

SAN JOSE UNIFIED SCHOOL DISTRICT
San José, California

AGENDA
BOARD OF EDUCATION
REGULAR SESSION MEETING
February 11, 2010
6:00 P.M.

BOARD ROOM
855 Lenzen Avenue
(District Administration Building)

All meetings of the Governing Board are open to the general public with the exception of Closed Sessions, which are held to consider those items specifically exempt under the Ralph M. Brown Act. Anyone planning to attend a meeting who has a disability and needs special assistance should call the Superintendent's Office, 535-6069, at least 3 days in advance to make special arrangements.

Spanish translation is available at Regular Session Board Meetings. To arrange for translation services, please call the Superintendent's Office, 535-6069, at least 3 days in advance. [Se ofrece traducción en Español para la junta regular de la mesa directiva. Para solicitar servicios de traducción al español, por favor llame a la Oficina del Superintendente, al 535-6069, con 3 días de anticipación por lo menos.]

Mrs. Veronica Grijalva Lewis, President
Mr. Richard Garcia, Vice President
Mrs. Pamela Foley, Member
Mr. Jorge González, Member
Mrs. Leslie B. Reynolds, Member

Miss Michelle Hsieh, Student Board Member [Leland High School]
Miss Mariela Garcia, Alternate Student Board Member [Gunderson High School]

Mr. Don Iglesias, Superintendent

CLOSED SESSION AGENDA

The Regular Session Meeting of the Board of Education will be called to order at 5:00 p.m. The Board President will immediately adjourn the Regular Session Meeting to a Closed Session to consider those items that are specifically exempt under the provisions of the Ralph M. Brown Act. Closed Sessions are not open to the general public.

1. **Student Discipline - Student Expulsions Hearings** [Pursuant to Education Codes 35146 and 48918]
 - A. Student Expulsion Case Number 009-10-026
 - B. Student Expulsion Case Number 009-10-031
 - C. Student Expulsion Case Number 009-10-032
 - D. Student Expulsion Case Number 009-10-033

2. **California High School Exit Exam (CAHSEE) Waivers**
 - A. Student Waiver Number 2010-11
 - B. Student Waiver Number 2010-12

3. **Personnel** [Pursuant to Government Code 54954.5, 54957.1]
 - A. Public Employee Appointment
 - B. Release/Termination/Reassignment/Dismissal
 - C. Layoffs/Leaves of Absence/Resignation
 - D. Public Employee Contracts

4. **Conference with Legal Counsel – Potential Litigation** [Pursuant to Government Code 54956.99(b)]

5. **Conference with Real Property Negotiators** [Pursuant to Government Code 54956.8]

Property:	Randol Elementary School 762 Sunset Glen Drive San Jose, CA 95123
Agency Negotiators:	Ann Jones, Chief Business Officer Marilyn Cleveland, Miller Brown & Dannis
Negotiating Parties:	San Jose Unified School District AmericaED Learning Center
Under Negotiations	Terms and Conditions of Lease

6. Conference with Legal Counsel – Existing Litigation (Two cases)

Presenting: Eliza J. McArthur, McArthur & Levin

One Case: 2009120398

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Presenting: Rod Levin, McArthur & Levin

One Case: 2009110081

The Closed Session will adjourn at 6:00 p.m. The Regular Session Meeting will be reconvened at 6:00 p.m. in the Board Room at 855 Lenzen Avenue, San José, California. The Superintendent will report all actions taken by the Board of Education in Closed Session prior to the conclusion of the Regular Session Meeting [Pursuant to Government Code 54957.1].

REGULAR SESSION AGENDA – 6:00 P.M.**I. Call Meeting to Order****II. Pledge of Allegiance****III. Adopt the Agenda****IV. Special Order of Business****V. Announcements and Reports**

Announcements and Reports by Board Members, Superintendent and Student Board Member (Oral)

Board Members may report on visits to schools, conferences and meetings attended, and items of interest to the public.

VI. Oral Petitions

Persons wishing to address the Board of Education must fill out a citizen's Request to Speak Card and bring it to the Board Secretary (sitting to the right of the Board Members) prior to the conclusion of Oral Petitions.

This portion of the Agenda provides an opportunity for members of the public to directly address the Board on any item of interest to the public; however, provisions of the Brown Act [Government Code 54954.2(a) and .3] preclude any action being taken on any item not appearing on the posted agenda for action. Time limits are 2 minutes for individuals and 5 minutes for organizations. The timer system will let you know when your time to speak is over. When the yellow light starts to flash you have 30 seconds and when the red light comes on and the buzzer sounds, your time is up.

