

Agenda Item Details

Meeting	Nov 17, 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	14.12 Approve Minutes of October 20, 2011, Regular Board Meeting
Access	Public
Type	Action (Consent)
Recommended Action	It is recommended that the Board of Trustees approve the October 20, 2011, Regular Board Meeting minutes as presented.

Public Content**EAST SIDE UNION HIGH SCHOOL DISTRICT****Item: 14.12**

TO: Board of Trustees

FROM: Dan Moser, Superintendent

SUBJECT: Approve Minutes of October 20, 2011, Regular Board Meeting

Attached are the minutes of the October 20, 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 October 20, 2011, Regular Board Meeting minutes as presented.

Executive Content

**EAST SIDE UNION HIGH SCHOOL DISTRICT
BOARD OF TRUSTEES**
APPROVED November 17, 2011
M. Newlin

Our adopted rules of Parliamentary Procedure, Robert's Rules, provide for a consent agenda listing several items for approval of the Board by a single motion. Most of the items listed under the consent agenda have gone through Board subcommittee review and recommendation. Documentation concerning these items has been provided to all Board members and the public in advance to assure an extensive and thorough review. Items may be removed from the consent agenda at

**EAST SIDE UNION HIGH SCHOOL DISTRICT
REGULAR MEETING
OF THE
BOARD OF TRUSTEES
Meeting Held at Education Center
October 20, 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 4:03 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.

Public speakers:

- *Marisa Hanson – PE Exemptions*
- *Glen Wetzel – PE Exemptions*
- *Anthony King – PE Exemptions*
- *Raymond Iniguez – PE Exemptions*
- *Kristine Hulse – PE Exemptions*
- *Eric Leuscher – PE Exemptions*
- *Nikki Randolph – PE Exemptions*
- *Krislynn Duke – PE Exemptions*
- *Sue Rembae – PE Exemptions*

1.03 Recess to Closed Session in the Superintendent's Conference Room (Open Session will resume at the end of Closed Session 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

Student A:

Motion by President Nguyen, second by Vice President Biehl, to approve the expulsion of Student A.

Vote: 5/0

2.02 Request for Exemption of Students A, B and C Pursuant to Education Code Section 51241

Student A:

Motion Vice President Biehl, second by Member Herrera, to approve the exemption of Student A.

Vote: 3/2, Clerk Le and Member Martinez-Roach voted No

Student B;

Motion Vice President Biehl, second by Member Herrera, to approve the exemption of Student B.

Vote: 3/2, Clerk Le and Member Martinez-Roach voted No

Student C:

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

Vote: 3/2, Clerk Le and Member Martinez-Roach voted No

2.03 Public Employee Performance Evaluation (Government Code Section 54957)

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

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

2.06 Conference with Labor Negotiators (Government Code Section 54957.6)

Agency Designated Representatives:

Dan Moser, Superintendent

Cathy Giammona, Associate Superintendent of Human Resources and Instruction

Marcus Battle, 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)

**2.07 Conference with Legal Counsel – Existing Litigation
Subdivision (b) of Section 54956.9 of the Government Code**

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

**2.08 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***

Motion by Member Herrera, second by Vice President Biehl, to approve the settlement agreement for Z. Trihy. A copy of the agreement is available from the District upon request.

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

- ***Claim for Damages of J. Bueno***

Motion by Vice President Biehl, second by Clerk Le, to reject the claim for damages of J. Bueno

Vote: 5/0

- ***Claim for Damages of D. Greenlee***

Motion by Member Martinez-Roach, second by Clerk Le, to reject the claim for damages of D. Greenlee

Vote: 5/0

- ***Claim for Damages of N. Lucero***

- ***Claim for Damages of M. Reynolds***

- ***Claim for Damages of J. Roa***

Motion by Vice President Biehl, second by Member Herrera, to reject the claim for damages of J. Rao

Vote: 5/0

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 Marcus Battle, 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.

