

**Agenda Item Details**

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Meeting May 31, 2011 - ESUHSD SPECIAL BOARD MEETING - 5:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category 11. ATTACHMENT A - CONSENT CALENDAR

Subject 11.10 Approve Minutes of May 10, 2011, Regular Board Meeting

Access Public

Type Action (Consent)

Recommended Action It is recommended that the Board of Trustees approve the May 10, 2011, Regular Board Meeting minutes as presented.

**Public Content**

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**EAST SIDE UNION HIGH SCHOOL DISTRICT****Item: 11.10**

**TO:** Board of Trustees

**FROM:** Dan Moser, Superintendent

**SUBJECT:** Approve Minutes of May 10, 2011, Regular Board Meeting

Attached are the minutes of the May 10, 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 May 10, 2011, Regular Board Meeting minutes as presented.

**EAST SIDE UNION HIGH SCHOOL DISTRICT**  
**BOARD OF TRUSTEES**  
**APPROVED May 31, 2011**  


**Administrative Content**

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**EAST SIDE UNION HIGH SCHOOL DISTRICT  
REGULAR MEETING  
OF THE  
BOARD OF TRUSTEES  
Meeting Held at Education Center  
May 10, 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 4:02 p.m. by President Nguyen. Vice President Biehl, Clerk Le, Member Martinez-Roach and Member Herrera were present.*

**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): A-D**

*Motion by Member Herrera, second by Clerk Le, to approve the expulsion of Student A.*

*Vote: 5/0*

*Motion by Member Herrera, second by President Nguyen, to approve the expulsion of Student B.*

*Vote: 5/0*

*Motion by Vice President Biehl, second by Member Herrera, to approve the expulsion of Student C.*

*Vote: 5/0*

*Motion by Vice President Biehl, second by Member Herrera, to approve the expulsion of Student D as modified.*

*Vote: 5/0*

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

- *Associate Superintendent of Human Resources and Instructional Services*

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

**2.04 Public Employee Discipline/Dismissal/Release (Government Code Section 54957)**

*Motion by Member Martinez-Roach, second by Vice President Biehl, to adopt Resolution #2010/2011-42 approving the release of eight certificated teachers with written notice of release no later than May 26, 2011.*

*Vote: 5/0*

**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**

- ***One (1) Potential Case***

**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

Property:	ESUHSD Educational Center, or portion thereof 830 N. Capitol Avenue San Jose, CA 95133
District Negotiators:	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
Negotiating Parties:	ESUHSD, Santa Clara Development Company, and Other Parties To Be Determined
Under Negotiation:	Price and Terms

### **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 hear item 12.01 after item 9.06.*

*Motion by Vice President Biehl, second by Clerk Le, to hear item 12.01 after item 9.06.*

*Vote: 5/0*

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

##### 6.01 **Winter Sports**

***Piedmont Hills High School***

- ***Boys' Basketball, Mt. Hamilton Division***

**Oak Grove High School**

- **Girls' Basketball, Mt. Hamilton Division**

**Evergreen Valley High School**

- **Boys' Soccer, West Valley Division**
- **Wrestling, West Valley Division**

**Silver Creek High School**

- **Girls' Soccer, West Valley Division**

**Santa Teresa High School**

- **Wrestling, Mt. Hamilton Division**
- **Boys' Basketball, CCS Champions**

**6.02 National Merit Scholarship Winners**

- **JingJing Cao, Evergreen Valley High School**
- **Helen Qia Chen, Evergreen Valley High School**
- **Trang T. Dang, Piedmont Hills High School**
- **Rhed Shi, Evergreen Valley High School**

**6.03 National Merit Achievement Scholarship Winner**

- **Megan L. Gage, Evergreen Valley High School**

**6.04 Japan Bowl Winners**

**National Champions**

- **Daniel C. Nguyen**
- **Vidush Mukund**

**Level 3 Team**

- **Anthony Van**
- **Mi H. Nguyen**
- **Mi T. "Chie" Nguyen**

**Level 4 Team**

- **Ajay "Tetsuo" Tripathi**
- **Brian "Smile" Ly**
- **Kevin "Akira" Pham**

**7. STUDENT BOARD LIAISONS**

**No items on calendar under this section.**

**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:*

- *Rosalind Taylor - Change in ESUHSD during the last 25 years*
- *Rita Luna – Budget cuts for classified*
- *Angie Nunn – Address Board on behalf of CSEA*
- *Marisa Hanson – Advisors*
- *Ed Wong*
- *Chris Hoang – Hours school has changed from freshmen to senior year*
- *Danny Nguyen – How school has changed throughout high school*

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

**9.01 Consideration and Adoption, Rejection or Modification of May 4, 2011, Proposed Decision of Administrative Law Judge Regarding Reduction in Particular Kinds of Service (Office of Administrative Hearings Case No. 2011030109) – Dan Moser, Superintendent**

*Motion by Member Herrera, second by Vice President Biehl, to adopt the May 4, 2011, proposed decision of the Administrative Law Judge regarding the Reduction in Particular Kinds of Service (Office of Administrative Hearings Case No. 2011030109).*