Close Oral Petitions

VII. Minutes

Approval of Minutes of Regular Session Meeting held January 21, 2010 and the Special Session held January 29, 2010.

VIII. Consent Calendar (ACTION)

All Agenda items listed under the Consent Calendar will be enacted in one motion. There will be no discussion of these items prior to consideration of the motion, unless a member of the Board of Education or the Superintendent request that an item be removed from the Consent Calendar.

Consent Calendar items include VIII.A.1 through VIII.G.9**A. Superintendent’s Office and Human Resources****1. Acceptance of Gifts (ACTION)**

RECOMMENDATION: That the Board of Education accept, with thanks, gifts to the District.

2. Administrative, Elementary/Secondary Certificated Personnel Actions (ACTION)

RECOMMENDATION: That the Board of Education approve the Administrative, Elementary and Secondary Certificated Personnel Actions as specified.

3. Classified Personnel Actions (ACTION)

RECOMMENDATION: That the Board of Education approve the Classified Personnel Actions as specified.

4. Short-term Limited Services Agreements (ACTION)

RECOMMENDATION: That the Board of Education approve the following Short-term Limited Services Agreements for \$25,000 or less as specified.

	<u>Name</u>	<u>Service Provided</u>	<u>Amount</u>	<u>Funding/Loc</u>	<u>Effective</u>
1	Bryden, Tanner	Provide services as Academic and Holistic student mentor to identified at-risk students	\$6,000	061 EIA/ 031 Incentives/ Burnett Academy	02/12/10- 06/02/10
2	Dini, Susan	Choreograph and assist with 2010 Spring Musical	\$500	061 ASB/ Leland	01/05/10- 04/30/10
3	Elizarraras, Christian	Yard supervision	\$2,300	031 Yard Duty/ Olinder	02/01/10- 06/03/10
4	Freitas, Ashley	Choreograph and assist with 2010 Spring Musical	\$1,000	061 ASB/ Leland	01/05/10- 04/30/10
5	Lucero, Judith	Yard supervision	\$2,500	031 Yard Duty/ Carson	02/12/10- 06/03/10

6	McCracken, Cory	Provide job coaching as specified on student IEP, assist student in learning job duties and maintain records	\$9,000	062 Workability/ Special Ed	02/11/10- 06/30/10
7	Ojeda, Maria	Provide bus supervision when regular bus monitor is out	\$50	032 TIIG Flex/ Lowell	01/06/10- 06/03/10
8	Rosales, Aurora	Yard supervision of children before the start of an after school program	\$448	061 Title I/ Empire Gardens	11/16/09- 03/15/10
9	Siu, Gloria	Yard supervision	\$500	031 Incentives/ Grant	01/22/10- 06/03/10
10	Siva, Kavitha	Yard supervision	\$1,264	031 Yard Duty/ Hacienda	01/29/10- 06/03/10
11	Tharp, Lori	Secondary mentor will provide assistance in Algebra to Migrant students	\$4,002	061 Migrant Ed/ WGHS	01/25/10- 05/31/10
12	Trapp, Irene	Vocal Director for 2010 Spring Musical	\$1,500	061 ASB/ Leland	01/05/10- 04/30/10
13	Zuniga, Teresa	Provide bus supervision when regular bus monitor is out	\$50	032 TIIG Flex/ Lowell	01/06/10- 06/03/10

5. Sunshine Proposal between the San Jose Unified School District (SJUSD) and California School Employees Association (CSEA) Chapter 4 (ACTION)

RECOMMENDATION: That the Board of Education approve the joint reopening of negotiations with California School Employees Association (CSEA) Chapter 4 for the Successor Agreement.

B. Board of Education

1. California High School Exit Exam (CAHSEE) Waiver Request (ACTION)

RECOMMENDATION: That the Board of Education approve the Request to Waive the California High School Exit Examination for the student(s) discussed:

Student Waiver Number 2010-11

Student Waiver Number 2010-12

2. Amendment to Board Policy 1220 - Community Relations - Citizen Advisory Committees (2nd Reading) (ACTION)

RECOMMENDATION: That the Board of Education approve the proposed amendment to Board Policy 1220 - Community Relations – Citizen Advisory Committees.

3. Amendment to Board Policy 3280 – Business and Non-Instructional Operations - Sale, Lease, Rental of District-Owned Real Property (2nd Reading) (ACTION)

RECOMMENDATION: That the Board of Education approve the proposed amendment to Board Policy 3280 – Business and Non-instructional Operations - Sale, Lease, Rental of District-Owned Real Property to Sale or Lease of District-Owned Real Property.