Superintendent Moser requested that item 12.05 be heard after item 9.10.

Motion by Member Herrera, second by President Nguyen, to hear item 12.05 after item 9.10.

Vote: 5/0

Superintendent Moser requested that item 11.06 be heard prior to item 10.02.

Motion by Clerk Le, second by Member Vice President Biehl, to hear item 11.06 prior to item 10.02.

Vote: 5/0

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

No items on calendar under this section.

7. **STUDENT BOARD LIAISONS**

7.01 Alma Aguilar, Student – Foothill High School

7.02 Johan Garcia, Student – Mt. Pleasant 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.

Public speaker:

- Marisa Hanson – ESTA concerns

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

9.01 **Hold Public Hearing at Approximately 6:05 p.m. on the Provisions of the Charter School Petition of ACE Charter High School to Consider the Level of Support for Each Petition by Teachers Employed by the District, Other Employees of the District, and Parents - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services**

Public hearing held.

Public speakers:

- Tamara Alvarado
- Dulce Gonzalez
- Guadalupe Gonzalez
- Maria Preciado
- Linda Murray
- Marisa Hanson

9.02 **Presentation on the General Obligation Bond Program Funding Review - Marcus Battle, Associate Superintendent of Business Services, Dale Scott, Dale Scott & Company, Inc.**

Presentation by Dale Scott.

9.03 Discussion and/or Action regarding Request for Proposals (RFP) to Engage an Executive Search Firm to Assist the Board in Hiring a New District Superintendent - Dan Moser, Superintendent

Public speaker:

- *Marisa Hanson*

Motion by Vice President Biehl, second by Member Martinez-Roach, to approve as amended the Request for Proposal (RFP) to engage an executive search firm to assist the Board in hiring a new District Superintendent.

Amendment:

Change national to California

Change December 15 to December Board Meeting

Vote: 5/0

9.04 Discussion and/or Action to Amend Board Audit Committee Charter - Frank Biehl, Audit Committee Chair, and Patricia Martinez-Roach, Audit Committee Vice Chair

Motion by Vice President Biehl, second by Member Herrera, to adopt the Board Audit Committee Charter as presented.

After some discussion, the motion was withdrawn by Vice President Biehl.

Motion withdrawn

Item will be brought back at a future meeting for consideration by the Board of Trustees.

9.05 Receive First Reading to Amend Board Policy #1330 Use of School Facilities – Dan Moser, Superintendent

Received first reading to amend Board Policy #1330 Use of School Facilities.

9.06 Discussion, Consideration and/or Action to Amend 2011 Regular Board Meeting Calendar - Patricia Martinez-Roach, Board Member

Motion by Member Martinez-Roach, second by Clerk Le, to approve the 2011 Regular Board Meeting calendar as amended.

Amendment to calendar:

Change in Board Meeting from December 15, 2011, to December 8, 2011

Vote: 5/0

9.07 Update on the Status of McKinney-Vento - Patricia Martinez-Roach, Board Member

Discussion item; no action taken

9.08 Discussion and/or Action regarding Student/Parent Survey - Patricia Martinez-Roach, Board Member

Discussion item; no action taken

9.09 Approve Board Members' Attendance and Lawful Expenses to CLSBA's 2011 Unity Conference - Dan Moser, Superintendent

Motion by Vice President Biehl, second by President Nguyen, to approve Board Members' attendance and lawful expenses to CLSBA's 2011 Unity Conference.

Vote: 5/0

9.10 Approve Board Members' Attendance and Lawful Expenses to NSBA's 72nd Annual Conference - Dan Moser, Superintendent

Motion by Member Martinez-Roach, second by Member Herrera, to approve Board Members' attendance and lawful expenses to NSBA's 72nd Annual Conference.

