

Agenda Item Details

Meeting Jun 28, 2011 - ESUHSD REGULAR BOARD MEETING - 4:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category 14. ATTACHMENT A - CONSENT CALENDAR

Subject 14.14 Approve Minutes of April 21, 2011, Regular Board Meeting

Access Public

Type Action (Consent)

Recommended Action It is recommended that the Board of Trustees approve the April 21, 2011, Regular Board Meeting minutes as presented.

Public Content

EAST SIDE UNION HIGH SCHOOL DISTRICT**Item: 14.14**

TO: Board of Trustees

FROM: Dan Moser, Superintendent

SUBJECT: Approve Minutes of April 21, 2011, Regular Board Meeting

Attached are the minutes of the April 21, 2011, Regular Board Meeting for review and approval by the Board of Trustees.

FISCAL IMPACT:

None

FUNDING SOURCE:

None

RECOMMENDATION:

It is recommended that the Board of Trustees approve the April 21, 2011, Regular Board Meeting minutes as presented.

EAST SIDE UNION HIGH SCHOOL DISTRICT
BOARD OF TRUSTEES
APPROVED June 28, 2011
Marylou G. Smith

Administrative Content

**EAST SIDE UNION HIGH SCHOOL DISTRICT
REGULAR MEETING
OF THE
BOARD OF TRUSTEES
Meeting Held at Education Center
April 21, 2011
4:00 p.m.**

1. CALL TO ORDER/ROLL CALL

1.01 Roll Call

The Regular Meeting of the Board of Trustees was called to order at 4:05 p.m. by President Nguyen. Vice President Biehl, Member Martinez-Roach and Member Herrera were present. Clerk Le arrived at 4:19 p.m.

1.02 Announcement and Public Comment regarding Items to be discussed in Closed Session (Government Code 54957.7)

President Nguyen extended a welcome to everyone, explained the format of the meeting, noted that all Board Meetings are recorded and offered the public to comment on item(s) to be discussed in Closed Session.

There were no public speakers regarding Closed Session items.

1.03 Recess to Closed Session (Open Session will resume at the end of Closed Session in the Superintendent's Conference Room at approximately 6:00 p.m.) See item 2 on agenda (Closed Session).

The Board of Trustees recessed to Closed Session in the Superintendent's Conference Room.

2. CLOSED SESSION

2.01 Expulsion(s): *None*

2.02 Public Employee Performance Evaluation (Government Code Section 54957)

- ***Associate Superintendent of Human Resources and Instruction***

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

- ***Associate Superintendent of Human Resources and Instruction***
- ***Associate Superintendent of Business Services***
- ***Interim Associate Superintendent of Business Services***
- ***Principals (2)***

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:

Dan Moser, Superintendent

Cathy Giammona, Associate Superintendent of Human Resources and Instruction

Hardy Childers, Interim Associate Superintendent of Business Services

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)

2.06 Conference with Legal Counsel – Anticipated Litigation

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code

- **Three (3) Potential Cases**

2.07 Conference with Legal Counsel – Anticipated Litigation

Initiation of litigation pursuant to Government Code Section 54956.9(c)

- **Three (3) Potential Cases**

2.08 Conference with Real Property Negotiators

<i>Property:</i>	<i>ESUHSD Educational Center, or portion thereof 830 N. Capitol Avenue San Jose, CA 95133</i>
<i>District Negotiators:</i>	<i>Dan Moser, Superintendent Hardy Childers, Interim Associate Superintendent of Business Services Rogelio Ruiz, Legal Counsel Real Estate Representatives Sam Swan, Bob Hunt and Andre Hunt</i>
<i>Negotiating Parties:</i>	<i>ESUHSD, Santa Clara Development Company, and Other Parties To Be Determined</i>
<i>Under Negotiation:</i>	<i>Price and Terms</i>

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.

President Nguyen extended a welcome to everyone, explained the format of the meeting and noted that all Board Meetings are recorded.

5. **CONSIDERATION OF PROPOSED AMENDMENTS TO AGENDA**

For consideration by the Board of Trustees.

Request by Superintendent Moser to pull item 9.03.

Motion by Member Herrera, second by Vice President Biehl, to pull item 9.03.

Vote: 5/0

6. **BOARD SPECIAL RECOGNITION(S)**

6.01 **Cesar Chavez Writing, Art and Multimedia Contest Grand Prize Winners**

- **Grand Prize Art – Indy Dang, Piedmont Hills High School**
- **Grand Prize Writing – Katherine Ja, Silver Creek High School**
- **Grand Prize Multimedia – Jeffrey Yu, Independence High School**

6.02 **Carmen Vidrio & Gladys Palko – Community Involvement**

7. **STUDENT BOARD LIAISONS**

7.01 **Lindsey Nguyen, ASB President, Andrew Hill High School**

7.02 **Denise Dovali, Student Representative, James Lick High School**

8. **PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD OF TRUSTEES**

Persons wishing to address the Board must fill out a gold request form, which is located at the entrance of the Board Room.

Speakers:

- *Hieu Nguyen*
- *Phuong Nguyen*
- *Loi Truong*
- *Hau Nguyen*
- *Anh Doan*
- *Luat Truong*
- *Chau Pham*
- *Phuong Le*
- *Tuyen Le*
- *Marisa Hanson – Contract for 2011-2012*

- Jennifer Black – Reduction in Advisors
- Angie Nunn – Impact to CSEA
- Pat Hedstrom – New “Model School Library Standards for California Public Schools”

9. BOARD OF TRUSTEES/SUPERINTENDENT - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

9.01 Discussion, Consideration, and/or Action regarding Selection/Appointment of Measure G and Measure E Citizens' Bond Oversight Committee Members – Dan Moser, Superintendent

Motion #1

Motion by Member Martinez-Roach, second by Vice President Biehl, to appoint the following persons as members to the Measure G and Measure E Citizens' Bond Oversight Committee, effective June 1, 2011. Members serving a one-year term will be from June 1, 2011, through May 31, 2012 (as indicated below). Members serving a two-year term will be from June 1, 2011, through May 31, 2013.