4. Deletion of Board Policy 6020 - Instruction - Parent Involvement (2nd Reading) (ACTION)

RECOMMENDATION: That the Board of Education approve the proposed deletion of Board Policy 6020 - Instruction - Parent Involvement.

5. New Board Policy 6020 - Instruction - Parent Involvement (2nd Reading) (ACTION)

RECOMMENDATION: That the Board of Education approve the new Board Policy 6020 - Instruction - Parent Involvement.

C. Non-Regular Hourly Employment Agreements \$25,000 or less (ACTION)

RECOMMENDATION: That the Board of Education approve the following Non-Regular Hourly Employment Agreements for \$25,000 or less as specified.

	<u>Name</u>	<u>Service Provided</u>	<u>Amount</u>	<u>Funding/Location</u>
1	Duenas, Alfonso	Administer CAHSEE to students	\$140	032 TIIG Flex/ San Jose Comm. Day
2	Fisher, Kristine	Provide academic support in reading and writing to 4th and 5th grade EL students	\$1,172	061 ELAP/ Reed
3	Jeong, Lori	Provide academic support in math and language arts to target students	\$7,875	061 SFSF/ Graystone
4	Latiolais, Arielle	Coach students for speech and debate competition	\$5,000	061 ASB/ Leland
5	Wilson, Daniel	Artist in residence to work with visual performing students in Band, Advanced Choral, Choir and Drama	\$8,000	061 Fundraiser/ WGHS

D. Instructional Services

1. Approval of Field Trips (ACTION)

RECOMMENDATION: That the Board of Education approve the field trips for elementary and secondary students as specified.

2. Independent Contractor Agreement with Thinking Maps, Inc. (ACTION)

RECOMMENDATION: That the Board of Education approve an Independent Contractor Agreement with Thinking Maps, Inc. in an amount of \$88,000 to provide follow-up training to SJUSD K-12 teachers during the 2009-10 school year.

Budget Source: PEP Grant [Fund 061]

3. Single Plans for Student Achievement (SPSA) (ACTION)

RECOMMENDATION: That the Board of Education approve the Single Plans for Student Achievement (SPSA) during the 2009-10 school year.

E. Educational Accountability & Community Development

F. Administrative Services

1. Independent Contractor Agreement with Fagen Friedman & Fulfroost, LLP (ACTION)

RECOMMENDATION: That the Board of Education approve an Independent Contractor Agreement with Fagen Friedman & Fulfroost, LLP in an amount not to exceed \$60,000 to represent, advise and counsel any and all aspects of the District's education, labor, and business concerns focusing on Human Resources during the 2009-10 school year.

Budget Source: HR: Employee Services and Collective Bargaining [Fund 031]

G. Independent Contractor Agreements for \$25,000 or less

RECOMMENDATION: That the Board of Education approve the following Independent Contractor Agreement for \$25,000 or less as specified.

	<u>Name</u>	<u>Service Provided</u>	<u>Amount</u>	<u>Funding/Location</u>
1	Children's Discovery Museum	Provide science night to the students and their families	\$925	061- Fundraiser/ Galarza & Hammer
2	Kaiser Permanente Educational Theatre Program	Provide assembly "Peace Signs" regarding prevention of violence	\$0	No cost/ Empire Gardens
3	Music Place	Provide sing-a-longs for grades 1-3, every other week	\$2,625	061-Fundraiser / Graystone
4	O'Brian, Don	Provide "Multicultural Musical" assemblies	\$269	061-Fundraiser/ Schallenberger
5	Silver Creek Valley Country Club	Provide facility use for Senior Prom	\$24,000	061 ASB/ WGHS

6	Wiltens, James	Provide assemblies "Adventures in Goal Setting", "Adventures in Writing" & "Super Attitude"	\$1,800	061 Gate/ Simonds
7	Young Audiences of Northern California (YANC)	Provide multiple visual and performing arts programs/assemblies	\$10,000	061-SJ Ed Foundation/ Galarza

AMENDMENTS:

- 8 Lawrence Hall of Science: Amend the action taken at the March 12, 2009 Board Meeting to include additional workshops at Simonds in the amount of \$8,260 rather than \$4,460, Funding Source 061-PTA
- 9 West-Lite Supply Co., Inc.: Amend the action taken at the September 10, 2009 Board Meeting to include additional packing, pickup and disposal of fluorescent lamps and ballasts at the Corp. Yard in the amount of \$9,000 rather than \$4,500, Funding source 031

END OF CONSENT CALENDAR**IX. ACTION ITEMS AND REPORTS****A. SUPERINTENDENT'S OFFICE****Report by Mr. Don Iglesias, Superintendent of Schools****Demographic Study Update****Mr. Bob Gonzalez****1. Revision to the Local Education Agency (LEA) Plan (1st Reading) (INFORMATIONAL)**

RECOMMENDATION: That the Board of Education review and consider the proposed revisions to the Local Education Agency Plan (including Title I/II/III Accountability Requirements) and vote to approve the changes at the March 11, 2010 Board Meeting.