Vote: 4/1, Vice President Biehl voted No

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

10.01 Update, Discussion and/or Action regarding Chinese Language as an Elective - Cathy Giammona, Associate Principal, Human Resources and Instruction, and Kirsten King, Director of Instructional Services

Public speakers:

- *Mark Mao*
- *Linda Chen*

Discussion item; no action taken

10.02 Receive First Reading on Amended Board Policy #5120.1 Assignment of Credit - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services

Received first reading to amend Board Policy #5120.1 Assignment of Credit.

10.03 Approve Calero High School as an Alternative School - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services

Motion by Vice President Biel, second by Member Herrera, to approve Calero High School as an alternative school.

Vote: 5/0

- 10.04 Annual Student Achievement Data Report Presentation - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services**

Presentation by Kirsten King, Director of Instruction

- 10.05 Status on Current Grading Policy Presentation - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services**

Public speaker:

- *Marisa Hanson*

Presentation by Kirsten King, Director of Instruction

- 10.06 Receive First Reading of New Board Policy #5120.3 Assignment of Grades - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services**

Received first reading of new Board Policy #5120.3 Assignment of Grades

- 10.07 Receive the Third Valenzuela /CASHEE and Williams Settlement Uniform Complaint Quarterly Report for Period Covering July 1st through September 30, 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 Member Martinez-Roach, second by Member Herrera to receive the third Valenzuela/CAHSEE and Williams Settlement Uniform Complaint Quarterly Report for the period covering July 1 through September 30, 2011, as required by Education Code 35186 (Williams Settlement Legislation SB550 and AB2727).

Vote: 5/0

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

- 11.01 Approve Request for Use of Education Code Section 44258.3 - Teachers on Special Assignment Authorizations for the 2011-2012 School Year - Cathy Giammona, Associate Superintendent, Human Resources and Instruction**

Motion by Member Martinez-Roach, second by Vice President Biehl, to approve the request for use of Education Code section 44258.3 – Teachers on Special Assignment Authorizations for the 2011-2012 school year.

Vote: 5/0

11.02 Approve Amended Student/Certificated Calendar for the 2011-2012 School Year - Cathy Giammona, Associate Superintendent, Human Resources and Instruction

Motion by Member Herrera, second by Clerk Le, to approve the amended Student/Certificated Calendar for the 2011-2012 school year.

Vote: 5/0

11.03 Hold Public Hearing at Approximately 6:30 p.m. - Regarding Proposed Tentative Agreement with East Side Teachers Association/CTA/NEA, August 31, 2011 - August 31, 2012, and Disclosure of Major Provisions of Tentative Agreement (AB1200) - Dan Moser, Superintendent; and Cathy Giammona, Associate Superintendent, Human Resources and Instruction

Public hearing held.

Public speaker:

- *Marisa Hanson*

11.04 Ratify and Approve Tentative Agreement with East Side Teachers Association/CTA/NEA, August 31, 2011 - August 31, 2012 - Dan Moser, Superintendent; and Cathy Giammona, Associate Superintendent, Human Resources and Instruction

Motion by Vice President Biehl, second by Member Herrera, to ratify and approve the tentative agreement with the East Side Teachers Association/CTA/NEA, August 31, 2011 – August 31, 2012.

Vote: 5/0

11.05 Extension of Contract for Substitute Director of Construction/Facilities - Dan Moser, Superintendent; and Cathy Giammona, Associate Superintendent, Human Resources and Instruction

Motion by Member Herrera, second by Vice President Biehl, to approve the extension of contract for the Substitute Director of Construction/Facilities, Thomas Herrington.

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

11.06 Adopt Resolution #2011/2012-08 Supplemental Early Retirement Plan (SERP) for Certificated Bargaining Unit Members - Cathy Giammona, Associate Superintendent, Human Resources and Instruction; Marcus Battle, Associate Superintendent of Business Services; and Gail Beal, Keenan & Associates

Public speakers:

- *Angie Nunn*
- *Marisa Hanson*

Motion by Vice President Biehl, second by Member Martinez-Roach, to adopt Resolution #2011/2012-08 Supplemental Early Retirement Plan (SERP) for certificated bargaining unit members.

