

CSAN JOSE UNIFIED SCHOOL DISTRICT
San José, California

AGENDA
BOARD OF EDUCATION
REGULAR SESSION MEETING
March 25, 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 009-10-036

B. Student Expulsion Case Number 009-10-037

C. Student Expulsion Case Number 009-10-038

D. Student Expulsion Case Number 009-10-039

2. California High School Exit Exam (CAHSEE) Waivers

A. Student Waiver Number 2009-28

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)] – One potential case

5. Conference with Real Property Negotiators [Pursuant to Government Code 54956.99(b)]

A. Property:

Erikson School

4849 Pearl Avenue

San Jose, CA 95136

Agency Negotiators:

Ann Jones, Chief Business Officer

Negotiating Parties:

San Jose Unified School District

Akilina Preschool

Under Negotiations:

Terms and Conditions of Lease

B. Property:

Anne Darling Elementary School
333 No. 33rd Street, San Jose, California

Agency Negotiators: Steve Adamo, Director, School Construction
Phil Henderson, Miller, Brown & Dannis

Negotiating Parties: San Jose Unified School District
Darling Investors, LLC

Under Negotiation: Terms of Lease including price and payment

C. 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

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 **Mr. Iglesias, Mrs. Lewis, Mrs. Foley**

Gardner Academy - 2010 CABA Seal of Excellence Award
Ms. Liliana Gomez, WGES, TWBI - 2010 CABA Teacher of the Year
Ms. Rosanna Mucetti, Manager, Bilingual Education - 2010 Administrative Training
Scholarship from CABA/Houghton Mifflin 2010 Worth McClure Award from the
American Association of School Administrators

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 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. A request to speak card must be completed and given to the Board Secretary. 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 March 11, 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.12

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	Alley, Kelsey	HS student will work at Round Table Pizza and Dollar Tree sorting, cleaning, customer service	\$320	062 Workability/ Special Ed	02/01/10- 05/31/10
2	Altamirano, Kenia	Baby-sit for parent meetings and classes	\$500	061 LEP/ WGE	03/15/10- 06/03/10
3	Awwad, Christeen	Yard supervision	\$1,000	031 Yard Duty/ Carson	03/12/10- 06/03/10
4	Barraza, Jeanete	Yard supervision	\$500	031 Yard Duty/ Gardner	03/25/10- 06/03/10
5	Ingols, Nayelli	Instructor for parents for Rosetta Stone English classes following District guide	\$2,400	032 TIIG/ Parent Ed	03/26/10- 06/30/10
6	Ojeda, Maria	Baby-sit for upcoming parent events	\$220	061 Title I/ Lowell	03/16/10- 06/03/10
7	Zuniga, Teresa	Baby-sit for upcoming parent events	\$220	061 Title I/ Lowell	03/16/10- 06/03/10

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 2010-28]]

2. New Administrative Regulation 6020 – Instruction – Parent Involvement (2nd Reading) (ACTION)

RECOMMENDATION: That the Board of Education approve the new Administrative Regulation 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	Chase, Karen	Work with 5th grade students in prep for upcoming California Standardized Testing	\$2,000	061 Title I/ Galarza

2	Mispagel, Susan	PI Lead: Principal mentoring, technical assistance, Leadership team meetings	\$10,000	061 Title I/ Curriculum & Instruction/Trace
3	Spindler, Barbara	Assist with academic counseling 10th grade students	\$1,500	061 Fundraiser/ Leland

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. Local Education Agency Title I, Part A Waiver Application (ACTION)

RECOMMENDATION: That the Board of Education approve the submittal of SJUSD's Local Education Agency (LEA) Title I, Part A Waiver Application to the State Department of Education during the 2009-10 school year.

E. Educational Accountability & Community Development

1. Independent Contractor Agreement with the CSU, Chico Research Foundation (ACTION)

RECOMMENDATION: That the Board of Education approve an independent contractor agreement with the CSU, Chico Research Foundation in an amount not to exceed \$50,000 to produce 2009-10 Climate Surveys during the 2009-10 school year.

Budget Source: Honda Innovation Grant [061]

F. Administrative Services

1. Three-year Independent Contractor Agreement with The Active Network, Inc. (ACTION)

RECOMMENDATION: That the Board of Education approve a three-year Independent Contractor Agreement with Active Network, Inc. in the amount of \$53,940.70 for a new Student Body Accounting System during the 2009-10 school year.

Budget Source: Restricted [Fund 061] and Various Secondary School Funds

2. Amendment to Independent Contractor Agreement with SixTen & Associates (ACTION)

RECOMMENDATION: That the Board of Education amend the Independent Contractor Agreement with SixTen & Associates to an amount of \$65,000.00, rather than \$55,000.00 for professional services related to the preparation of State mandated cost claims during the 2009-10 school year.