- Bill Bascom
- John Delgado
- Sherry Gilmore
- Wm. Derek Grasty
- David Hernandez (one-year term)
- Cecil Lawson
- Elizabeth “Betty” Martinez
- John Moore (one-year term)
- Andres Quintero
- Martin Reinders
- Jon Reinke (one-year term)
- Julio Saucedo
- Tao Tallapragada
- Tim Tom

Vote: 5/0

Motion #2

Motion by Vice President Biehl, second by Member Herrera, to have the Measure G and Measure E Citizens' Bond Oversight Committee at their first meeting draw lots to select four additional names to serve a one-year term. Members David Hernandez, John Moore and Jon Reinke will not be included in the names to be drawn since they were previously approved/appointed to serve a one-year term as stipulated in motion #1 (above). There will be seven members on a one-year term and seven members on a two-year term, which will allow the staggered terms of members.

Vote: 5/0

9.02 Review and Approve Recommended Process for Selection of Professional Services for Phase 2 of Measure E Bond Program – Dan Moser, Superintendent

Speakers:

- *Neil Struthers*
- *Josue Garcia*

Motion by Member Herrera, second by Clerk Le, to authorize administration to reissue requests for proposals for architectural services for Measure E phase 2 projects to the eleven (11) private architectural firms previously qualified by the District.

Vote: 5/0

9.03 Approve Form of Professional Services Agreement for Inspection Services (Measure G and Measure E Bond Program) - Dan Moser, Superintendent, and Rogelio Ruiz, Counsel

Item pulled

9.04 Board Audit Committee Update, Discussion and/or Action and Receive Minutes of December 11, 2010, Board Audit Committee Meeting - Frank Biehl, Audit Committee Chair and Patricia Martinez-Roach, Audit Committee Vice Chair

Frank Biehl, Audit Committee Chair

Vice Chair Martinez-Roach and myself met with the Audit Committee on April 16. The minutes from the December 11 meeting are attached for public record and for your review. The highlights of what we went over at the April 16 meeting is that we had a detailed report on the status of the FCMAT report, including the District's response and the County's response to our response. I am happy to report that we are almost done with that. We are down to about three items. There is another meeting that will occur on May 4 and, hopefully, that will be wrapped up by then.

There was extensive discussion on one of the items included in the FCMAT report that was considering the review of all invoices charged to Measure G and Measure E funds to determine that project costs were properly allocated. I am happy to report that included in the Measure G and E General Obligation Bond Fund Performance Audit Reports, which you will receive later on this evening on our agenda, they basically have said that we have complied with that and the County has accepted these reports as compliance with that section of the FCMAT report.

There was a detailed discussion and report by Ian Marsh, our Internal Auditor, on what he is working on and I am happy to say that he is diligently pursuing the items that were approved by this Board for investigation.

In addition, the External Auditor reported the status of where he is and the timing of the audit for the 2009-2010 external audit; that is moving along.

We had an extensive amount of testimony provided dealing with the issues surrounding E-Rate reimbursement. That was a useful session. Later in the agenda tonight, there is a proposal for approving a small amount of money for a consultant to

make sure that the process is handled rapidly. That is under the Board item that deals with contracts under \$50,000.

The last thing that we discussed, that I think is very important, is that we had an extensive discussion about the status of special education IEPs. This was an issue that was pointed out in last year's audit and we had a detailed discussion with the Board and Superintendent. It is my understanding that issue will be brought back to the Board at a future date.

We have scheduled our next meeting for Saturday, June 11, at 9 a.m. It is a public meeting and everyone is welcome to attend. All of our minutes, all of our agendas, everything that is related to the agenda is posted online and is available for public view.

Patricia Martinez-Roach, Audit Committee Vice Chair

It was a very good session. I consider it more like a learning workshop.

We did discuss in length the student body funds and competitive food sales, which is a big issue. We do continue to have some schools who are continuing to do some fundraising during the day, which they are not really supposed to and is not in accordance with the State guidelines and also our District policy. I know there is going to be a report coming back at some point to the Committee.

It was very productive. I am looking forward to the next session.

Received Board Audit Committee Minutes of December 11, 2010

9.05 Discussion/Action regarding Employment Contract for Associate Superintendent of Human Resources and Instruction Contract - Dan Moser, Superintendent

Motion by Member Herrera, second by Vice President Biehl, to approve the second amendment to the Associate Superintendent of Human Resources and Instruction employment contract, which will expire June 30, 2012.

Vote: 4/0, Member Martinez-Roach out of the room

9.06 Discussion/Action regarding Extension of Employment Contract for Interim Associate Superintendent of Business Services – Dan Moser, Superintendent

Motion by Member Herrera, second by Clerk Le, to approve the 20-day employment contract extension for the Interim Associate Superintendent of Business Services.

Vote: 4/0, Member Martinez-Roach out of the room

9.07 Discussion, Action and/or Adoption of Board's Goals for 2011-2012 - Dan Moser, Superintendent

Motion by Vice President Biehl, second by Member Martinez-Roach, to adopt the Board Retreat Goals dated March 5, 2011, for the 2011-2012 school year as amended (see below).