*Vote: 5/0*

**9.02 Accept Superintendent's Recommendation to Dismiss Employees Due to Reduction in Particular Kinds of Service and Direct Superintendent to Issue Final Termination Notices in Accordance with the Board's Certificated Layoff Decision and the Requirements of the Education Code – Dan Moser, Superintendent**

*Motion by Vice President Biehl, second by Member Herrera, to accept the Superintendent's recommendation to dismiss employees due to reduction in particular kinds of service and to direct the Superintendent to issue final termination notices in accordance with the Board's certificated layoff decision and requirements of the Education Code.*

*Vote: 5/0*

**9.03 Hold Public Hearing at Approximately 6:20 p.m. - Regarding Tentative Successor Agreement with California School Employees Association, Chapter 187, July 1, 2010 – June 30, 2013, and Disclosure of Major Provisions of Tentative Agreement (AB1200) – Dan Moser, Superintendent; Cathy Giammona, Associate Superintendent, Human Resources and Instruction; and Vida Branner, Director of Compensation and Classified Employee Relations**

*Public hearing held.*

*There were no public speakers.*

**9.04 Ratify and Approve Tentative Agreement with the California School Employees Association, Chapter 187, July 1, 2010 - June 30, 2013 - Dan Moser, Superintendent; Cathy Giammona, Associate Superintendent, Human Resources and Instruction; and Vida Branner, Director of Compensation and Classified Employee Relations**

*Public hearing held.*

*Speaker:*

- *Rosalind Taylor*

*Motion by Member Martinez-Roach, second by Member Herrera, to ratify and approve the tentative agreement with the California School Employees Association, Chapter #187, July 1, 2010 – June 30, 2013.*

*Vote: 5/0*

**9.05 Hold Public Hearing at Approximately 6:30 p.m. - Proposed Adoption of the Initial Proposal for Successor Contract: From East Side Union High School District to California School Employees Association, Chapter 187 - Dan Moser, Superintendent; Cathy Giammona, Associate Superintendent, Human Resources and Instruction; and Vida Branner, Director of Compensation and Classified Employee Relations**

*Public hearing held.*

*There were no public speakers.*

*Motion by Vice President Biehl, second by Clerk Le, to sunshine and adopt the District's initial proposal to the Classified School Employees Association, Chapter #187.*

*Vote: 5/0*

**9.06 Board Audit Committee Update, Discussion and/or Action - Frank Biehl, Audit Committee Chair and Patricia Martinez-Roach, Audit Committee Vice Chair**

*Frank Biehl, Audit Committee Chair*

*Our Audit Committee report tonight is very brief because we have had a number of meetings this month of the Board and we have reported several times our activities. Our next meeting is scheduled for June 11. Vice Chair Martinez-Roach and myself will go over the agenda before then and we will report back at our next meeting in June, after June 11, any actions taken at that meeting.*

**9.07 Discussion and/or Action to Nominate 2011 Outstanding Legislator of the Year and Adoption of Resolution #2010/2011-41 - Dan Moser, Superintendent**

*Motion by Vice President Biehl, second by Member Martinez-Roach, to nominate Jim Beall, Jr. as CSBA's 2011 Outstanding Legislator of the Year and to adopt Resolution #2010/2011-41, which identifies the nomination of Jim Beall, Jr., as Outstanding Legislator of the Year.*

*Vote: 5/0*

**9.08 Nomination of 2012 CSBA President-Elect and/or CSBA Vice President – Dan Moser, Superintendent**

Motion #1

*Motion by Vice President Biehl, second by Clerk Le, to nominate Esau Herrera as a candidate for the position of 2012 CSBA President-Elect.*

*Vote: 4/1; Member Martinez-Roach voted No*

Motion #2

*Motion by Clerk Le, second by Vice President Biehl, to nominate Board Member Martinez-Roach as a candidate for the position of 2012 CSBA Vice President.*

*Vote: 4/1; Member Herrera voted No*

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

**10.01 Special Education Compliance and Oversight Plan Progress Presentation – Cathy Giammona, Associate Superintendent, Human Resources and Instruction, Carole Hersom, Coordinator of Special Services, and Rich Uribe, Coordinator of Special Services**

*Presentation by Coordinator Carole Hersom and Coordinator Rich Uribe.*

**10.02 Approve CAHSEE Local Waivers for Special Education Students - Cathy Giammona, Associate Superintendent, Human Resources and Instruction**

*Motion by Member Martinez-Roach, second by Member Herrera, to approve CAHSEE Local waivers for Special Education students.*

*Vote: 5/0*

**10.03 Review of Current Grading Policy for Discussion and/or Action - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services**

*Administration will consolidate all grading policy references in existing board policy into one cohesive board policy, while keeping existing policy in place and to add clarity to existing policy. The new policy will be taken to the Instructional Policy Committee in October of 2011 and, upon their approval, brought to the Board for a first reading in December 2011.*

**10.04 ESTA Safety Survey Results - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Marisa Hanson, ESTA President**

*Presentation by ESTA President Marisa Hanson.*



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

**11.01 Approve Declaration of Need for Fully Qualified Educators - Cathy Giammona, Associate Superintendent, Human Resources and Instruction**