Budget Source: Unrestricted General [Fund 031]

3. Independent Contractor Agreement with Vavrinek, Trine, Day & Co., LLP (ACTION)

RECOMMENDATION: That the Board of Education authorize an Independent Contractor Agreement with Vavrinek, Trine, Day & Co., LLP, C.P.A. in an amount not to exceed \$216,000 (\$72,000 annually) for audit services during the fiscal years 2009-10, 2010-11 and 2011-12.

Budget Source: Unrestricted General [Fund 031]
Measure C [Fund 212]

4. Five-Year Joint Use Lease Agreement for Preschool provided by Akilina at the Erikson Elementary School site (ACTION)

RECOMMENDATION: That the Board of Education approve a five-year Lease Agreement with Akilina in a monthly amount of \$5,832.75 for the first year with a 3% annual rent escalation clause over the term of the lease plus a prorated share of utilities for the use 3,333 square feet at Erikson School, 4849 Pearl Avenue commencing July 1, 2010.

5. Agreement with Pangea Environmental Services, Inc. to provide assessment of potential petroleum hydrocarbon contamination in the ground water under Anne Darling Elementary (ACTION)

RECOMMENDATION: That the Board of Education approve an agreement with Pangea Environmental Services, Inc. on behalf of Sabek, Inc. at no cost to the District to complete an assessment of potential petroleum hydrocarbon contamination in the ground water under Anne Darling Elementary during the 2009-10 school year.

6. Agreement with WellTest, Inc. to provide assessment of potential petroleum hydrocarbon contamination in the ground water under Anne Darling Elementary (ACTION)

RECOMMENDATION: That the Board of Education approve an agreement with WellTest, Inc., on behalf of Mr. Amir Shirazi (site owner of Moe's Arco Service Station) at no cost to the District to complete an assessment of potential petroleum hydrocarbon contamination in the ground water under Anne Darling Elementary during the 2009-10 school year.

7. Three-Year Contract with OfficeMax, Inc., Office Supplies (ACTION)

RECOMMENDATION: That the Board of Education approve a three-year contract with OfficeMax, Inc. by piggy-backing on the Oakland Unified School District contract for District-wide purchases of office, classroom, health, athletic, technology, and furniture supplies during the 2009-10, 2010-11 and 2011-12 school years.

Budget Source: Various department and site budgets

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	A. Schmahl Science Workshop	Provide hands on science education workshop for 1 st - 5 th grade students	\$7,200	061- Title One/ Galarza & Hammer
2	Corinthian Event Center	Provide facility use for prom on May 22, 2010	\$13,732	061 ASB/ Lincoln
3	CPR Training Solutions	Provide CPR and First Aid certification	\$2,820	063 TIIG/ Transportation
4	Hess, Mary J.	Provide Civil War reenactment presentation to 8th graders	\$3,079	032- Site Flex/061 LEP/ Bret Harte
5	Insight Education Group, Inc.	Provide an independent review to engage the school in a reflective process and action plan to increase student achievement	\$9,100	061- Charter Grant/ Bachrodt
6	Marine Science Institute	Provide a presentation with live marine animals on biology & animal adaptation to K-5th grade students	\$600	061-Fundraiser/ Carson
7	San Jose/Evergreen Community College District	Pay SJUSD for part time college and career counselor to assist with Prep grant	\$5,000	061 Tech Prep Fund-SJCC/ Learning Options
8	School City, Inc.	Provide online climate survey for students during the 2009-2010 school year	\$10,000	061 Honda Innovation Grant/ External Programs
19	Theatre Works	Provide assemblies on "Oskar and the Big Bully Battle" for K-5th grade students	\$2,000	061-PTA/ Schallenberger & 061-Booksin Foundation/ Booksin
10	Wiltens, Jim- Deer Crossing Press	Provide assemblies to 3rd - 5th grade students, "Adventures in Writing", "Secrets of a Super Attitude", and "Adventures in Goal Setting"	\$1,800	032- School Site Flex, 061- FS Fund/ Graystone

AMENDMENTS

- 11 Environmental Volunteers: Amend the action taken on the November 19, 2009 Board Meeting to include additional presentations on Native America for 4-5th grade classes in the amount of \$2,100 rather than \$700, Funding Source 061 Fundraiser

- 12 Isham, Bruce: Amend the action taken on the July 23, 2009 Board Meeting to include a narrative presentation of "Ghost Town of the Old West" at Simonds Elementary School in the amount of \$1,100 rather than \$350, Funding Source 061 PTA

END OF CONSENT CALENDAR

IX. ACTION ITEMS AND REPORTS

A. SUPERINTENDENT'S OFFICE

Report by Mr. Don Iglesias, Superintendent of Schools

1. **Memorandum of Understanding between the San José Unified School District (SJUSD) and San José Administrators Association (SJAA) regarding five (5) furlough days for 2010-2011 (ACTION)**

RECOMMENDATION: That the Board of Education approve the Memorandum of Understanding between the San José Unified School District (SJUSD) and the San José Administrators Association (SJAA).