Vote: 5/0

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

- 12.01 Adopt Resolution #2011/2012-09 Approving Authorization to Enter into Contracts to Accommodate Emergency Remediation at Evergreen Valley High School for Safety Reasons - Marcus Battle, Associate Superintendent of Business Services, Kathy Lanford, Assistant Director of Construction/Facilities, and Donna Bertrand, C.P.M., Contracts Administration Coordinator**

Motion by Member Herrera, second by Member Martinez-Roach, to adopt Resolution #2011/2012-09 approving Authorization to Enter into Contracts to Accommodate Emergency Remediation at Evergreen Valley High School for Safety Reasons.

Vote: 5/0

- 12.02 Adopt Resolution #2011/2012-10 Authorizing Opening of Revolving Fund Account for School Sites - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance**

Motion by Vice President Biehl, second by Member Martinez-Roach, to adopt Resolution #2011/2012-10 authorizing Opening of Revolving Fund Account for School Sites.

Vote: 5/0

- 12.03 Adopt Resolution #2011/2012-11 an Itemized List of Surplus/Obsolete Equipment for Sale/or Disposal per Education Code Sections 17545 and 17546 - Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator**

Motion by Member Martinez-Roach, second by Member Herrera, to adopt Resolution #2011/2012-11 an Itemized List of Surplus/Obsolete Equipment for Sale or Disposal per Education Code Sections 17545 and 17546.

Vote: 5/0

- 12.04 Approve Contracts for Professional Services over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator**

Motion by Vice President Biehl, second by Clerk Le, to approve contracts for professional services over \$50,000 (attached).

Vote: 5/0

12.05 Approve Award of Bids - Marcus Battle, Associate Superintendent of Business, and Donna Bertrand, C.P.M., Contracts Administration Coordinator

Public speaker:

- *Ricardo Reyes*

Motion by Vice President Biehl, second by President Nguyen, to approve the entire award of bids as presented.

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

12.06 Approve Form Professional Services Agreement for Construction Management Services for Measure E and G - Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator

Motion by Member Herrera, second by Clerk Le, to approve the form Professional Services Agreement for Construction Management Services for Measure E and G Bond Program.

Vote: 5/0

12.07 Approve the Master Business Relationship Agreement with East Side Union High School District and Metropolitan Education District for 2011/12 - Marcus Battle, Associate Superintendent of Business

Motion by Vice President Biehl, second by Member Herrera, to approve the Master Business Relationship Agreement with East Side Union High School District and Metropolitan Education District for 2011-2012.

Vote: 5/0

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

13.01 Ratification of Contracts with Cleary Consultants, Inc. for Geotechnical and Engineering Geology Consulting Services - Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator

Motion by Member Herrera, second by Vice President Biehl, to approve the ratification of contracts with Cleary Consultants, Inc. for geotechnical and engineering consulting services.

Vote: 5/0

14. ATTACHMENT A – CONSENT CALENDAR ITEMS

Items 14.08 and 14.14 were pulled from the consent calendar for discussion. Motion by President Nguyen, second by Member Herrera, to approve the remainder of the consent calendar.

