

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

**AGENDA**  
**April 21, 2016**

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 Meeting of the Board of Trustees 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 speaker 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): *None*

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

- Superintendent
- Senior Manager of Internal Controls

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

- Interim Director of Facilities, Construction, Maintenance and Operations (1)
- Interim Director of Capital Planning & Design (1)
- Coordinator of Special Education (1)

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*

*Cari Vaeth, Associate Superintendent of Human Resources*

*Glenn Vander Zee, Assistant Superintendent of Educational Services*

### Employee Organizations:

*American Federation of Teachers (AFT)*

*California School Employees Association (CSEA)*

*East Side Teachers Association (ESTA)*

*Administrator Collaborative of East Side (ACES)*

### 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

- *Four (4) Potential Cases*



### **Open Session at Approximately 6:00 P.M. – Education Center Board Room**

Any person may address the Board on any item on the meeting agenda. Information explaining Board meeting procedures and how citizens can address the Board will be read. Persons wishing to address the Board must fill out a speaker request form, which is located at the entrance of the 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 Anton Cao, Evergreen Valley High School – Perfect Score: Advanced Placement Exam

6.02 Winter Sports:

##### Andrew Hill High School

- Girls' Soccer, West Valley Division, Blossom Valley Athletic League Champions
- Wrestling, West Valley Division, Blossom Valley Athletic League Champions

##### Evergreen Valley High School

- Boys' Basketball, Santa Teresa Division, Blossom Valley Athletic League Champions

##### Independence High School

- Rafael Vega, Wrestling 154 lbs, Blossom Valley Athletic League Champion

##### Mt. Pleasant High School

- Boys' Basketball, West Valley Division, Blossom Valley Athletic League Champions

##### Oak Grove High School

- Girls' Soccer, West Valley Division, Blossom Valley Athletic League Champions
- Wrestling, Mt. Hamilton Division, Blossom Valley Athletic League Champions
- Andrew Sanchez, Wrestling 128 lbs, Blossom Valley Athletic League Champion
- Jordan Auen, Wrestling 134 lbs, Blossom Valley Athletic League Champion
- Anuanu Tuiono, Wrestling 184 lbs, Blossom Valley Athletic League Champion
- Marc Anthony Leon, Wrestling 287 lbs, Blossom Valley Athletic League Champion



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Piedmont Hills High School

- Boys' Basketball, Central Coast Section Champions Division 1
- Wrestling, Santa Teresa Division, Blossom Valley Athletic League Champions

Santa Teresa High School

- Girls' Soccer, Mt. Hamilton Division, Blossom Valley Athletic League Champions
- James Yumen, Wrestling 120 lbs, Blossom Valley Athletic League Champion

Silver Creek High School

- Girls' Basketball, Mt. Hamilton Division, Blossom Valley Athletic League Champions
- Eric J. Sanchez Jr., Wrestling 106 lbs, Blossom Valley Athletic League Champion
- Evan Flores, Wrestling 113 lbs, Blossom Valley Athletic League Champion

Yerba Buena High School

- Boys' Soccer, West Valley Division, Blossom Valley Athletic League Champions

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

- 7.01 Calero High School
- 7.02 Oak Grove High School
- 7.03 Silver Creek 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 and/or Discussion regarding the College Connection Academy - Tom Huynh, Principal - Yerba Buena High School, and Amber Andrade, Principal, CCA Middle School
- 8.03 Presentation and Discussion regarding Student Petition from Piedmont Hills High School Requesting to Add English 4 Back to the Master Schedule - Rebecca Huang, Student - Piedmont Hills High School
- 8.04 Presentation. Discussion and/or Action regarding Voter Survey Results for Potential 2016 General Obligation Bond Election and Potential 2016 Parcel Tax Election - Marcus Battle, Associate Superintendent of Business Services, and Dale Scott, President of Dale Scott & Company



- 8.05 Discussion and/or Action to Adopt Resolution #2015/2016-22 Authorizing the Issuance and Sale of 2016 General Obligation Refunding Bonds, Series A in the Principal Amount of Not to Exceed \$20,000,000 For the Purposes of Refunding Outstanding General Obligation Bonds, 2002 Election, Series H of the District - Marcus Battle, Associate Superintendent of Business Services, Dale Scott, President of Dale Scott & Company, and Charles F. Adams, Bond Counsel, Jones Hall, A Professional Law Corporation
- 8.06 Discussion and/or Action to Adopt Resolution #2015/2016-23 Authorizing the Issuance and Sale of 2016 General Obligation Refunding Bonds, Series B in the Principal Amount Not to Exceed \$110,000,000 For the Purpose of Refunding Outstanding General Obligation Bonds, 2008 Election, Series B of the District - Marcus Battle, Associate Superintendent of Business Services, Dale Scott, President of Dale Scott & Company, and Charles F. Adams, Bond Counsel, Jones Hall, A Professional Law Corporation

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

- 9.01 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.