Budget Source: Potential Savings to the District: \$421,486

2. **Resolution 2010-03-25-01 - Classified Personnel Layoff (ACTION)**

RECOMMENDATION: That the Board of Education adopt Resolution 2010-03-25-01 authorizing the Superintendent or his designees to eliminate for lack of work and/or lack of funds effective June 30, 2010 the following:

Campus Assistant	1.0000
Categorical Program Assistant II	0.8750
Clerical Office Assistant II	1.0000
Instructional Associate/Computer	0.5000
Instructional Associate Elementary	0.3750
Instructional Associate Special Education I	0.8125
Library Media Assistant	0.2500
Mail Clerk	1.0000
Paraprofessional Elementary	1.6875
Paraprofessional Secondary	2.0000
Parent Community Liaison	1.0000
Program Analyst	1.0000
Program Assistant/Computer	1.3750
Program Assistant/Primary Language	2.6125
Staff Secretary II	2.0000
Elimination FTE Total	17.4875

Budget Source: Restricted [Fund 061] and Unrestricted General [Fund 031]

3. Resolution 2010-03-25-02 Classified Personnel Layoff (ACTION)

RECOMMENDATION: That the Board of Education adopt Resolution 2010-03-25-01 authorizing the Superintendent or his designees to reduce for lack of work and/or lack of funds effective June 30, 2010 the following:

Technology Service Coordinator I	<u>0.3750</u>
Reduction in Hours FTE Total	0.3750

Budget Source: Restricted [Fund 061] and Unrestricted General [Fund 031]

4. SJAA Job Description (ACTION)

RECOMMENDATION: That the Board of Education approve a job description for the administrative position Associate Principal, Elementary.

Budget Source: Unrestricted General [Fund 031]

5. Revised Instructional Calendar for 2010-2011 (ACTION)

RECOMMENDATION: That the Board of Education approve the revised Instructional Calendar for 2010-2011 with five (5) furlough days.

B. BOARD OF EDUCATION**C. DIVISION OF INSTRUCTION****Report by Mr. Chris D. Funk, Assistant Superintendent, Division of Instruction****1. California High School Exit Exam (CAHSEE) (ACTION)**

RECOMMENDATION: That the Board of Education approve the agreement to allow seniors from the Class of 2010, who are unable to pass the California High School Exit Exam (CAHSEE) but who have met all other graduation requirements, to be issued a Certificate of Completion.

D. EDUCATIONAL ACCOUNTABILITY AND COMMUNITY DEVELOPMENT**Report by Dr. William Erlendson, Assistant Superintendent, Educational Accountability and Community Development****1. Change the Name of Peter Burnett Academy to Burnett Middle School (ACTION)**

RECOMMENDATION: That the Board of Education approve the change in name of Peter Burnett Academy to Burnett Middle School commencing in the 2010-11 school year.

2. Change the name of San Jose High Academy to San Jose High School (ACTION)

RECOMMENDATION: That the Board of Education approve the change in name of San Jose High Academy to San Jose High School and San Jose High Academy Plus to San Jose Plus, commencing in the 2010-11 school year.

E. ADMINISTRATIVE SERVICES

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

1. Resolution 2010-03-25-03 - Temporary Transfers Between District Account (ACTION)

RECOMMENDATION: That the Board of Education approve Resolution 2010-03-25-03, authorizing temporary borrowing between funds and to authorize the County of Santa Clara Treasurer to honor warrants drawn on those funds regardless of their individual cash balances.

2. Amendment #2 to Independent Contractor Agreement with Republic Services (ACTION)

RECOMMENDATION: That the Board of Education amend the Independent Contractor Agreement with Republic Services to an amount of \$2,580,181.95 rather than \$2,231,286.70 to provide solid waste and recycling services and exercise the option to extend the contract for an additional fifth, and final year from April 14, 2010 to April 13, 2011.

Budget Source: Unrestricted General Fund [Fund 031]

3. Use of amplified sound systems during the Relay for Life of Almaden at Leland High School (ACTION)

RECOMMENDATION: That the Board of Education approve the request by the American Cancer Society to use amplified sound at the stadium at Leland High School on June 12-13, 2010.

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.8

1. Change Order to Contract 1703C (ACTION)

RECOMMENDATION: That the Board of Education approve the following Change Order, amending the contract amount to Contract 1703C – Stephen Ciari Plumbing & Heating, Inc. (Project 9917).