Vote: 5/0

14.01 Ratify/Approve Classified Personnel Actions Presented October 20, 2011

- 14.02 Ratify/Approve Certificated Personnel Actions Presented October 20, 2011**
- 14.03 Ratify/Approve Student Aide Personnel Actions Presented October 20, 2011**
- 14.04 Approve School Field Trips**
- 14.05 Approve Contracts for Professional Services At or Below \$50,000 (attached)**
- 14.06 Approve Memoranda of Understanding**
- 14.07 Approve Budget Transfers Presented October 20, 2011**
- 14.09 Approve Change Orders to Purchase Orders Presented October 20, 2011**
- 14.10 Accept Donations, Awards and Grants**
- 14.11 Accept Warrant Register for the Month of September 2011**
- 14.12 Approve Change Order #1 for Calero High School, Interior Abatement Project (PARC Services, Inc.)**
- 14.13 Approve Notice of Completion for Calero High School, Interior Abatement Project (PARC Services, Inc.)**
- 14.15 Approve Change Order #1 for Santa Teresa High School, Locker Room HVAC Upgrade & Bldg 300/500 Ceiling Upgrade Phase 2 Project (Environmental Systems, Inc.)**
- 14.16 Approve Notice of Completion for Santa Teresa High School, HVAC Upgrade & Bldg 300/500 Ceiling Upgrade Phase 2 Project (Environmental Systems, Inc.)**
- 14.17 Approve Minutes of September 15, 2011, Regular Board Meeting**

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

- 14.08 Approve Purchase Orders Presented October 20, 2011**

Motion by Vice President Biehl, second by President Nguyen, to approve the purchase orders presented October 20, 2011.

Vote: 5/0

- 14.14 Approve Amended Change Order #1 for Santa Teresa High School, HVAC Replacement Project Phase 1 (Foothill Air Conditioning & Heating, Inc.)**

Motion by Vice President Biehl, second by Member Herrera, to approve amended change order #1 for Santa Teresa High School, HVAC Replacement Project Phase 1 (Foothill Air Conditioning, Inc.)

Vote: 5/0

15. **WRITTEN REPORTS/RECOMMENDATIONS**

15.01 **Receive FCMAT Close-Out Letter from the Santa Clara County Office of Education**

Item received; will be placed on November agenda for discussion and/or action by the Board of Trustees.

15.02 **Receive Report on Student-to-Computer Ratio at School Sites**

Item received

16. **FUTURE AGENDA ITEMS**

16.01 **Consideration of ACE Charter Petition**

16.02 **Phase 2 Measure E Projects**

16.03 **District's Technology Plan**

16.04 **Independence High School Master Planning**

16.05 **Requests for Future Agenda Items**

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

17.01 **Board of Trustees**

Frank Biehl, Board Vice President

MetroED:

Thank you for approving the Master Agreement with MetroED tonight. Things are going well over there.

Van Le, Board Clerk

I would like to thank Karen and Marcus for spending time with me to go over the financial budget.

Last week, I received an invitation from Sherry Gilmore to Career Day at Silver Creek High School. That is a very good day where we interact with our students. Last week there was a seminar here that was organized by Councilmember Kansen Chu and the San Jose Police Department, IPA. It was a safety forum. It was a very good forum that is a safety program that is good for our students, staff and administration. Also, this morning I attended the ribbon cutting for James Lick High School's Fire Service Center.

Patricia Martinez-Roach, Board Member

Congratulations to Overfelt! It was a lot of fun. Van and I went to the dance. We had a real nice time. It was wonderful to see old friends and old teachers.

J. Manuel Herrera, Board Member

The Overfelt 50th Anniversary was a great celebration!

I am going to be visiting the schools next week. I am looking forward to the opportunity to talk with site Principals and other school site staff and stakeholders. I think it is important to get an on the ground feel for the successes and challenges, especially in these times. Thank you to all the administrators who have responded to set up these times for my visiting the schools next week.

Lan Nguyen

I had a chance to visit the Latino Role Model Conference at Overfelt High School. It was impressive to see the many Latino role models there who succeed in different careers and professions. It is also nice to see so many of our students' parents show how much they care about their children's education and future. I, myself, picked one of the workshops to attend and one of the presenters was Judge Hector Ramon, a graduate from Andrew Hill High School and who also went to Harvard Law School. He is someone that I would look up to if I went to law school. It was a very nice event and great to see so many students there and also so many successful Latino role models.

17.02 Dan Moser, Superintendent

As you look at your Board packet, when you go to the consent section under the personnel section, that you look at the thirty-five teachers who have moved from their probationary status to tenure. Congratulations to those thirty-five teachers!