*Motion by Member Martinez-Roach, second by Member Herrera, to approve the Declaration of Need for Fully Qualified Educators.*

*Vote: 5/0*

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

**12.01 Presentation on GASB 54 - Hardy Childers, Interim Associate Superintendent of Business Services, and Ahmad Gharaibeh, C.P.A. Vavrinek, Trine, Day & Co., LLP**

*The Superintendent will draft a Board Policy that authorizes the Superintendent or designee to assign the unassigned fund balance in general reserve. It will be presented at the first meeting in June for a first reading and then for adoption at the second meeting in June.*

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

*Motion by Member Martinez-Roach, second by Vice President Biehl, to approve the contracts for professional services over \$50,000 (copy attached).*

*Vote: 5/0*

**12.03 Approve Delegation of Authority to Award Public Works Contracts - Hardy Childers, Interim Associate Superintendent of Business Services**

*Motion by Member Herrera, second by Clerk Le, to approve the delegation of authority to award public works contracts.*

*Vote: 5/0*

**12.04 Discussion and/or Action of Administrative Regulation and Board Policy #3350 Travel Expenses - Hardy Childers, Interim Associate Superintendent of Business Services, and Dan Moser, Superintendent**

*Item will be brought back to Board for a first reading.*

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

**13.01 Approve Form Professional Inspection Services Agreement for Measure E and Measure G - Hardy Childers, Interim Associate Superintendent of Business Services, and June Francis Rono, Ph.D., Director of Facilities and Planning**

*Discussion held on this item. Item will be brought back to the Special Board Meeting of May 31, 2011, for consideration and/or approval by the Board of Trustees.*

**14. ATTACHMENT A – CONSENT CALENDAR ITEMS**

*Motion by Member Herrera, second by Member Martinez-Roach, to approve the entire consent calendar.*

*Vote: 5/0*

**14.01 Ratify/Approve Classified Personnel Actions Presented May 10, 2011**

**14.02 Ratify/Approve Certificated Personnel Actions Presented May 10, 2011**

**14.03 Ratify/Approve Student Aide Personnel Actions Presented May 10, 2011**

**14.04 Approve School Field Trips**

**14.05 Approve Permanent Course Adoption for Expository Reading and Writing**

**14.06 Approve Award of Bids**

**14.07 Approve Contracts for Professional Services At or Below \$50,000**

*A copy of the approved contracts for professional services at or below \$50,000 is attached to the minutes.*

**14.08 Approve Memoranda of Understanding**

**14.09 Approve Budget Transfers Presented May 10, 2011**

**14.10 Approve Purchase Orders Presented May 10, 2011**

**14.11 Approve Change Orders to Purchase Orders Presented May 10, 2011**

**14.12 Accept Donations/Awards/Grants**

**14.13 Accept Warrant Register for the Month of April 2011**

**14.14 Approve Minutes of March 10, 2011, Regular Board Meeting**

**15. WRITTEN REPORTS/RECOMMENDATIONS**

**15.01 Report of Board Expenses for 2010/2011**

*Report received.*

16. **BOARD OF TRUSTEES/SUPERINTENDENT COMMUNICATIONS/COMMENTS**

16.01 **Board of Trustees**

**Patricia Martinez-Roach, Board Member**

*The first comment has to do with deferred maintenance and the transfer of monies to pay for salaries. I am really concerned about deferred maintenance. I was at YB yesterday and I was really concerned about the campus; the way it looks. It just occurred to me that there are some parents that are concerned about Silver Creek. My point is that deferred maintenance monies are there to maintain campuses and to fix them. I want to make sure that we have not forgotten to continue to invest in the properties that we have invested millions of dollars in. If the Superintendent could bring back some type of plan or as to where we are with that.*

*My other comment has to do with campus police. I would like to recommend the Board consider for this fiscal year terminating the contracts we have with the police officers. I believe it would be a disservice by not having campus monitors who get paid \$14/hour. We have police officers that get paid \$100/hr. I am not suggesting that we cut safety at our schools. That is not what I am suggesting. I would like a recommendation brought back that would reemploy some of the campus monitors and add more. I am speaking to some of the principals and they are wondering how they are going to do their regular business without campus monitors. I hope you will consider it.*

**Dan Moser, Superintendent**

*If I may, the going rate for police officers is \$40/hr.*

**Frank Biehl, Board Vice President**

*At the Saturday meeting, we had the budget session. I did talk about deferred maintenance. I understand the need to move that money over to pay for the salaries for the people that do deferred maintenance. I was looking for another mechanism to find those funds that pay for capitol costs for some of these projects. I am hoping that the administration will be able to come back with a plan that deals with the unallocated Measure G funds and, perhaps, they could use for some of the major types of projects on the deferred maintenance plan that are now not being completed because we have transferred monies. That is what I would like to see happen as a way of addressing this serious issue.*