Any person may address the Board on any item on the meeting agenda. Persons wishing to address the Board must fill out a speaker request form, which is located at the entrance of the Board Room. When your name is called, please come to the podium, state your name for the record, and limit your remarks to three (3) minutes.

**11. Board of Trustees/Superintendent - Operational Items/Board Discussion and/or Action**

- 11.01 Presentation, Discussion, and/or Action regarding Authorization to Enter into Negotiations for Joint Use Transportation Yard Agreement at Franklin-McKinley School District - Chris D. Funk, Superintendent, and Marcus Battle, Associate Superintendent of Business Services,
- 11.02 Presentation, Discussion and/or Action regarding District Property and Other Land Use - Update #3, 830 N. Capitol Avenue, San Jose, CA 95133 – Chris D. Funk, Superintendent
- 11.03 Discussion and/or Action to Adopt Resolution #2015/2016-21 The Children's Education and Health Care Protection Act of 2016 (Prop 30 Extension) – Chris D. Funk, Superintendent, and Marisa Hanson, ESTA President



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

- 12.01 Presentation, Discussion and/or Action regarding Local Control and Accountability Plan (LCAP) Input - Glenn Vander Zee, Assistant Superintendent of Educational Services, and Californians For Justice
- 12.02 Presentation, Discussion, and/or Action to Receive Special Education Comprehensive Review – Glenn Vander Zee, Assistant Superintendent of Educational Services, and Barbara J. Moore, Ed.D., Director of Special Services

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

- 13.01 Discussion and/or Action to Authorize Santa Teresa High School Grad Nite Committee, a School Connected Organization, to Solicit Contributions or Funds per Education Code 51520(a) and 51521 - Marcus Battle, Associate Superintendent of Business Services, Karen Poon, Director of Finance, and Kelly Kwong, Senior Manager of Internal Controls
- 13.02 Discussion and/or Action to Approve Charter School Proposition 39 Facilities Use Agreement with DCP Charter High School - Marcus Battle, Associate Superintendent of Business Services and Karen Poon, Director of Finance
- 13.03 Discussion and/or Action to Approve Charter School Proposition 39 Facilities Use Agreement with Summit Public Schools: Rainier Charter School - Marcus Battle, Associate Superintendent of Business Services and Karen Poon, Director of Finance
- 13.04 Discussion and/or Action to Approve Charter School Proposition 39 Facilities Use Agreement with Luis Valdez Leadership Academy Charter High School - Marcus Battle, Associate Superintendent of Business Services and Karen Poon, Director of Finance
- 13.05 Discussion and/or Action to Approve Charter School Proposition 39 Facilities Use Agreement with Summit Public Schools: Tahoma Charter School - Marcus Battle, Associate Superintendent of Business Services and Karen Poon, Director of Finance
- 13.06 Discussion and/or Action to Approve Second Amendment to MOU regarding Facilities between ESUHSD and Leadership Public Schools, Inc. - Marcus Battle, Associate Superintendent of Business Services and Karen Poon, Director of Finance
- 13.07 Discussion and/or Action to Approve Charter School Proposition 39 Facilities Use Agreement with ACE Charter High School - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance
- 13.08 Discussion and/or Action to Adopt Resolution #2015/2016-20 to Hire Short-Term Non-Certificated Summer Staffing - Marcus Battle, Associate Superintendent of Business Services, and Vida Branner, Director of Compensation and Benefits



- 13.09 Discussion and/or Action to Approve the Contract(s) for Professional Services Over \$25,000 - Marcus Battle, Associate Superintendent of Business Services, and André Bell, Director of Purchasing and Capital Accounting, and Francine Brissey, General Purchasing Manager