18. 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.

19. ADJOURNMENT

President adjourns the meeting.

President Nguyen adjourned the meeting in at 11:12 p.m.

Respectfully submitted,



Board Clerk

Agenda Item Details

Meeting Oct 20, 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 12.04 Approve Contracts for Professional Services over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator

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: 12.04**

TO: Board of Trustees

FROM: Dan Moser, Superintendent

PREPARED BY: Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator

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.

[12.04 Contracts Over \\$50k.pdf \(89 KB\)](#)

Executive Content

EAST SIDE UNION HIGH SCHOOL DISTRICT
BOARD OF TRUSTEES
APPROVED **October 20, 2011**


EAST SIDE UNION HIGH SCHOOL DISTRICT
Contracts for Professional Services over \$50,000
Board Meeting of October 20, 2011

1. ATS Project Success

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
R. Ibarra C. Giammona D. Bertrand	October 21, 2011 – May 25, 2012	\$50,589.00 Title I	Education Center Robert Ibarra, Coordinator

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to enter into a Contract Services Agreement with ATS Project Success for the contract term October 21, 2011 through and including May 25, 2011 for the provision of supplemental educational Services to Title I Students at Program Improvement Year 2+ Schools; Andrew Hill, James Lick, Oak Grove, W. C. Overfelt, Yerba Buena, and Independence High Schools.

Title I requires that the parents are to decide which Supplementary Educational Service (SES) providers they want for their children. Title I requires ESUHSD to use their State approved SES providers list to select the providers to be used at ESUHSD along with the help of the parents. These contracts are paid for out of Title I funds. Some of these providers are a 1 to 1, some are 5 to 1. The State allows home, off site, or onsite services.

SES services will be an ongoing element for our district, twice a year, as required by the State.

Selection Process

East Side Union High School District sent an e-mail invitation to a list of over thirty State-approved SES providers to attend a fair for parents/students at our school sites on various days throughout September 2011. Parents of Title I students at Andrew Hill, James Lick, Oak Grove, W. C. Overfelt, Yerba Buena, and Independence High Schools were then requested to select which one of the SES providers ESUHSD would offer contracts with to provide after school services for students in English/math/CAHSEE, etc.

At the fair there were a total of 13 companies who provide onsite after-school program and Extreme Learning was selected by the parents who attended.

RECOMMENDATION

It is recommended that the Board of Trustees approve a Contract Services Agreement with ATS Project Success for the contract term October 21, 2011 through and including May 25, 2011 for the provision of supplemental educational Services to Title I Students at Program Improvement Year 2+ Schools; Andrew Hill, James Lick, Oak Grove, W. C. Overfelt, Yerba Buena, and Independence High Schools.

2. AchieveKids

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
C. Giammona C. Hersom D. Bertrand	September 1, 2011 through and including August 31, 2012	\$506,984.28 (estimated annual expenditure) Tuition - Special Education	Carole Hersom, Coordinator of Special Services

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to enter into a Contract Services Agreement with AchieveKids for the provision of Non-Public School (NPS) services for special education students. Educational services shall be consistent with the master contract and specified services per the students Individual Education Program (IEP); and to delegate authority to the Superintendent or designee to amend said contract on an as needed basis, including funding.

Due to the specialized educational services required to appropriately serve students who present with severe, unique emotional and/or developmental disabilities including mental retardation, autistic spectrum disorder, mood, disruptive behavior, anxiety and psychotic disorders residing in the ESUHSD, AchieveKids is a (NPS offering such services that meet the widely, varying needs of this unique group of students.

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. Referrals to AchieveKids were made at the students' IEP meeting by a District Program Specialist after consultation with the District's Special Services Coordinator.

AchieveKids is a NPS that offers specialized educational services for this unique group of ESUHSD students. The vendor pool for these specialized services is very small especially locally.