*As for the comment related to police, I think it would be useful in our budget session or by our first budget session to have some sort of breakdown of the cost of providing student safety on campus. The three primary elements of that would be the advisors, campus monitors and the police. I would like to know how much money is spent on each, what are the different responsibilities and how they are used. That would enable me to make a better decision based on how we go with that and I think that needs to go by the first budget session in June.*

*As for other comments, I do want to compliment the Superintendent who provided testimony at the Senate Budget and Fiscal Review Committee Hearing on Friday, May 6. There were five Senators present, four of which are Democrats and one of which was a Republican, which I think was useful to have that Senator there as well. He is apparently one of the five Senators that has had discussions with Governor Brown.*

*I want to compliment the Superintendent on the presentation that he made and I am sorry that Roslyn is still not here. The items that Roslyn listed in her pink sheet was exactly the same points that Superintendent Moser was making to these Legislators and it was also being made by Superintendent Porter of Franklin McKinley. He also did an excellent job. Then, we had a Board Member for Redwood City who also did an excellent job of making a presentation on how these cuts are affecting. I believe the Senators were listening. I am not sure where that takes us next, but I do want to compliment the Superintendent for a presentation well done.*

**MetroED:**

*As for MetroED, we are meeting tomorrow. Our meeting has actually occurred before the MetroED meeting. So, I really don't have a report on that. I will provide a brief report at the 31<sup>st</sup> if you like on what happened at the next MetroED meeting.*

**Van Le, Board Clerk**

*Last month I visited the Adult Education Program. A thanks to Director Cari Vaeth and Viet Trinh who gave me a tour of the classes and I also the opportunity to speak with students and teachers. I was very impressed as to how the students felt about the program, including the performance of students at their multicultural day. It was nice to see all groups working and learning together. We need to work on figuring out how we are going to keep the Adult Education Program. I understand there is a waiting list of 200 persons that would like to attend the program.*

*I also visited the MetroED Program. I would like to thank Director Jon Fox and Superintendent Paul Hay. Students are very happy attending the program. The commitment from the students to attend is really something. The administration has done a good job.*

*I would like to ask the Board to be excused from attending the May 31 Board meeting. I have a personal matter that will require me to be out of town. This is the first meeting that I will miss and I am asking to be excused from the meeting.*

*Also, I would like to ask the Superintendent to consider those schools that have majority ethnic groups that need Advisors or Counselors for that group to be considered when bumps are made. It will help those majority groups that need help.*

**Lan Nguyen, Board President**

*This Sunday is the Save our Sports Run. I've heard that all Board Members are signed up to run. The Superintendent is going to run too.*

**16.02 Dan Moser, Superintendent**

*This past weekend and last Thursday, East Side's Visual Arts Teachers had their Art Show at Eastridge. They were fortunate to have it in one of the stores that was vacant. It was in a studio-style setting. There was lots of great artwork from the students. I want to congratulate the Art Teachers for putting it together, as well as our talented students.*

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

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

*See section 2.0 for reporting out of Closed Session items.*

18. **ADJOURNMENT**

**President adjourns the meeting.**

*President Nguyen adjourned the meeting at 10:02 p.m.*

*Respectfully submitted,*



Board Clerk *Vice President*

**Agenda Item Details**

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Meeting May 10, 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 12.02 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**

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**EAST SIDE UNION HIGH SCHOOL DISTRICT****Item: 12.02**

**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.


[12.02 Contracts Over \\$50k Final.pdf \(51 KB\)](#)

**Administrative Content**

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**Executive Content**

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**EAST SIDE UNION HIGH SCHOOL DISTRICT**  
**BOARD OF TRUSTEES**  
**APPROVED** May 10, 2011  


**EAST SIDE UNION HIGH SCHOOL DISTRICT  
Contracts for Professional Services over \$50,000  
Board Meeting of May 10, 2011**

**1. Bruce Flynn & Associates, Inc.**

<b>Reviewed by:</b>	<b>Contract Period</b>	<b>Fiscal Impact/ Funding Source</b>	<b>School/Department/ Manager</b>
Dan Moser Dona Bertrand Janice Unger	April 10, 2009 – October 21, 2012 (no change)	\$ 45,590.00 (increase amount)  Measure G	James Lick High School Facilities  Glenn VanderZee, Principal June Rono, PhD., Director

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to approve Administration to issue change order #2 to purchase order #00208 with Bruce Flynn & Associates, Inc. to add monies to cover increase of fees for DSA project inspection for the James Lick Child Development Center Project No. G-030-027. The increase includes the extended completion date for project close out to June 24, 2011.

At the April 9, 2009 Board Meeting the Board approved a contract with Bruce Flynn & Associates, Inc. to provide DSA Project Inspection Services for Construction/Modernization projects for Mt. Pleasant, Silver Creek, James Lick and W.C. Overfelt High Schools.

Original Purchase Order Amount \$340,955.00 + Change Order #1 \$84,800.00 (approved 8/19/2010) + Change Order #2 \$45,590.00 = New Purchase Order Total \$ 481,345.00.

**Selection Process**

This is a change order therefore not applicable at this time.

**RECOMMENDATION**

It is recommended that the Board of Trustees approve Change Order #2 to Purchase Order #00208 with Bruce Flynn & Associates, Inc. to add \$45,590.00 to cover DSA project inspection services on Measures G & E.