- *Priority #2: Delete “and may be negative for 2012-13 and 2013-14”*
- *Priority #2: Review policy regarding sponsors for naming of facilities.*
- *Priority #3: Delete “long term”*
- *Priority #4: Add/new “Continue to improve community outreach” (set as a general goal)*
- *Meet twice a year to review the status of the priorities and goals, determine what needs to be improved and amend the priorities and goals if needed.*
- *Refer to the goals as “Board and Superintendent Goals”*
- *Need a plan on how to raise \$500,000 and needs to be in place before football season begins*
- *Develop a chart with milestones and timelines to monitor status of priorities and goals.*

Vote: 5/0

9.08 Adopt Resolution #2010/2011-38 Declaring May 2-6, 2011, as California Teacher Appreciation Week and May 11, 2011, as California Day of the Teacher – Dan Moser, Superintendent

Motion by Member Martinez-Roach, second by Member Herrera, to adopt Resolution #2010/2011-38 declaring May 2-6, 2011, as California Teacher Appreciation Week and May 11, 2011, as California Day of the Teacher.

Vote: 5/0

9.09 Adopt Resolution #2010/2011-39 Declaring May 15-21, 2011, as Classified School Employees Week – Dan Moser, Superintendent

Motion by Member Martinez-Roach, second by Clerk Le, to adopt Resolution #2010/2011-39, declaring May 15-21, 2011, as Classified School Employees Week.

Vote: 5/0

9.10 Approve Board Members’ Attendance and Lawful Expenses to CSBA Legislative Day - Dan Moser, Superintendent

Motion by Member Herrera, second by President Nguyen, to approve Board Members’ attendance and lawful expenses to CSBA’s Legislative Day.

Vote: 5/0

10. INSTRUCTIONAL SERVICES/STUDENT SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

- 10.01 Receive the First Valenzuela/CAHSEE and Williams Settlement Uniform Complaint Quarterly Report for Period Covering January 1, 2011 through March 31, 2011 as required by EC 35186 (Williams Settlement Legislation SB550 and AB2727) - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Robert Ibarra, Coordinator of Professional Development/Migrant Education**

Motion by Vice President Biehl, second by Clerk Le, to receive the first Valenzuela/CAHSEE and Williams Settlement Uniform Complaint Quarterly Report for the period covering January 1, 2011, through March 31, 2011, as required by Education Code 35186 (Williams Settlement Legislation SB550 and AB2727).

Vote: 4/0, Member Herrera out of the room

- 10.02 Approve Designation of California Interscholastic Federation Representatives to League for 2011-2012 - Cathy Giammona, Associate Superintendent, Human Resources and Instruction**

Motion by Member Martinez-Roach, second by Vice President Biehl, to approve the designation of California Interscholastic Federation representatives to league for 2011-2012.

Vote: 5/0

- 10.03 Discussion on Grading Policy - Patricia Martinez-Roach, Board Member**

Discussion item only.

Board Member Martinez-Roach will bring back grading policy for discussion by the Board.

11. HUMAN RESOURCES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

- 11.01 Approve Variable Term Waiver Requests for Certificated Employees - Cathy Giammona, Associate Superintendent, Human Resources and Instruction**

Motion by Member Martinez-Roach, second by Member Herrera, to approve the variable term waiver requests for certificated employees.

Vote: 5/0

- 11.02 Approve Student/Certificated Calendars for the 2011-2012 and 2012-2013 School Years - Cathy Giammona, Associate Superintendent, Human Resources and Instruction**

Motion by Clerk Le, second by Vice President Biehl, to approve the student/certificated calendars for the 2011-2012 and 2012-2013 school years.

Vote: 5/0

11.03 Approve Adult Education Calendars for the 2011-2012 and 2012-2013 School Years - Cathy Giammona, Associate Superintendent, Human Resources and Instruction

Motion by Clerk Le, second by Vice President Biehl, to approve the Adult Education calendars for the 2011-2012 and 2012-2013 school years.

Vote: 5/0

12. BUSINESS SERVICES/STUDENT SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

12.01 Approve Contract for Professional Services over \$50,000 - Hardy Childers, Interim Associate Superintendent of Business Services

Motion #1

Motion by Member Martinez-Roach, second by Vice President Biehl, to approve item #2 and item #3 in the contracts for professional services over \$50,000 (attached).

Vote: 5/0

Motion #2

Motion by Member Vice President Biehl, second by Member Herrera, to approve item #1 in the contracts for professional services over \$50,000 (attached).

Vote: 4/1, Member Martinez-Roach voted No

Member Martinez-Roach voted no because she does not believe the District has met the legal requirements under Measure G as designated on the ballot measure. Also, she is not convinced that the District has to offer facilities to charter schools. She also feels that there are other schools that could have accommodated the charter school. She believes there is an issue with equity; charter schools are being treated differently in the way they are funded.

12.02 Adopt Resolution #2010/2011-40 Authorized Signatures - Hardy Childers, Interim Associate Superintendent of Business Services

Motion by Clerk Le, second by Member Herrera, to adopt Resolution #2010-2011-40 Authorized Signatures.

Vote: 5/0

13. FACILITIES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

No items on calendar in this section.

14. ATTACHMENT A – CONSENT CALENDAR ITEMS

Items 14.02, 14.05, 14.11, and 14.15 were pulled from the consent calendar for discussion. Motion by Vice President Biehl, second by Clerk Le, to approve the remainder of the consent calendar.