2. Notices of Possible Release/Reassignment to Certificated and Classified Administrators and Confidential Employees (ACTION)

RECOMMENDATION: That the Board of Education authorizes the Superintendent to send notice of possible release and or reassignment to all certificated and classified administrators and confidential employees prior to March 15, 2010.

3. Resolution 2010-02-11-01 - Non-Reelection of Probationary Certificated Employees (ACTION)

RECOMMENDATION: That the Board of Education approve Resolution 2010-02-11-01 Non-Reelection of Probationary Certificated Employees effective June 3, 2010 (Elementary) and June 4, 2010 (Secondary).

B. BOARD OF EDUCATION

1. Amendment to the Voluntary Integration Plan (VIP) (2nd Reading) (ACTION)

RECOMMENDATION: That the Board of Education approve the proposed revisions to the Voluntary Integration Plan.

C. DIVISION OF INSTRUCTION

Report by Mr. Chris D. Funk, Assistant Superintendent, Division of Instruction

PI District Status Report

Ms. Yvette Irving

1. Power of Preschool (P.O.P.) Agreement with WestEd (ACTION)

RECOMMENDATION: That the Board of Education approve an Independent Contractor Agreement with WestEd/E3 Institute in the amount not to exceed \$900,864 for SJUSD Early Education Department to provide identified preschool services to families with children living in zip codes 95110, 95111, 95112, 95116, 95122, 95125, and 95127 in the attendance areas of Anne Darling, Empire Gardens located at Family Early Learning Center, Galarza, Gardner, Grant, Horace Mann, Olinder, and Washington during the 2009-10 school year.

Budget Source: Power of Preschool (P.O.P.) [Fund 061]

2. Amendment to Board Policy 5126 – Students – Awards for Achievement (1st Reading) (INFORMATIONAL)

RECOMMENDATION: That the Board of Education review and consider the proposed amendment to Board Policy 5126 – Students – Awards for Achievement and vote to approve recognition for Biliteracy as an amendment at the March 11, 2010 Board Meeting.

D. EDUCATIONAL ACCOUNTABILITY AND COMMUNITY DEVELOPMENT

Report by Dr. William Erlendson, Assistant Superintendent, Educational Accountability and Community Development

E. ADMINISTRATIVE SERVICES

Report by Ms. Ann Jones, Chief Business Officer, Administrative Services

1. Independent Contractor Agreement with AMS.NET, Inc. (ACTION)

RECOMMENDATION: That the Board of Education approve an Independent Contractor Agreement with AMS.NET, Inc. to purchase Telecommunications Equipment in an amount not to exceed \$494,872.60 for the Technology Systems Upgrade Project for the Erate eligible school sites during the 2010-11 school year.

Budget Source: Measure F [Fund 213]

F. FACILITIES AND CONSTRUCTION

CONSENT CALENDAR

All agenda items listed under the Facilities and Construction Consent Calendar will be enacted in one motion. There will be no discussion of these items prior to consideration of the motion, unless a Board member or the Superintendent requests that an item be removed from the Consent Calendar.

Consent Calendar includes Items IX.F.1 through IX.F.10

1. Change Order to Contract 1638C (ACTION)

RECOMMENDATION: That the Board of Education approve the following Change Order, amending the contract amount to Contract 1638C – Cal State Construction, Inc. (Project 9627).

<u>Bachrodt Elementary School POD Modernization Project</u>	
Change Order 2	\$ 35,556.73
 <u>Summary</u>	
Original Contract	\$ 424,900.00
Previous Change Order	\$ 12,715.88
Change Order 2	\$ 35,556.73
Adjusted Original Contract Sum	\$ 473,172.61

Budget Source: Measure F [Fund 213]

2. Additional Service to Smith-Emery Company (ACTION)

RECOMMENDATION: That the Board of Education approve the following Additional Service, amending the scope of work and contract amount to Smith-Emery Company for the Restroom/Concession Building Project at Leland High School (Project 9244).