**2. County of Santa Clara**

<b>Reviewed by:</b>	<b>Contract Period</b>	<b>Fiscal Impact/ Funding Source</b>	<b>School/Department/ Manager</b>
Karen Poon Dan Moser Donna Bertrand	July 1, 2010 – June 30, 2014	\$2,000,000.00 (estimated annual revenue)  MAA	Education Center, Business Services  Karen Poon, Director

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to enter into a three-year Agreement with the County of Santa Clara for the provision of Medi-Cal Administrative Activities (MAA), as defined in Welfare and Institution Code 14131 et seq. to improve the availability, accessibility, coordination, and appropriate utilization of preventative and remedial health care resources to Medi-Cal eligible individuals.

The County of Santa Clara has entered into an agreement with the California Department of Health Care Services (CDHCS) to establish a means of claiming Federal Financial Participation (FFP) for administrative costs necessary for the proper and efficient administration of the Medi-Cal Program (State Contract 11-88009). The County of Santa Clara has appointed the Santa Clara Valley Health and Hospital System (SCVHHS) as the Lead Agency for Title XIX Medi-Cal Administrative Claiming for the County. MAA provided by ESUHSD will be identified in a MAA Operational Plan kept in the audit file and available to the Local Governmental Agency (LGA, State and the federal Center for Medicaid and

Medicare Services (CMS). This contract must be entered into in order for ESUHSD to be able to be reimbursed for MAA related services.

**Selection Process**

Not applicable

**RECOMMENDATION**

It is recommended that the Board of Trustees approve a three-year Agreement (July 1, 2011 – June 30, 2014) with the County of Santa Clara for the provision of Medi-Cal Administrative Activities (MAA), and to delegate authority to the Superintendent or designee to amend said contract on an as needed basis, including funding.

**3. Department of Rehabilitation**

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Carole Hersom Cathy Giammona Donna Bertrand	July 1, 2011 – June 30, 2014	\$774,879.00 (Revenue)  Special Education	Education Center, Special Education  Carole Hersom, Coordinator

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to approve Administration to enter into a Multi-Year Cooperative Contract with the Department of Rehabilitation (DOR) to assist the district in the transitional process of special education students from the eleven comprehensive high schools and one continuation high school and to delegate authority to the Superintendent or designee to amend said contract on an as needed basis, including funding.

Form 1A, the Individual Transition Plan of the IEP, must be completed when a student turns 16 years of age. Significant changes to transition planning/services came about as a result of the Individuals with Disabilities Education (IDEA) Act of 2004. Interagency cooperation is desired as evidenced by IEP Form 5B, Offer of FAPE, which includes the Department of Rehabilitation as one of the check off boxes. As a result for high school students, transition service goals are what help to form and drive the IEP, but what is also necessary are the services needed to reach those goals. Students are referred to TPP in their senior year or the end of their junior year. They are job ready and need support to be competitively employed. Usually they have had WorkAbility 1 (WA1) services which help to provide a seamless transition from the WA1 program to the Transition Partnership Program (TPP). The final desired outcome is to move into the world of work and realize success in adult life.

ESUHSD receives this funding which helps to supplement the Special Education Program.

**This contract has been in existence since the late 1980's. June 30, 2011 is the end date of the current contract. The last DOR review in 2010 deemed ESUHSD's TPP Program as one of the best in the state.**

**Selection Process**

Not applicable

**RECOMMENDATION**

It is recommended that the Board of Trustees approve a Cooperative Contract with the Department of Rehabilitation (DOR) for the contract term July 1, 2011 through and including June 30, 2014 for the provision of vocational rehabilitation services through the Transition Partnership Program (TPP) and to delegate authority to the Superintendent or designee to amend said contract on an as needed basis, including funding.



#### 4. John Plane Construction

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
June Rono, Ph.D Hardy Childers	N/A	\$98,064.84 (increase amount)  Measure E	Santa Teresa High School Facilities  John Duran, Principal; June Rono, Ph.D., Director

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to approve Administration to issue Change Order #1 to John Plane Construction's Purchase Order #101424 and Amendment #1 to their Agreement. This Change Order/Amendment is needed to increase their funding to cover costs to complete the construction project.

At the October 21, 2010 Board meeting the Board of Trustee's approved Administration's recommendation to award the Santa Teresa High School Title IX Modernization project to John Plane Construction as the lowest responsible bidder in an amount of \$1,683,179.00 which included a 10% allowance to be managed by the District. The 10% allowance included in the original contract amount has been used for the normal unforeseen conditions that occurred over the course of the project and is not sufficient to also address the items listed below. A reconciliation of the 10% allowance will be brought to the Board for review and approval at a future date. The additional items include abatement of mold discovered in walls and ceilings, demolish (E) failing HVAC equipment and prep for (N) equipment (to be done under separate contract), upgrade the fiber cable installation within the building to meet current needs for VOIP, etc. and install roof overflow drains to replace current inadequate drains.

