Education
- 12.04 Discussion and/or Action to Receive Second Reading and Adopt Proposed New Board Policy #5145.31 Transgender and Gender Non-Conforming Youth - Juan Cruz, Assistant Superintendent of Instructional Services

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

- 13.01 Discussion and/or Action to Approve the 2013 Budget Development Calendar for Fiscal Year 2014/15 - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance

- 13.02 Discussion and/or Action to Approve the Contract(s) for Professional Services Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator

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

- 14.01 Discussion and/or Action to Adopt Resolution #2013/2014-13 Declaring the Observance of Lincoln's Birthday on February 21, 2014 - Cari Vaeth, Director, Human Resources

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

- 15.01 Discussion and/or Action to Approve Proposed Termination of Professional Services Agreements and Purchase Orders between East Side Union High School District and Cambridge CM - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Janice Unger, Capital Projects Purchasing Manager
- 15.02 Discussion and/or Action to Approve the Bond/Capital Projects Contract(s) Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Janice Unger, Capital Projects Purchasing Manager
- 15.03 Discussion and/or Action to Ratify CUPCCAA Informal Bond Project(s) - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Janice Unger, Capital Projects Purchasing Manager
- 15.04 Discussion and/or Action to Approve 2013 Capital Construction Project Lists for Andrew Hill High School, Foothill High School, Independence High School, James Lick High School, Mt. Pleasant High School, and W.C. Overfelt High School - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance & Facilities, Julio Lucas, District Architect, Kenneth Kerch, Bond Program Manager, SGI, Bettina Lopez, Andrew Hill High School Principal, George Sanchez, Foothill High School Principal, Grettel Castro-Stanley, Independence High School Principal, Glenn Vander Zee, James Lick High School Principal, Teresa Marquez, Mt. Pleasant High School Principal, and Vito Chiala, W.C. Overfelt High School Principal
- 15.05 Discussion and/or Action to Approve the Recommendation for the Addition to the Current List of Construction Management (CM) Firms for the Measures E, G and I Capital Improvement Program - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Janice Unger, Capital Projects Purchasing Manager
- 15.06 Discussion and/or Action to Approve the Proposed Program Management Services Agreement between East Side Union High School District and The Seville Group - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Janice Unger, Capital Projects Purchasing Manager

## **Consent / Action Calendar**

### **Sections 16-20**

**All items listed under 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/Action 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. Board of Trustees / Superintendent - Consent / Action Calendar**

- 16.01 Ratify/Approve Board Member(s) Lawful Expenses/Mileage to Conferences/ Workshops/Meetings
- 16.02 Ratify/Approve Superintendent's Attendance and Lawful Expenses to Conferences/ Workshops/Meetings
- 16.03 Approve Minutes of December 12, 2013, Annual Organizational and Regular Board Meeting

#### **17. Instructional Services / Student Services - Consent / Action Calendar**

- 17.01 Approve School Field Trips

#### **18. Business Services - Consent / Action Calendar**

- 18.01 Approve Contract(s) for Professional Services At or Below \$50,000
- 18.02 Approve Memoranda of Understanding
- 18.03 Approve Budget Transfers
- 18.04 Approve Purchase Orders
- 18.05 Approve Change Orders to Purchase Orders
- 18.06 Accept Report of Credit Card Purchases for Statement Dated October 22, 2013
- 18.07 Accept Warrant Register for the Month of December 2013
- 18.08 Adopt Resolution #2013/2014-14 an Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546

#### **19. Human Resources - Consent / Action Calendar**

- 19.01 Ratify/Approve Classified Personnel Actions Presented January 16, 2014

- 19.02 Ratify/Approve Certificated Personnel Actions Presented January 16, 2014
- 19.03 Ratify/Approve Student Aide Personnel Actions Presented January 16, 2014