Vote: 5/0

- 14.01 Ratify/Approve Classified Personnel Actions Presented April 21, 2011**
- 14.03 Ratify/Approve Student Aide Personnel Actions Presented April 21, 2011**
- 14.04 Approve School Field Trips**
- 14.06 Approve Contracts for Professional Services at or Below \$50,000**
- 14.07 Approve Budget Transfers Presented April 21, 2011**
- 14.08 Approve Purchase Orders Presented April 21, 2011**
- 14.09 Approve Change Orders to Purchase Orders Presented April 21, 2011**
- 14.10 Acceptance of Donations/Awards/Grants**
- 14.12 Approve Notice of Completion for Evergreen Valley High School PE Teaching Stations Project (Ralph Larsen & Son, Inc.)**
- 14.13 Approve Notice of Completion for William C. Overfelt High School Title IX Field Improvement Project (Valley Crest Landscape Development)**
- 14.14 Approve Minutes of February 9, 2011, Special Board Meeting**
- 14.16 Approve Minutes of March 5, 2011, Special Board Meeting/Board Retreat**

Items pulled for discussion from the Consent Calendar for discussion, consideration and/or Action by the Board of Trustees.

- 14.02 Ratify/Approve Certificated Personnel Actions Presented April 21, 2011**

Motion by Vice President Biehl, second by Member Herrera, to ratify/approve the certificated personnel actions presented April 21, 2011.

Vote: 4/0, Member Martinez-Roach abstained from vote

14.05 Approve Award of Bids

Motion by Vice President Biehl, second by Member Herrera, to approve the awards of bids and that the sole source letter from Apple will be included with the award of bids as part of the public record.

Vote: 4/0, Member Martinez-Roach abstained from vote

14.11 Accept Warrant Register for the Month of March 2011

Motion by Vice President Biehl, second by Clerk Le, to accept the warrant register for the month of March 2011.

Vote: 5/0

14.15 Approve Minutes of February 17, 2011, Regular Board Meeting

Motion by Vice President Biehl, second by Member Herrera, to approve the Regular Board Meeting minutes of February 17, 2011, as amended:

Item 12.01: change “ongoing health hazards” to “unknown health hazards”

Vote: 5/0

15. WRITTEN REPORTS/RECOMMENDATIONS

15.01 Receive Annual Financial and Performance Audit Reports for Measure G and E General Obligation Bond Funds for Fiscal Year Ended June 30, 2010

Report received.

16. BOARD OF TRUSTEES/SUPERINTENDENT COMMUNICATIONS/COMMENTS

16.01 Board of Trustees

Patricia Martinez-Roach, Board Member

I wanted to talk about the CSBA elections that happened recently. There’s a lot of discontent amongst a lot of Board Members. Once again, East Side and Alum Rock did not get selected, not a single Latino representative to those districts. We are considering asking the Board, and I know it is going to be very political, that we not renew the contract with CSBA. I believe the process discriminates against Latino Board members in this County. We continue to have the same people running the show. We never seem to get on Delegate Assembly, unless you are appointed by somebody. I just wanted to go on record expressing great concern about belonging to an organization that does not have a process by which East Side is never represented and a Latino has not been represented to the Delegate Assembly or Alum Rock for many years. It is unacceptable. Vietnamese Board Members should be as outraged as I am.

The last comment has to do with our Auditor. I know that we just approved a contract with our Auditor, but this is the last year by law and I know there is a cycle of five years.

Frank Biehl, Board Vice President

MetroED:

Things are going well at MetroED. They have adjusted well to the challenges of the severe reduction in adult education in San Jose Unified. They are agile and have adjusted to that situation.

I was happy to have attended the Food Revolution at Santa Teresa High School on April 14. It was fabulous. There was art and social science representation in the issues of food in our society. They did a very good job of presenting this. It was a really good activity and it was student driven.

Van Le, Board Clerk

The month has been very busy. I attended the JROTC drill on April 9. I was very impressed with the program that helps students to achieve not only academically, but also athletically. In speaking with students, I found that they learn a lot about leadership skills, building confidence and community involvement. I want to commend Bob Knight and Mike McCloud for their work in the program.

I also attended the Multicultural Day at Independence High School. I saw the most creative and colorful embracing of multicultural activities.

I would like to thank Mr. Vito Chiala for giving me a tour of Overfelt High School. I visited several classrooms, including the Green Academy.

I attended the Celebration of Latino Student Achievement event. There was an Aztec performance and they also had a student speaker. I also attended an achievement celebration for Vietnamese students at Andrew Hill.

Last night, I attended my first Honor Night event at Silver Creek with Board Member Martinez-Roach. I was happy to see many students there that made this achievement.

I am also taking some time to visit MetroED and Adult Education.

Lan Nguyen, Board President

I want to talk about that fact that about a year ago the Superintendent and staff made a presentation about instruction and the goals we set as to how to reduce the achievement gap, including goals for the future. That was very helpful and very informative. The most important thing is instruction and helping students succeed. That is why we are here, but I feel that we get sidetracked or caught up doing something else. If possible, sometime in the near future, I would like to visit that again. I think it would be very helpful and we could look at strategies to get out of PI status.

16.02 Dan Moser, Superintendent

We had 41 students at the Synopsys Silicon Valley Science and Technology Championship. I would like to thank the teachers that were supporting the youngsters from the eight schools: Andrew Hill, Evergreen, Independence, Oak Grove, Piedmont Hills, Santa Teresa, Silver Creek and Yerba Buena. The prizes ranged from honorable mention to \$1,000, plus going on to additional competitions. Congratulations to the students and staff.

17. **REPORT CLOSED SESSION ACTION(S)**

Attorney will report on Closed Session action item(s).

There were no items reported out of Closed Session.

18. **ADJOURNMENT**

President adjourns the meeting.

President Nguyen adjourned the meeting at 9:24 p.m.

Respectfully submitted,



Board Clerk

Agenda Item Details

Meeting Apr 21, 2011 - ESUHSD REGULAR BOARD MEETING - 4:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category 12. BUSINESS SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

Subject 12.01 Approve Contracts for Professional Services over \$50,000 - Hardy Childers, Interim Associate Superintendent of Business Services

Access Public

Type Action, Discussion

Recommended Action It is recommended that the Board of Trustees approve the contracts for professional services as recommended on the attachment.