Bid #	Purchase Order #	DSA #	Project #
B-05-10-11	101424	01-111311	E-070-002

Item #	Description / Reason	Requestor	Amount
1	PCO #2 - Abatement of mold discovered in walls and ceilings	Owner	\$ 30,000.00
2	PCO #31 - Demolish HVAC equipment and prep for installation of new equipment including structural upgrades	Owner	\$ 31,627.98
3	PCO #37 - Install new fiber cable and related infrastructure in compliance with current IT standards	Owner	\$ 25,501.07
4	PCO #40 - Install roof overflow drains	Owner	\$ 10,935.79

#### Selection Process

Not Applicable.

#### RECOMMENDATION

It is recommended that the Board of Trustees approve Change Order #1 to Purchase Order #101424 and Amendment #1 to the Agreement for the Santa Teresa High School Title IX Modernization Project with John Plane Construction in the amount of \$98,064.84.

#### 5. Riverside Publishing Company

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Kirsten King Tim Nguyen Cathy Giammona Donna Bertrand	July 1, 2010 – June 30, 2013	\$178,000.00 (not-to-exceed)  AIE 33% Program Improvement 33% Title 1 33%	Education Center, Instructional Services  Kirsten King, Director Tim Nguyen, Coordinator

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to approve Administration to extend the current License Agreement for Data and Assessment Management System with Riverside Publishing Company for an additional two years. The new Term will be July 1, 2010

through and including June 30, 2013 and to delegate authority to the Interim Superintendent/Superintendent or designee to amend said contract on an as needed basis, including funding.

This is a data warehouse that stores student demographic data, state assessment data, and our benchmark assessments. It is the tool that is used to administer and scan our benchmark assessments, and allows both teachers and administrators to view the results or benchmark assessments correlated to the California State standards, and reports students' areas of weakness and strength which allows for teacher intervention. This is a necessary component for Program Improvement.

**Selection Process**

At the March 27, 2007 Board Meeting (Agenda Item 9.6) the Board approved ESUHSD's use of piggybacking off of the Redlands Unified School Districts' Bid #02-07 for the purchase of the Data and Assessment Management Software and the DataDirector License through June 30, 2010. At that time the vendor's name was Achieve Data Solutions, LLC who has since been bought out by Riverside Publishing Company, a subsidiary of Houghton Mifflin Harcourt. At the July 29, 2010 Board meeting the Board approved the continuation of the License Agreement for the Data and Assessment Management Software system currently being used at ESUHSD.

No solicitation process was conducted at this time. In order to make a change in this data base will take a large effort collaborating with many different stakeholders. Therefore, Administration would like to continue using this data based for another two years so that there can be sufficient time allocated in researching other companies and their products to see if there are other competitive programs that can meet ESUHSD's needs.

**RECOMMENDATION**

It is recommended that the Board of Trustees approve an Amendment to the License Agreement for Data and Assessment Management System with Riverside Publishing Company to extend the Term through and including June 31, 2013, to increase funding in an amount not-to-exceed 178,000.00 to cover the extended Term and to delegate authority to the Superintendent or designee to amend said contract on an as needed basis, including funding.

**6. Riverside Publishing Company**

<b>Reviewed by:</b>	<b>Contract Period</b>	<b>Fiscal Impact/ Funding Source</b>	<b>School/Department/ Manager</b>
Kirsten King Tim Nguyen Cathy Giammona Donna Bertrand	May 11, 2011 – June 30, 2013	\$132,000.00 (not-to-exceed)  The American Recovery and Reinvestment Act of 2009 (ARRA); Enhancing Education Through Technology (EETT)	Education Center, Instructional Services  Kirsten King, Director Tim Nguyen, Coordinator

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to approve Administration to purchase the use of the Item Bank from Riverside Publishing Company. The Term for the Item Bank will be from May 11, 2011 through and including June 30, 2013 and to delegate authority to the Interim Superintendent/Superintendent or designee to amend said contract on an as needed basis, including funding.

This is a collection of 3 test item banks containing high school level assessment questions in English, Math, Science, and Social Science. The Items also include test questions aligned with the new Common Core Standards as well the California State Standards. This particular item bank is the only one that works from within our data warehouse system, Data Director. This item bank will be used to create district-wide common assessments in all 4 core areas, as well as formative assessments which teachers will use to gauge student learning and adjust instruction accordingly. They will also be used to modify and improve our current benchmark exams.

**Selection Process**

At the March 27, 2007 Board Meeting (Agenda Item 9.6) the Board approved ESUHSD's use of piggybacking off of the Redlands Unified School Districts' Bid #02-07 for the purchase of the Data and Assessment Management Software and the DataDirector License through June 30, 2010. At that time the vendor's name was Achieve Data Solutions, LLC who has since been bought out by Riverside Publishing Company, a subsidiary of Houghton Mifflin Harcourt.

At the July 29, 2010 ESUHSD requested the continuation of the License Agreement for the above Data and Assessment Management Software system currently being used at ESUHSD.

This is proprietary to this vendor as no other item bank can work with the Data and Assessment Management Software and the DataDirector License. Therefore, no solicitation process was conducted at this time.