Reed Portable Replacement & Modernization Project

Change Order 4	\$ 1,867.00
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Summary

Original Contract	\$ 151,398.00
Previous Change Order	\$ 41,293.00
Change Order 4	\$ 1,867.00
Adjusted Original Contract Sum	\$ 194,558.00

Budget Source: Measure F [Fund 213]

2. Change Order to Contract 1380C (ACTION)

RECOMMENDATION: That the Board of Education approve the following Change Order, amending the contract amount to Contract 1380C – Ralph Larsen and Son (Project 9622).

San Jose High Academy Science Building Project

Change Order 5	\$ 10,881.00
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Summary

Original Contract	\$ 3,396,000.00
Previous Change Order	\$ 425,875.00
Change Order 5	\$ 10,881.00
Adjusted Original Contract Sum	\$ 3,832,756.00

Budget Source: Measure F [Fund 213] Measure C/Refunding [Fund 212]

3. Change Order to Contract 1703C (ACTION)

RECOMMENDATION: That the Board of Education approve the following Change Order, amending the contract amount to Contract 1703C – Stephen Ciari Plumbing & Heating, Inc. (Project 9917).

Reed Portable Replacement & Modernization Project

Change Order 2	\$ 13,353.00
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Summary

Original Contract	\$ 151,398.00
Previous Change Order	\$ 14,582.00
Change Order 2	\$ 13,353.00
Adjusted Original Contract Sum	\$ 179,333.00

Budget Source: Measure F [Fund 213]

4. Change Order to Contract 1703C (ACTION)

RECOMMENDATION: That the Board of Education approve ~~approve~~ the following Change Order, amending the contract amount to Contract 1703C – Stephen Ciari Plumbing & Heating, Inc. (Project 9917).

Reed Portable Replacement & Modernization Project

Change Order 3	\$ 13,358.00
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Summary

Original Contract	\$ 151,398.00
Previous Change Order	\$ 27,935.00
Change Order 3	\$ 13,358.00
Adjusted Original Contract Sum	\$ 192,691.00

Budget Source: Measure F [Fund 213]

5. Change Order to Contract 1673C (ACTION)

RECOMMENDATION: That the Board of Education approve the following Change Order, amending the contract amount to Contract 1673C – Am Woo Construction, Inc. (Project 9907).

Willow Glen Middle & High School Exterior Painting Project

Change Order 2	\$ 25,617.60
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Summary

Original Contract	\$ 329,000.00
Previous Change Order	\$ 19,333.73
Change Order 2	\$ 25,617.60
Adjusted Original Contract Sum	\$ 373,951.33

Budget Source: Deferred Maintenance [Fund 141]

6. Change Order to Contract 1359C (ACTION)

RECOMMENDATION: That the Board of Education approve the following Change Order, amending the contract amount to Contract 1359C – Ralph Larsen & Sons, Inc. (Project 9628).

Trace Elementary School New Building Project

Change Order 11	\$ 100,590.00
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Summary

Original Contract	\$ 1,385,000.00
Previous Change Order	\$ 170,030.00
Change Order 11	\$ 100,590.00
Adjusted Original Contract Sum	\$ 1,655,620.00

Budget Source: Measure F [Fund 213]

7. Additional Service to BFGC Architects (ACTION)

RECOMMENDATION: That the Board of Education approve the following Additional Service, amending the scope of work and contract amount for BFGC Architects for the Fire Damage Project at Gardner Elementary School (Project 9534).

Gardner Elementary School Fire Damage Project

ASA No. 8	\$ 57,722.00
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Summary

Original Contract	\$ 671,050.00
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Previous ASA's	\$ 63,800.00
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ASA No. 8	\$ 57,722.00
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Adjusted Original Contract Sum	\$ 792,572.00
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Budget Source: Insurance [Fund 211] and Measure F [Fund 213]

8. Purchase of New Science Classroom Furniture Virco, Inc. *Equipment for Educators* (ACTION)

RECOMMENDATION: That the Board of Education approve the purchase of new science classroom furniture by piggy-backing on the U. S. Communities Contract # 910481 pricing effective until December 31, 2010, Master Agreement No. 0844685 with Virco, Inc. for a total of \$29,647.34, (includes tax) for the New Science Building at Willow Glen High School (Project 9709).

Budget Source: Measure C/Refunding [Fund 212]

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 009-10-036
2. Student Expulsion Case Number 009-10-037
3. Student Expulsion Case Number 009-10-038
4. Student Expulsion Case Number 009-10-039

X. Report of Action Taken In Closed Session – March 25, 2010.**XI. Adjournment**