Public Content

EAST SIDE UNION HIGH SCHOOL DISTRICT

Item: 12.01

TO: Board of Trustees

FROM: Dan Moser, Superintendent

PREPARED BY: Hardy Childers, Interim Associate Superintendent of Business Services

SUBJECT: Approve Contracts for Professional Services over \$50,000

The attached list of Contracts for Professional Services over \$50,000, are being presented for Board review and approval.

FISCAL IMPACT:
As indicated in the attachment

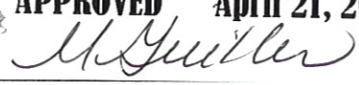
FUNDING SOURCE:
As indicated in the attachment

RECOMMENDATION:
It is recommended that the Board of Trustees approve the contracts for professional services as recommended on the attachment.

[12.01 Contracts Over 50k.pdf \(29 KB\)](#)

Administrative Content

Executive Content

EAST SIDE UNION HIGH SCHOOL DISTRICT
BOARD OF TRUSTEES
APPROVED April 21, 2011


**EAST SIDE UNION HIGH SCHOOL DISTRICT
Contracts for Professional Services over \$50,000
Board Meeting of April 21, 2011**

1. ENVIROPLEX, INC.

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
June Rono, PhD Hardy Childers Donna Bertrand Janice Unger	N/A	\$582,047.00 (not to exceed) Measure G	KIPP Charter @ Independence High School Facilities & Planning June Rono, PhD., Director

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to approve the purchase of (5) 24 X 40 Classroom Buildings, (1) 12 X 40 Boy/Girl/Staff Restrooms, (1) 36 X 40 Science Classroom of DSA approved relocatable steel rigid frame construction, Type V non-rated construction, 20lb roof load – 80 mph wind load – 70lb floor load. The science classroom has options that are not yet fully defined. These relocatable units will be used for the KIPP Charter Project @ Independence High School.

Selection Process

ESUHSD is requesting approval to purchase the above described DSA Modular Classrooms, Restrooms, Science Classroom using the piggyback bid from the Evergreen Elementary School District, Quimby Oak Middle School & Holly Oak Elementary School Relocatable Classrooms. The original bid was completed and awarded by Governing Board of Evergreen Elementary School District at their January 24, 2008 Board Meeting to Enviroplex, Inc.

Evergreen School District, exercised its option pursuant to Item No. 1.4 of Addendum No. 1 to the Drawings and Specifications dated January 10, 2008, to extend the term of the existing contract between Evergreen School District and Enviroplex, Inc., for New Modular Buildings at Quimby Oak Middle School and Holly Oak Middle School, including the ability of the District, or any other public entity, to purchase all or some of the itemized component(s) at the Unit Pricing pursuant to the "piggyback" provision, as allowable under applicable law, for one (1) additional year past the current expiration date of the existing contract. The contract with Enviroplex, Inc. has been renewed on December 8, 2010. The current extension goes through January 28, 2012.

RECOMMENDATION

It is recommended that the Board of Trustees approve the purchase of (5) 24 X 40 Classroom Buildings, (1) 12 X 40 Boy/Girl/Staff Restrooms, and (1) 36 X 40 Science Classroom DSA approved in the amount of \$582,047.00 from Enviroplex, Inc., through the use of the Evergreen Elementary School District piggyback bid (in accordance with Public Contract Code 20118 & 20118.2).

2. Excelsior Youth Center, Inc.

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Carole Hersom Cathy Giammona Donna Bertrand	December 3, 2010 – July 31, 2011	\$11,438.25 (estimated expenditure) Tuition – Special Education	Education Center Special Services Carole Hersom, Coordinator

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to ratify an Agreement and issue a Purchase Order with Excelsior Youth Center, Inc. for the provision of non-public school services for ESUHSD's special education students. Educational services shall be consistent with the master contract and specified services per the students Individual Education

Program (IEP) plan. This is a residential placement, but at this time, ESUHSD is only being requested to pay the educational costs.

Selection Process

There was no competitive solicitation done for this type of service.

There is a determination made by the IEP team that ESUHSD is not currently able to meet particular students' educational needs. Recommendations are then presented at the students' IEP meeting. Referral to Excelsior Youth Center was made at the students' IEP meeting and it was agreed upon by all parties that this was the most appropriate placement for this particular ESUHSD special education student.

Because the placement is pre-determined by the IEP team, no solicitation process can take place for these very individualized placements of ESUHSD's special education students.

RECOMMENDATION

It is recommended that the Board of Trustees ratify an Agreement with Excelsior Youth Center, Inc., in an estimated amount of \$11,438.25 for the contract term December 3, 2010 to July 31, 2011 for the provision of Non-Public School Services for ESUHSD's Special Education Student, and to delegate authority to the Superintendent or designee to amend said contract on an as needed basis, including funding.

3. Milhous Children Services

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Richard Uribe Cathy Giammona Donna Bertrand	March 31, 2011 – June 30, 2012	\$240,000.00 Special Education	Education Center Special Services Richard Uribe, Coordinator

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to ratify a Services Agreement with Milhous for the provision of non-public school, Mental Health and residential services for ESUHSD's special education students. Educational services shall be consistent with the master contract and specified services per the students Individual Education Program (IEP) plan.

Effective immediately the State Department of Mental Health requires School Districts to pick up not only the educational expense of the Non-public school costs, but also the mental health and residential expenses. ESUHSD will pursue all avenues for reimbursement of all or part of these expenses.

Selection Process

There was no competitive solicitation done for this type of service.