**RECOMMENDATION**

It is recommended that the Board of Trustees approve the purchase of the Item Bank for use with the License Agreement for Data and Assessment Management System with Riverside Publishing Company for the Term May 11, 2011 through and including June 31, 2013 in an amount not-to-exceed \$132,000.00, and to delegate authority to the Superintendent or designee to amend said contract on an as needed basis, including funding.

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**7. Vavrinek, Trine, Day & Co., LLP**

<b>Reviewed by:</b>	<b>Contract Period</b>	<b>Fiscal Impact/ Funding Source</b>	<b>School/Department/ Manager</b>
Karen Poon Dan Moser Donna Bertrand	July 1, 2010 – June 30, 2012 (no change)	\$10,000.00 (increase amount)  General Fund Measure G (adding) Measure E (adding)	Education Center, Business Services  Karen Poon, Director

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to approve Administration to issue change order #1 to purchase order #102710 with Vavrinek, Trine, Day & Co., LLP to add monies to cover audit services on Measures G & E.

At the February 17, 2011 Board Meeting the Board approved a contract with Vavrinek, Trine, Day & Co. for the provision of the annual auditing services for the audit period ending June 30, 2011. Administration inadvertently left off the funding for Measures G & E which are to be included in this annual audit.

Original Purchase Order Amount \$57,500.00 + Change Order #1 \$10,000.00 = New Purchase Order Total \$67,500.00.

**Selection Process**

This is a change order therefore not applicable at this time.

**RECOMMENDATION**

It is recommended that the Board of Trustees approve Change Order #1 to Purchase Order #102710 with Vavrinek, Trine, Day & Co., LLP to add \$10,000.00 to cover audit services on Measures G & E and to delegate authority to the Superintendent or designee to amend said contract on an as needed basis, including funding.

**Agenda Item Details**

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Meeting May 10, 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 14.07 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**

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**EAST SIDE UNION HIGH SCHOOL DISTRICT****Item: 14.07**

**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.

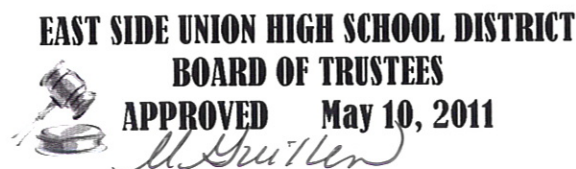
[14.07 Contracts Under \\$50K.pdf \(40 KB\)](#)

**Administrative Content**

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**Executive Content**

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# Item: 14.07

## EAST SIDE UNION HIGH SCHOOL DISTRICT PROFESSIONAL CONTRACT SERVICES at or Below \$50,000 Board Meeting of May 10, 2011

### A. SCHOOL SITES/EDUCATION CENTER

	Contractor Name	Reviewed By	Contract Period	Cost/Funding	School/Dept. Manager	Purpose
1	County of Santa Clara, Office of the County Counsel	D. Moser D. Bertrand	July 1, 2011 – June 30, 2012	\$218.00 hour for attorneys; \$87.00 hour for paralegals, and reimbursable expenses and costs.	Education Center Dan Moser	Provide legal services for District including without limitation, research and general advice as requested by District.
2	Restoration Management Co.	D. Bertrand J. Lawrence D. Moser	Not Applicable	\$2,436.64 (Increased amount)  Self-Insurance - Properties	Maintenance John Lawrence, Assistant Director	At the March 24, 2011 Board meeting the Board approved the request for Ratification of this contract in the amount not-to-exceed \$10,000.00. The contract was to provide emergency service call to Andrew Hill High School due to water damage in rooms S-102, S-103, S-104, the hallway, and an open area resulting from a pipe leak in room S-102. Since that time the work has been completed and the costs have exceeded the original amount requested. Administration is requesting the Board to ratify the additional amount needed to complete this emergency so the Contractor can be paid.
3	Laurie Boswell	D. Bertrand R. Ibarra C. Giammona	May 23, 2011 – May 25, 2011	\$2,400.00  Professional Development	Education Center Robert Ibarra, Coordinator	No solicitation process took place as this was an emergency situation that needed immediate attention.  To provide water safety instructions and certification for 30 Physical Education teachers on May 23, 24, & 25, 2011. Cost is \$80 per student.
4	California State University East Bay	R. Bull C. Giammona D. Bertrand	July 1, 2011 – June 30, 2014	No Cost Agreement	Education Center Jennifer Klassen	California State University East Bay (CSUEB) operates a fully accredited Social Work program offering master degrees in Social Work. CSUEB to provide student interns to ESUHSD to obtain field experience training and ESUHSD will provide the supervision required under the field experience training program.