RECOMMENDATION

It is recommended that the Board of Trustees approve a Contract Services Agreement with Achieve Kids for the contract term September 1, 2011 through and including August 31, 2012 for Therapeutic Services in an estimated amount of \$506,984.28, and to delegate authority to the Superintendent or designee to amend said contract on an as needed basis, including funding.

3. Beacon School

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
C. Hersom C. Giammona D. Bertrand	September 1, 2011 – August 31, 2012	\$435,728.00 -(estimated annual expenditure) - Tuition – Special Education \$150,000.00 - Transportation	Special Education Carole Hersom, Coordinator

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to enter into an Agreement with Beacon School for the provision of Non-Public School (NPS) services for special education students. Educational services shall be consistent with the master contract and specified services per the students Individual Education Program (IEP); and to delegate authority to the Superintendent or designee to amend said contract on an as needed basis, including funding.

ESUHSD's relationship with this NPS goes back many years. In ESUHSD's attempts to offer services to a growing population of Emotionally Disturbed (ED) classified students, Beacon worked with the ESUHSD on first establishing the transitional ED classroom and then therapeutic classrooms on our comprehensive sites starting at Oak Grove High School and eventually expanding to Independence, Mt. Pleasant and Andrew Hill High Schools. Having this established relationship facilitates giving ED students the appropriate continuum of services both in the comprehensive setting and in the more restrictive off campus setting of an NPS.

Beacon is extremely proactive in returning students to the comprehensive campus when appropriate.

Selection Process

ESUHSD has single sourced this vendor based on the complexity of building a long term relationship that benefits both ESUHSD and the students.

RECOMMENDATION

It is recommended that the Board of Trustees approve an Agreement with Beacon School for the contract term September 1, 2011 through and including August 31 2012 for the provision of Non-Public School Services for Special Education Students in an estimated amount of \$585,728.00, and to delegate authority to the Superintendent or designee to amend said contract on an as needed basis, including funding.

4. Beacon School, Therapeutic Services

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
C. Giammona C. Hersom D. Bertrand	September 1, 2011 - August 31, 2012	\$747,912.00 (estimated annual expenditure) Tuition - Special Education	Carole Hersom, Coordinator of Special Services

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to enter into a Contract Services Agreement with Beacon School for the provision of Non-Public School (NPS) services for special education students. Educational services shall be consistent with the master contract and specified services per the students Individual Education Program (IEP); and to delegate authority to the Superintendent or designee to amend said contract on an as needed basis, including funding.

ESUHSD's relationship with this NPS goes back many years. In the ESUHSD's attempts to offer services to a growing population of Emotionally Disturbed (ED) classified Students, Beacon worked with the ESUHSD on first establishing the transitional ED classroom and then therapeutic classrooms on our comprehensive sites starting at Oak Grove High School and eventually expanding to Independence, Mt. Pleasant and Andrew Hill High Schools. Having this established relationship facilitates giving ED students the appropriate continuum of services both in the comprehensive setting and in the more restrictive off campus setting of an NPS.

Beacon is extremely proactive in returning students to the comprehensive campus when appropriate.

Selection Process

ESUHSD has single sourced this vendor based on the complexity of building a long term relationship that benefits both ESUHSD and the students.

RECOMMENDATION

It is recommended that the Board of Trustees approve a Contract Services Agreement with Beacon School for the contract term September 1, 2011 through and including August 31, 2012 for Therapeutic Services in an estimated amount of \$747,912.00, and to delegate authority to the Superintendent or designee to amend said contract on an as needed basis, including funding.

5. Cody Anderson Wasney Architects

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
K. Lanford M. Battle D. Bertrand J. Unger	July 01, 2011 – August 04, 2011 (term extension)	\$ 57,730.00.00 (increased amount) Measure G	James Lick High School; Glenn VanderZee, Principal Facilities and Planning, June Rono, Ph.D., Director

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to ratify a contract service agreement for additional Construction Administration services with Cody Anderson Wasney Architects (CAW) in the amount of \$57,730.00 for several issues that occurred during the construction phase, which created additional work that was outside the scope of the original proposal and contract. Added scope was needed to engineer design fixes, many required DSA approval. James Lick High School Child Development Center, (Project No.: G-030-027).