There is a determination made by the IEP team that ESUHSD is not currently able to meet particular students' educational needs. Recommendations are then presented at the students' IEP meeting. Referral to Milhous was made at the students' IEP meeting and it was agreed upon by all parties that Milhous was the most appropriate placement to deliver Free Appropriate Public Education (FAPE) in the least restrictive environment for this particular ESUHSD special education student.

Because the placement is pre-determined by the IEP team, no solicitation process can take place for these very individualized placements of ESUHSD's special education students.

RECOMMENDATION

It is recommended that the Board of Trustees ratify an Agreement with Milhous Children's Services in an estimated amount of \$240,000.00 for the contract term March 31, 2011 to June 30, 2012 for the provision of Non-Public School, Mental Health and Residential Services for ESUHSD's Special Education Student, and to delegate authority to the Superintendent or designee to amend said contract on an as needed basis, including funding.

Agenda Item Details

Meeting Apr 21, 2011 - ESUHSD REGULAR BOARD MEETING - 4:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category 14. ATTACHMENT A - CONSENT CALENDAR

Subject 14.06 Approve Contracts for Professional Services at or Below \$50,000

Access Public

Type Action (Consent)

Recommended Action It is recommended that the Board of Trustees approve the contracts for professional services at or below \$50,000 as listed in the attachment and to delegate authority to the Superintendent or designee to amend said contracts and purchase orders on an as needed basis, including funding.

Public Content

EAST SIDE UNION HIGH SCHOOL DISTRICT**Item: 14.06**

TO: Board of Trustees

FROM: Dan Moser, Superintendent

PREPARED BY: Hardy Childers, Interim Associate Superintendent of Business Services

SUBJECT: Approve Contracts for Professional Services at or below \$50,000

The attached list of Contracts for Professional Services at or below \$50,000, is being recommended for Board approval and to delegate authority to the Superintendent or designee to amend said contracts and purchase orders on an as needed basis, including funding.

FISCAL IMPACT:
As indicated in the attachment

FUNDING SOURCE:
As indicated in the attachment

RECOMMENDATION:
It is recommended that the Board of Trustees approve the contracts for professional services at or below \$50,000 as listed in the attachment and to delegate authority to the Superintendent or designee to amend said contracts and purchase orders on an as needed basis, including funding.

[14.06 Contracts Under 50k.pdf \(58 KB\)](#)

Administrative Content

Executive Content

EAST SIDE UNION HIGH SCHOOL DISTRICT
BOARD OF TRUSTEES
APPROVED April 21, 2011
H. Guillen

EAST SIDE UNION HIGH SCHOOL DISTRICT
PROFESSIONAL CONTRACT SERVICES at or Below \$50,000
Board Meeting of April 21, 2011

Item: 14.06

A. SCHOOL SITES/EDUCATION CENTER

	Contractor Name	Reviewed By	Contract Period	Cost/Funding	School/Dept. Manager	Purpose
1	360 Degree Customer, Inc.	C. Hersom C. Giammona D. Bertrand	April 4, 2011 – August 12, 2011	\$50,000.00 (not-to-exceed) Special Education	Special Services Carole Hersom, Coordinator	To provide Speech Therapy and other related services as needed to IEP requirements. Several firms specializing in specialty services such as speech therapy were sought and contacted. Due to the complicated nature of this service, personal conversations with the provided needed to take place by Special Services. Several companies were considered and actual therapists were interviewed. Based on these interviews, Special Services determined if the candidates were qualified to perform the services. Once the qualifications were verified, Purchasing then negotiated the price and the contract terms. The price is consistent with the other companies providing these services.
2	Bel-Aire Productions, Inc.	M. Brazil C. Giammona D. Bertrand	May 24, 2011 – May 25, 2011	\$1,000.00 Principal's Account	Oak Grove H.S. Martha Brazil, Principal	To provide sound system rental for graduation this includes setup the day prior to graduation, person to run the equipment, and breakdown of equipment.
3	County of Santa Clara, Mental Health Department	B. Lopez C. Giammona D. Bertrand	April 22, 2011 – June 30, 2011	\$10,500.00 (REVENUE CONTRACT)	Andrew Hill H.S. Betina Lopez, Principal	To promote an interest in the mental health career field and support the students' participation and completion in the high school Medical Magnet program in Mental Health. ESUHSD will provide stipends of \$500 to each of 21 students completing the 3-year Mental Health Career Pathways program at Andrew Hill High School.
4	Dolce Hayes Mansion	T. Coburn C. Vaeth C. Giammona D. Bertrand	May 20, 2011	\$3,379.13 Academy – Travel & Tourism	Oak Grove H.S. Career Services Cari Vaeth, Director	Rental of Dolce Hayes Mansion for Academy Graduation. Services include, food, AV equipment, set-up and break down of state and chairs.

5	Infinity Communications & Consulting, Inc.	M. Cage D. Bertrand D. Moser	January 30, 2011 – June 30, 2012 (extended term)	\$24,000.00 (increase amount) Operations/Plant Security	Education Center Information Technology Mac Cage, Interim Director	At the February 17, 2011 Board meeting the Board approved a contract in the amount of \$1,000.00 to provide guidance in the ERATE application process; assist with resolving ERATE compliance issues and to provide other consultation as needed. However, based on the transition of staff and the complicated nature of the ERATE process, Administration is requesting authorization to extend this contract and increase the funding to allow this consultant to continue working with ESUHSD to ensure that the current audit and any future issues are addressed quickly so that ESUHSD can receive the ERATE funding we have applied for or are going to apply for.
6	Student Union, Inc. of San Jose State University	D. Bertrand B. Lopez D. Moser	May 24, 2011	\$11,150.00 Principal's Account	Andrew Hill H.S. Bettina Lopez, Principal	To rent the "Event Center" for the purpose of Graduation and Rehearsal. No solicitation process took place for this contract.