5	Corporate AV LLC	C. Vaeth C. Giammona D. Bertrand	June 1, 2011	\$200.00 Adult Education	Adult Education Cari Vaeth, Director	To provide technical support for the sound system at the Independence High School theater for the Adult Education Graduation Ceremony.
6	Sandy Brookbank	T. Marquez D. Moser D. Bertrand	May 21, 2011	\$1,500.00 Principal's Account	Mt. Pleasant High School Teresa Marquez, Principal	To provide all of the material and labor to decorate the stage at the San Jose Event Center for Mt. Pleasant's Graduation on May 21, 2011. Contractor agrees to follow all rules and regulations of the San Jose Event Center. Decorations to include but may not be limited to, 2 spiral columns (school colors) "2011" using 4' silver Mylar balloon drop. Cost includes set-up and removal of all decorations.
7	Sandy Brookbank	B. Lopez D. Moser D. Bertrand	May 24, 2011	\$1,500.00 Principal's Account	Andrew Hill H.S. Bettina Lopez, Principal	To provide all of the material and labor to decorate the stage at the San Jose Event Center for Mt. Pleasant's Graduation on May 24, 2011. Contractor agrees to follow all rules and regulations of the San Jose Event Center. Decorations to include but may not be limited to, 2 spiral columns (school colors) "2011" using 4' silver Mylar balloon drop. Cost includes set-up and removal of all decorations.
8	Santa Clara County Fairgrounds	K. King C. Giammona D. Bertrand	February 9, 2012 – February 11, 2012	No cost to ESUHSD	Education Center Kirsten King, Director Paul Kilkenny, Subject Area Coordinator - Science	To rent the fairgrounds to have the Science Palooza for 2012. ESUHSD does not pay the costs for the Science Palooza. The non-profit Synopsys Outreach Foundation will pay the costs as they have in the past. ESUHSD will sign the contract and provide the insurance coverage and Synopsys will pay the costs and run the event.

**B. FACILITIES**

	<b>Contractor Name</b>	<b>Reviewed By</b>	<b>Contract Period</b>	<b>Cost/ Funding</b>	<b>School/Dept. Manager</b>	<b>Purpose</b>
1	Mont/Rose Moving Systems, Inc.	D. Moser D. Bertrand J. Unger	May 11, 2011 – July 31, 2011	\$7,793.00  Measure E	Mt. Pleasant H.S. Facilities/Planning  Teresa Marquez, Principal  June Rono, PhD., Director	Move furniture and personal items from the staff room to interim office space. Move furniture and personal items from (14) fourteen classrooms, Building 800 to portable buildings located on the campus that are not in use at this time. Vendor to supply boxes required for the move.  Facilities, Management, Planning and Operations, Inc. (FMPO), the Construction Manager of the Mt. Pleasant High School Classroom Modernization Project (E-035-002) solicited proposal from four vendors and Mont/Rose Moving Systems, was selected based on them being the lowest responsible proposal.
2	Consolidated Engineering Laboratories	D. Moser D. Bertrand J. Unger	August 20, 2010 – August 19, 2011 (no change)	\$2,467.88  Measure E	Oak Grove H.S. Facilities/ Planning  Martha Brazil, Principal  June Rono, PhD., Director	To issue change order #1 to purchase order #100680. Change Order #1 is issued to increase the contract/purchase order to cover additional materials testing and special inspection costs during the construction duration for the Oak Grove High School Modernization of Building D project. (E-050-001).  Original Purchase Order \$20,921.70 + Change Order #1 \$2,467.88 = new Purchase Order Total \$24,509.58
3	BRIO Engineering Associates, Inc.	D. Moser D. Bertrand J. Unger	May 11, 2011 – May 31, 2011	\$960.00 (not to exceed)  Measure G	KIPP Charter @ Independence Facilities/Planning  June Rono, PhD., Director	Request for Ratification  Request to approve change order #1 to PO # 102585 to add on site fire hydrant flow tests required @ Independence High School for the KIPP Charter Project #MG2011-001.  Original Purchase Order \$ 4,785.00 + Change Order #1 \$960.00 =new Purchase Order Total \$5,745.00
4	Cleary Consultants, Inc.	D. Moser D. Bertrand J. Unger	May 11, 2011 – June 30, 2011	\$ 2,800.00 (not to exceed)  Measure G	James Lick H.S. Facilities/Planning  Glenn VanderZee, Principal  June Rono, PhD., Director	Request for Ratification  Perform an environmental screening study of the on-site stockpiled soils located at the Child Development Center project site at James Lick High School. This test is required before the GC can off haul the soils to allow for paving. This proposal was submitted to Purchasing on 4/2211. Due to a very tight timeline in order to complete the project there was not sufficient time for Purchasing to go to the Board prior to the date

5	Mont/Rose Moving Systems, Inc.	D. Moser D. Bertrand J. Unger	May 11, 2011 – July 31, 2011	\$1,728.00 Measure E	Yerba Buena H.S. Facilities/Planning Juan Cruz, Principal June Rono, PhD., Director	<p>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> <p>Move furniture and personal items from the coaches offices, storage rooms and any other spaces in the locker room building to interim spaces. Move items that are tagged for storage into a storage container. Vendor to supply all boxes and labels required for the move. Boxes for the move are needed on May 18, 2011. The move will take place on June 3, 2011.</p> <p>Facilities, Management, Planning and Operations, Inc. (FMPO), the Construction Manager of the Yerba Buena High School Title Ix Modernization, ( Project # E-060-003) solicited proposal from four vendors and Mont/Rose Moving Systems, was selected based on them being the lowest responsible proposal.</p>
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