**20. Facilities - Consent / Action Calendar**

- 20.01 Approve Final Change Order #1 for Silver Creek High School Restroom Modernization Project, E-055-004 (Zolman Construction & Development, Inc.)
- 20.02 Approve Final Change Order #1 for Overfelt Adult Education Center Facility - Increment 2 Project, E-042-001 (Jeff Luchetti Construction, Inc)
- 20.03 Approve Final Change Order #1 for Evergreen Valley High School Site Improvement Project, E-075-005 (Joseph J. Albanese, Inc)
- 20.04 Approve Final Change Order #2 for Calero High School Modernization Project, E-080-002 (Dilbeck & Sons, Inc.)
- 20.05 Approve Final Change Order #2 for Santa Teresa High School Modernization of Units 100, 200, 700, 1300, 1400 Project, E-070-003 (Zolman Construction & Development, Inc.)
- 20.06 Approve Final Change Order #1 for Yerba Buena & Silver Creek High Schools Site Improvements Projects, E-060-006, E-055-006 (Golden Bay Fence Plus Iron Works, Inc.)
- 20.07 Amend Final Change Order #1 for James Lick High School New Two Story Building 500 Project, E-030-001 (DL Falk Construction, Inc.)
- 20.08 Approve Notice of Completion for Overfelt Adult Education Center Project Increments 1 Project, E-042-001 (Cal-Pacific Construction Inc.)
- 20.09 Approve Measure I Distribution for ACE Charter School

**21. Written Reports/Recommendation**

**Items under section 21 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.

- 21.01 Receive Quarterly Report on Santa Clara County Treasury Investment Portfolio Status as of September 30, 2013

**22. Future Agenda Items**

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

**Board President J. Manuel Herrera & Board Member Frank Biehl**

Item	Date (tentative)	Type
PE Credit	March 2014	Presentation/Discussion

**Board Vice President Van Le**

Item	Date (tentative)	Type
Academic Report (Site & Gender)	March 2014	Presentation/Discussion

**Board Member Frank Biehl**

Item	Date (tentative)	Type
Strategic Plan Budget Process Report	January 2014	Presentation/Discussion

22.03 Annual Governance Calendar

July
Summer School Program (concludes session)
Summer School Graduation

August
Board Retreat
Expulsion Hearing Panel Committee
First Day of School
Williams Quarterly Report

September
Board Study Session/Workshop
College Night
Conflict of Interest/ Board Policy (updates)
Public Hearing and Adoption: Gann Spending Limit
Public Hearing: Sufficiency or Insufficiency of Textbooks
Unaudited Actuals

October
Bond Program Presentation
Solar Energy Presentation
Student Achievement Presentation
Superintendent's Annual Evaluation
Williams Quarterly Report

November
Board Study Session/Workshop
Election Orientation for New Board Members

December
Annual Organizational Board Meeting
CSBA Annual Conference
Election Orientation for New Board Members
End of First Semester
First Interim Report
Superintendent's Mid-Year Evaluation

January
Audit Report
Board Audit Committee Selections/Appointments
Board Retreat
Financial & Performance Audit Report for Bond Measures
Magnet Night
Martin Luther King, Jr. Writing, Art & Multi-Media Awards Ceremony & Reception
Policies & ByLaws (Begin Review by Series)
Sports Recognitions (Fall)
Technology Report
Williams Quarterly Report

February
Audit Committee Charter Amendment(s)
Non-Re-Elects

March
Cesar Chavez Writing, Art & Multi-Media Awards Luncheon
March 15 Notices
Safety Plan Goals for Each Site
Second Interim Report
SJPD Secondary Employment Application

April
Board Study Session/Workshop
Form 700 – Statement of Economic Interests Due to Santa Clara County (filing)
Honor Nights
Migrant Education Awards Night
NSBA Annual Conference
Williams Quarterly Report

May
Board Self-Evaluation
Budget (Preliminary/Draft) Presentation
Employee Recognition Event
Graduations
Honor Nights
Last Day of School
Sports Recognitions (Winter/Spring)

June
Budget (Preliminary) with May Revisions Public Hearing (first June Board Meeting)
Budget Adoption (second June Board Meeting)
Employee Retirement Celebration
ESTA Safety Survey
Master Contracts for Capitol Projects
Plan for Expelled Youth (due every three years – 2015)
Program Improvement Update
Safety Plan Assessment for Each School
Single Plan for Student Achievement (SPSA) for Each School
Summer School Program (session begins)
Superintendent's Annual Evaluation



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

23.01 Board of Trustees

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

23.02 Chris D. Funk, Superintendent

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

24.01 Legal Counsel will Report on Closed Session Action Item(s)

**25. Adjournment**

25.01 President Adjourns the Meeting