B. FACILITIES

	Contractor Name	Reviewed By	Contract Period	Cost/Funding	School/Dept. Manager	Purpose
1	AEDIS Architects	D. Moser J. Unger D. Bertrand	April 10, 2009- October 31, 2012 (no change)	\$37,703.00 Measure E	Oak Grove H.S. Facilities/Planning Martha Brazil, Principal June Rono, PhD., Director	To issue change order #4 to purchase order #905239. Change Order #4 is issued to increase the contract/purchase order to cover the increase in fee for the added design effort. During the design phase it was determined that the scope of work could not be achieved with the original construction budget. A revised construction budget was approved which resulted in a scope increase. Original Purchase Order \$160,031.25 + Change Order #1 \$7,765.00 + Change Order #2 \$3,785.00 + Change Order #3 \$16,003.12 + Change order #4 \$37,703.00 = new Purchase Order Total \$225,287.37.
2	AEDIS Architects	D. Moser J. Unger D. Bertrand	April 10, 2009- October 31, 2012 (no change)	\$2,345.00 Measure E	Oak Grove H.S. Facilities/Planning Martha Brazil, Principal June Rono, PhD., Director	To issue change order #5 to purchase order #905239. Change Order #5 is issued to increase the contract/purchase order to cover the increase in fee to provide additional future Fire alarm system upgrades on the Oak Grove High School Campus. This request was made by the ESUHSD IT Department. This request was not part of the original services. The project was designed with a code required functional fire alarm.

3	AEDIS Architects	D. Moser J. Unger D. Bertrand	April 10, 2009- October 31, 2012 (no change)	\$14,665.00 Measure E	Oak Grove H.S. Facilities/Planning Martha Brazil, Principal June Rono, PhD., Director	Original Purchase Order #160,031.25 + Change Order #1 \$7,765.00 + Change Order #2 \$3,785.00 + Change Order #3 \$16,003.12 + Change Order #4 \$37,703.00 + Change Order #5 \$2,345.00 = new Purchase Order Total \$227,632.37. To issue change order #6 to purchase order #905239. Change Order #6 is issued to increase the contract/purchase order to cover the increase in fees due to a number of changes occurred during the course of construction either due to unforeseen conditions or at ESUHSD's request. The changes were documented, sent to DSA for approval and were included in the scope of work. The Architect efforts were spent preparing the necessary drawings and documentation for each item to be submitted to DSA, the contractor and the District for approval. Original Purchase Order \$160,031.25 + Change Order #1 \$7,765.00 + Change Order #2 \$3,785.00 + Change Order #3 \$16,003.12 + Change Order #4 \$37,703.00 + Change Order #5 \$2,345.00 + Change Order #6 \$14,665.00 = new Purchase Order Total \$242,297.37.
4	BRIO Engineering Associates, Inc.	D. Moser J. Unger D. Bertrand	April 5, 2011 – May 31, 2011	\$5,445.00 (not to exceed) Measure G	Summit Rainier Charter @ Independence H.S. Facilities/Planning June Rono, PhD., Director	Request for Ratification To provide partial topographic survey services for the Summit Rainier Project at Independence High School. Project # MG2011-002. Purchasing solicited proposals from three vendors and BRIO Engineering Associates, Inc. was selected based them being the lowest responsible proposal. Due to a very tight timeline in order to install facilities needed by the charter school for the start of next school year, there was not sufficient time for Purchasing to go to the Board prior to the date the services needed to be performed. Based on this need the Business office granted the request and authorized the work to begin prior to board approval and is asking the Board ratify this decision by approving the contract service agreement.

5	BRIO Engineering Associates, Inc.	D. Moser J. Unger D. Bertrand	April 5, 2011 – May 31, 2011	\$4,785.00 (not to exceed) Measure G	KIPP Charter @ Independence H.S. Facilities/Planning June Rono, PhD., Director	Request for Ratification To provide partial topographic survey services for the KIPP Charter Project at Independence High School. Project # MG2011-001. Purchasing solicited proposals from three vendors and BRIO Engineering Associates, Inc. was selected based them being the lowest responsible proposal. Due to a very tight timeline in order to install facilities needed by the charter school for the start of next school year, there was not sufficient time for Purchasing to go to the Board prior to the date the services needed to be performed. Based on this need the Business office granted the request and authorized the work to begin prior to board approval and is asking the Board ratify this decision by approving the contract service agreement.
6	Bruce Flynn & Associates, Inc.	D. Moser J. Unger D. Bertrand	April 22, 2011 – July 15, 2011	\$18,000.00 Measure G	Facilities/Planning June Rono, PhD., Director	Under the direction of DSA, Bruce Flynn & Associates will provide inspection and testing to relocatable classrooms throughout East Side Union High School District. After completing a District wide survey of the existing relocatable classrooms it was found that many relocatable classrooms had sustained damages to the electrical ground rods, conductor clamp, and bonding from the building to the ramp and landings. Contract Service Agreement includes inspection and testing of these grounding conductors and rods, install bonding lugs and straps and issuing reports to DSA for each DSA application number on each site. Mr. Flynn may need to purchase additional materials at a later date based upon further testing and inspection. If that amount exceeds this contract, administration will come back to the Board for approval.
7	Bruce Flynn & Associates, Inc.	D. Moser J. Rono K. Lanford R. Ruiz	April 09, 2008 – June 30, 2011	\$2,600.00 (Increase amount) Measure G	Santa Teresa H.S. Facilities John Duran, Principal June Rono, Ph.D, Director	To provide DSA Project Inspection services for the Santa Teresa Music Lab and Auditorium. The original contract with Bruce Flynn & Associates was originally approved by the board on June 19, 2008. At the August 19, 2010 Board Meeting the board approved a new contract for additional services that were required by DSA. The new contract was approved because the old one had expired prior to the amendment being done, however due to some miscommunication, the August 19, 2010 change order was added to the original purchase order (#806843). Therefore, in order to expeditiously move forward in completing this project, administration is requesting the Board