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

- 14.01 Presentation, Discussion and/or Action Regarding Site Support Services Second Languages Survey - Cari Vaeth, Associate Superintendent of Human Resources
- 14.02 Discussion and/or Action to Approve Increase to Certificated Substitute Services Rates, Effective August 1, 2016 - Cari Vaeth, Associate Superintendent of Human Resources
- 14.03 Discussion and/or Action to Adopt/Approve Classified, Classified Management and Certificated Administrative Holiday Schedule for the 2016-2017 School Calendar - Cari Vaeth, Associate Superintendent of Human Resources
- 14.04 Discussion and/or Action to Adopt/Approve the Amended Effective Date of the 2015-2016 Certificated Adult Education Salary Schedule - Cari Vaeth, Associate Superintendent of Human Resources
- 14.05 Discussion and/or Action to Adopt/Approve the Adult Education Calendar for the 2016-2017 School Year - Cari Vaeth, Associate Superintendent of Human Resources and Richard Uribe, Director of Adult Education

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

- 15.01 Presentation, Discussion and/or Action of the New Capital Program Budget Adjustment Report - Marcus Battle, Associate Superintendent of Business Services, André Bell, Director of Purchasing and Capital Accounting, and Sandy Nguyen, Capital Budget Manager
- 15.02 Discussion and/or Action to Approve the Project and Award a Contract for Design-Build Services for the Districtwide Fire Alarm Modernization Project - Marcus Battle, Associate Superintendent of Business Services, André Bell, Director of Purchasing and Capital Accounting, Janice Unger, Capital Projects Purchasing Manager, and Carlos Salazar, Senior Project Manager
- 15.03 Discussion and/or Action to Approve the Measure I Distribution for KIPP San Jose Collegiate Charter School - Marcus Battle, Associate Superintendent of Business Services, Farshid Samsami, SGI Bond Program Manager, André Bell, Director of Purchasing and Capital Accounting, and Julio Lucas, Facilities and Planning Division





- 15.04 Discussion and/or Action to Approve that the Superintendent or Designee to Authorize Purchase Orders/Contracts for Summer Projects - Yerba Buena Alternative Education Mini-Campus Improvements - LVLA Project - Marcus Battle, Associate Superintendent of Business Services, André Bell, Director of Purchasing and Capital Accounting, and Janice Unger, Capital Projects Purchasing Manager
- 15.05 Discussion and/or Action to Approve the Bond/Capital Projects Contract(s) Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, André Bell, Director of Purchasing and Capital Accounting, and Janice Unger, Capital Projects Purchasing Manager
- 15.06 Discussion and/or Action to Ratify CUPCCAA Informal Bond Project(s) - Marcus Battle, Associate Superintendent of Business Services, André Bell, Director of Purchasing and Capital Accounting, 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 Receive Superintendent's Non-Duty Days for 2015-2016
- 16.03 Approve Minutes of March 3, 2016, Regular Board Meeting





**17. Educational Services / Student Services - Consent / Action Calendar**

- 17.01 Accept the 2016-2017 Comprehensive School Safety Plan Goals
- 17.02 Ratify/Approve School Field Trips
- 17.03 Receive the First Quarterly Report on Williams Uniform Complaints for Period Covering January 1, 2016, through March 31, 2016, as required by EC 35186 (Williams Settlement Legislation SB550 and AB2727)
- 17.04 Approve Academic Criterion for Reclassification of English Learners to English Proficient Students for the 2015-2016 School Year
- 17.05 Approve California Interscholastic Federation (CIF) Application for Renewal of 2016-2017 Multi-School Membership

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

- 18.01 Approve Purchase Orders
- 18.02 Approve Change Orders to Purchase Orders
- 18.03 Ratification of Contract(s) for Professional Services At or Below \$25,000
- 18.04 Approve Memoranda of Understanding
- 18.05 Approve Facilities Use Agreement
- 18.06 Approve Budget Transfers for the Month of March, 2016
- 18.07 Accept Warrant Register for the Month of March, 2016

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

- 19.01 Ratify/Approve Classified Personnel Actions Presented April 21, 2016
- 19.02 Ratify/Approve Certificated Personnel Actions Presented April 21, 2016
- 19.03 Ratify/Approve Student Aide Personnel Actions Presented April 21, 2016

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

- 20.01 Ratification of Bond/Capital Projects Contract(s) for Professional Services At or Below \$50,000
- 20.02 Ratification of Bond/Capital Projects Change Orders to Construction Contracts and Purchase Orders At or Below \$175,000



20.03 Approve Award of Bids and Request for Proposals for Bond/Capital Projects

**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 Explanation for the Change Orders to the Lease-Leaseback Contracts with McCarthy Building Companies, Inc., for Independence High School – Performing Arts Center Bldg. F, Modernization Building B Commons, and Building B Demolition and Site Improvement Projects
- 21.02 Budget Summary for the Education Center Interior/Exterior Facility Improvements
- 21.03 Receive Update on Independence High School's Growth Impacts and Mitigations
- 21.04 Receive Payroll Department Operational Efficiency and Comparative Staffing Review