<u>Leland High School Restroom/Concession Building Project</u>	
ASA 2	\$ 743.99
<u>Summary</u>	
Original Contract	\$ 13,020.50
Previous ASA	\$ 16,240.00
ASA 2	\$ 743.99
Adjusted Original Contract Sum	\$ 30,004.49

Budget Source: Measure F [Fund 213]

3. Additional Service to Verde Design, Inc. (ACTION)

RECOMMENDATION: That the Board of Education approve the following Additional Service, amending the scope of work and contract amount for Aedis Architects for the High Athletics - 2006 Project at Pioneer High School (Project 9606).

<u>High School Athletics – 2006 Project</u>	
ASA 5	\$ 10,000.00
<u>Summary</u>	
Original Contract	\$ 484,340.00
Previous ASA's	\$ 71,765.00
ASA 5	\$ 10,000.00
Adjusted Original Contract Sum	\$ 566,105.00

Budget Source: Measure F [Fund 213]

4. Contract to TBI Construction & Construction Management (ACTION)

RECOMMENDATION: That the Board of Education award a contract to TBI Construction & Construction Management in the amount of \$6,650.00 to provide construction management services as required for the Improvements Project at Horace Mann Elementary School (Project 9255).

Budget Source: State Bond [Fund 211]

5. Contract to Kitchell CEM (ACTION)

RECOMMENDATION: That the Board of Education award a contract to Kitchell CEM in the amount of \$13,518.00 to provide construction management services as required for the Restroom Portable Project at Allen at Steinbeck Elementary School (Project 9259).

Budget Source: State Bond [Fund 211]

6. Contract to Bill Gould Design (ACTION)

RECOMMENDATION: That the Board of Education award a contract to Bill Gould Design in the amount of \$86,421.00 to provide architectural services as required for the Power of Preschool Modernization Project at the Family Learning Center and Anne Darling, Galarza, Grant, Olinder Washington Elementary Schools (Project Z0010).

Budget Source: Power of Preschool [Fund 061]

7. Amendment No. 2 to English Management & Consulting, Inc. – Construction Management Services Contract (ACTION)

RECOMMENDATION: That the Board of Education approve Amendment No. 2 to English Management & Consulting, Inc. amending Construction Manager's name to English Management & Consulting, Inc. and Strawn Construction, Inc., and revising the contract amount to \$140,760.00 rather than \$121,260.00 for construction management services for the Shower/Locker Rooms II Project at Leland High School (Project 9624).

Budget Source: Measure F [Fund 213]

8. Amendment No. 1 to English Management & Consulting, Inc.– Construction Management Services Contract (ACTION)

RECOMMENDATION: That the Board of Education approve Amendment No. 1 to English Management & Consulting, Inc. amending Construction Manager's name to English Management & Consulting, Inc. and Strawn Construction, Inc., and revising the contract amount to \$193,950.00 rather than \$185,950.00 for construction management services for the Athletic Field Upgrade Project at Almaden, Carson Elementary and John Muir Middle Schools (Project 9802).

Budget Source: Measure F [Fund 213]

9. Amendment No. 2 to English Management & Consulting, Inc. – Construction Management Services Contract (ACTION)

RECOMMENDATION: That the Board of Education approve Amendment No. 2 to English Management & Consulting, Inc. amending Construction Manager's name to English Management & Consulting, Inc. and Strawn Construction, Inc., and revising the contract amount to \$273,055.00 rather than \$264,455.00 for construction management services for the Modernization Project at Bret Harte Middle School (Project 9619).

Budget Source: Measure F [Fund 213]

10. California Environmental Quality Act (CEQA) Categorical Exemption (ACTION)

RECOMMENDATION: That the Board of Education find that Broadway High School's proposed new Multi-Use Building Project is exempt from CEQA under Class 3 & 14 Categorical Exemptions ("CE"), approve the Project, and authorize the filing of Notice of Exemption.

END OF FACILITIES AND SCHOOL CONSTRUCTION CONSENT CALENDAR

G. Student Discipline

The Board of Education has held hearings in Closed Session to consider the recommendation of the Administrative Hearing Panel to expel the students discussed. The Board of Education will now take final action on these student expulsion cases.

1. Student Expulsion Case Number 009-10-026
2. Student Expulsion Case Number 009-10-031
3. Student Expulsion Case Number 009-10-032
4. Student Expulsion Case Number 009-10-033

X. Report of Action Taken In Closed Session – February 11, 2010

XI. Adjournment