8	Cleary Consultants, Inc.	D. Moser J. Unger D. Bertrand	April 4, 2011 – April 31, 2012	\$4,900.00 (not to exceed) Measure E	W.C. Overfelt H.S. Facilities/Planning Vito Chiala, Principal June Rono, PhD., Director	<p>approve another increase to the original purchase order (#806843) in the amount not-to-exceed \$2,600.00. The term that was approved at the August 19, 2010 is not being changed.</p> <p>Request for Ratification</p> <p>Provide soil engineering observation and testing services during the renovation of classroom building wings C & E at W.C. Overfelt High School. Project # E-040-001.</p> <p>To maintain the construction schedule timeline, there was not sufficient time for Purchasing to go to the Board prior to the date the services needed to be performed. Based on this need the Business office granted the request and authorized the work to begin prior to board approval and is asking the Board ratify this decision by approving this contract service agreement.</p>
9	Cornerstone Earth Group	D. Moser J. Unger D. Bertrand	April 7, 2011 – May 31, 2011	\$4,700.00(not to exceed) Measure G	Summit Rainier Charter@ Independence H.S. KIPP Charter @ Independence H.S. Facilities/Planning	<p>Request for Ratification</p> <p>To provide Geotechnical Consultation for Summit Relocatables and Geologic Hazards Zone Consultation Letter for Summit. Will also prepare and provide a Geologic Hazards Zone Consultation Letter for KIPP.</p> <p>In order to install facilities needed by the charter school for the start of next school year, there was not sufficient time for Purchasing to go to the Board prior to the date the services needed to be performed. Based on this need the Business office granted the request and authorized the work to begin prior to board approval and is asking the Board ratify this decision by approving the contract service agreement.</p>
10	HMC Architects	D. Moser J. Unger D. Bertrand	February 1, 2007 – February 28, 2008 (no change being requested)	\$5,700.00 Measure G	Santa Teresa H.S. Facilities/ Planning John Duran, Principal June Rono, PhD., Director	<p>Original agreement was board approved on February, 15, 2007. Increase to the purchase order for additional services is being requested as the result of unforeseen conditions found during construction and was performed without receiving a written contract or purchase order change. However, the contractor and/or his subcontractors did perform these services in good faith of receiving payment and to maintain the construction schedule. The Architect's request was brought to the Business Services department's attention on February 28, 2011. Services have already been completed.</p>

11	HP Inspection, Inc.	D. Moser J. Unger D. Bertrand	April 22, 2011- September 30, 2011	\$14, 050.00(not to exceed) Measure E	Andrew Hill H.S. Facilities/Planning Bettina Lopez, Principal June Rono, PhD., Director	Provide special inspection and testing for the Andrew Hill High School Title IX Modernization Project (E-025-001). FMPO, Inc., the Construction Manager of the Andrew Hill High School Title IX Modernization Project (E-025-001) solicited proposals from six vendors and HP Inspection, Inc. was selected based them being the lowest responsible proposal. Provide special inspection and testing for the James Lick High School Title IX Modernization Project (E-030-003). FMPO, Inc., the Construction Manager of the James Lick High School Title IX Project (E-030-003) solicited proposals from six vendors and HP Inspection, Inc. was selected based them being the lowest responsible proposal.
12	HP Inspection, Inc.	D. Moser J. Unger D. Bertrand	April 22, 2011- September 30, 2011	\$4,225.00(not to exceed) Measure E	James Lick H.S. Facilities/Planning Glenn VanderZee, Principal June Rono, PhD., Director	Request for Ratification Move furniture and personal items from the coach's offices in both locker rooms to interim office space. Move additional items and athletic equipment for storage into a storage container. In September, move all items back into the locker rooms. Services include materials and labor. Facilities, Management, Planning and Operations, Inc. (FMPO), the Construction Manager of the Andrew Hill High School Title IX Modernization Project (E-025-001) solicited proposals from five vendors and Moving Solutions was selected based on them being the lowest responsible proposal. Due to the need to meet established timelines, there was not sufficient time for Purchasing to go the Board prior to the date the services needed to be performed. Based on the information provided, the Business office granted this request and is asking the Board ratify this decision by approving this contract.
13	Moving Solutions	D. Moser J. Unger D. Bertrand	April 11, 2011 – September 30, 2011	\$1,666.00 (not to exceed) Measure E	Andrew Hill H.S. Facilities/Planning Bettina Lopez, Principal June Rono, PhD., Director	Request for Ratification Move furniture and personal items from the coach's offices in both locker rooms to interim office space. Move additional items and athletic equipment for storage into a storage container. In September, move all items back into the locker rooms. Services include materials and labor. Facilities, Management, Planning and Operations, Inc. (FMPO), the Construction Manager of the Andrew Hill High School Title IX Modernization Project (E-025-001) solicited proposals from five vendors and Moving Solutions was selected based on them being the lowest responsible proposal. Due to the need to meet established timelines, there was not sufficient time for Purchasing to go the Board prior to the date the services needed to be performed. Based on the information provided, the Business office granted this request and is asking the Board ratify this decision by approving this contract.
14	RMA Group	D. Moser J. Unger D. Bertrand	April 22, 2011 – August 31, 2011	\$3,890.00 (not to exceed) Measure G	Facilities/Planning June Rono, PhD., Director	Provide Magnetic Particle/Dye Penetrant testing of the base welds for the (12) installed whitco light poles at Mt. Pleasant, Yerba Buena and Oak Grove High Schools.