**22. Future Agenda Items**

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

**Lan Nguyen, Board President**

Item	Date (tentative)	Type
International Baccalaureate Program (IB) Plan for Recruitment and Expansion	May 3, 2016	Presentation/Discussion

**Frank Biehl, Board Vice President**

Item	Date (tentative)	Type
Livestream Board Meetings (combined with J. M. Herrera's Broadcast Board Meetings)	Spring 2016	Presentation Update
Computer Education (Coding)	May 19, 2016	Presentation/Discussion
Payroll Audit Report Out	May 3, 2016	Presentation/Discussion



**J. Manuel Herrera, Board Member**

Item	Date (tentative)	Type
Broadcast Board Meetings (combined with F. Biehl's Livestream Board Meetings)	Spring 2016	Presentation Update

**Van Le, Board Member**

Item	Date (tentative)	Type
Failed Courses	Twice Year: October & March	Report
Accel Program	May 19, 2016	Report
Board Policy 6173 Education for Homeless Children (review language)	May 19, 2016	Discussion
STEM Program	May 19, 2016	Presentation/Discussion
Adult Education Program – New Funding Model	May 3, 2016	Report
Vending Machines	May 19, 2016	Presentation/Discussion

**Pattie Cortese, Board Member**

Item	Date (tentative)	Type
Mental Health Support Services available to Students (ie: support services provided by response team)	May 3, 2016	Presentation/Discussion
Independence Adult Center Portables	May 19, 2016	Update/Discussion



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## 22.03 Annual Governance Calendar

<b>July</b>
Summer School Program (concludes session)
Summer School Graduation

<b>August</b>
Board Members' Expenses Report (Apr/May/June)
Expulsion Hearing Panel Committee
First Day of School
Superintendent's Annual Evaluation
Williams Quarterly Report

<b>September</b>
Board Retreat
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
Receive Annual Developer Fees Report
Unaudited Actuals

<b>October</b>
Board Members Expenses' Report (July/Aug/Sept)
Bond Program Presentation
Solar Energy Presentation
Student Achievement Presentation
Williams Quarterly Report

<b>November</b>
Board Study Session/Workshop
Election Orientation for New Board Members

<b>December</b>
Annual Organizational Board Meeting
CSBA Annual Conference
Election Orientation for New Board Members
End of First Semester
First Interim Report

<b>January</b>
Audit Report
Board Audit Committee Selections/Appointments
Board Members' Expenses Report (Oct/Nov/Dec)
Board Retreat
Financial & Performance Audit Report for Bond Measures
Magnet Night
Martin Luther King, Jr. Writing, Art & Multi-Media Awards Ceremony & Reception
Master Business Relationship Agreement between East Side Union High School District and Metropolitan Education District
Policies & ByLaws (Begin Review by Series)
Sports Recognitions (Fall)
Technology Report
Williams Quarterly Report

<b>February</b>
African American Students Achievement Awards
Audit Committee Charter Amendment(s)
CSBA Delegate Assembly Election
Non-Re-Elects
Safety Plan Goals for Each Site
State of the District

<b>March</b>
Cesar Chavez Writing, Art & Multi-Media Awards Luncheon
Latino Student Awards Recognition Ceremony
March 15 Notices
NSBA Annual Conference
Second Interim Report
SJPD Secondary Employment Application
Superintendent's Mid-Year Evaluation
Vietnamese Students Achievement Awards

<b>April</b>
Board Members' Expenses Report (Jan/Feb/Mar)
Board Study Session/Workshop
Form 700 – Statement of Economic Interests Due to Santa Clara County (filing)
Honor Nights
Migrant Education Awards Night
Williams Quarterly Report

<b>May</b>
Asian American/Pacific Islander History Month: Poster & Essay Contest Awards/Celebration
Board Self-Evaluation
Budget (Preliminary/Draft) Presentation
Employee Recognition Event
Graduations
Honor Nights
Last Day of School
Sports Recognitions (Winter/Spring)

<b>June</b>
Budget (Preliminary) with May Revisions Public Hearing (first June Board Meeting)
Budget Adoption (second June Board Meeting)
Budget Advisory Committee: Nominate and Appoint Board Representatives (2) and Alternative Board Representative (1) (2 year term, fiscal year)
Employee Retirement Celebration
ESTA Safety Survey
Master Contracts for Capital Projects
Plan for Expelled Youth (due every three years – 2018)
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

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

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