The final date of substantial completion was August 4, 2011, nineteen months past the construction start date of February 12, 2010. This is the first opportunity staff has had to bring this request for approval to the Board, since discussion with District consultants and the Architect was needed to validate the request.

Original Contract/Purchase Order (806824) was Board approved for \$388,600.00 on June, 19, 2008.
 Contract Term: June 03, 2008 – December 31, 2009.

Second Contract/Purchase Order (101668) was Board approved for \$91,168.96 on February 18, 2010.
 Contract Term: January 01, 2010 – June 30, 2011.

Selection Process

N/A

RECOMMENDATION

It is recommended that the Board of Trustees ratify a contract service agreement with Cody Anderson Wasney Architects in the amount of \$57,730.00.

6. Cody Anderson Wasney Architects

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
K. Lanford M. Battle D. Bertrand J. Unger	April 10, 2009 – October 31, 2012 (no change)	\$6,825.75 (increased amount) Measure E	James Lick High School; Glenn VanderZee, Principal Facilities and Planning, June Rono, Ph.D., Director

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to approve Change Order #3 to Purchase Order #905106 and Amendment #3 to contract agreement in the amount of \$6,825.75 for the James Lick High School Two-Story Classroom Building 500 Wing Project. This change order is issued due to underground utilities that were discovered during construction which conflicted with the original design. These conditions required revision to civil drawings and re-submittal to DSA. No change is being requested for the contract period.

Original Purchase Order was approved for \$667,233.00 + Change Order #1- \$8,800.00 + Change Order #2 - \$66,723.30 + Change Order #3 - \$6,825.75 = the new Purchase Order total of \$749,582.05

Selection Process

N/A

RECOMMENDATION

It is recommended that the Board of Trustees approve Change Order #3 to Purchase Order #905106 and Amendment #3 to the Agreement with Cody Anderson Wasney Architects in the amount of \$6,825.75 for the James Lick High School Two-Story Classroom Building 500 Wing Project, (Project No.: E-030-001).

7. County of Santa Clara, Mental Health Department

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
D. Moser D. Bertrand	July 1, 2011 – June 30, 2012	Undetermined Amount	Special Education Carole Hersom, Coordinator Rich Uribe, Coordinator

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to approve an Agreement with the County of Santa Clara, Mental Health Department for the continued provision of mental health services required by the federal Individuals with Disabilities Education Act (IDEA) for the 2011-2012 School Year.

The California Legislature, through the Budget Act of 2011, shifted responsibility for IDEA-related mental health services to Local Educational Agencies, such as the District, for the 2011-2012 school year, and the Legislature and Governor have indicated their intent to permanently repeal AB3632.

The District along with the local SELPHAs have been working collaboratively to understand the ramification of this transition of fiscal responsibility over to the District. However, it is very important that the ESUHSD Special Education Pupils continue to receive the services they need. Since these pupils were being seen by the County, the County has the resources to continue with those services, and the County can access other funding such as Medi-Cal, to help cover the costs, Administration is recommending awarding a one year contract to the County of Santa Clara without doing any solicitation process at this time.

Selection Process

See above.

RECOMMENDATION

It is recommended that the Board of Trustees approve an Agreement with the County of Santa Clara, Mental Health Department for the continued provision of mental health services required by the federal Individuals with Disabilities Education Act (IDEA) for the 2011-2012 School Year.

8. County of Santa Clara, Probation Department

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
D. Moser M. Battle D. Bertrand	July 1, 2011 – June 30, 2012 (extended term)	\$91,728.00 (Increase Amount)	Student Services George Sanchez

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to approve the First Amendment to the Agreement for Services Between The Santa Clara County Probation Department and East Side Union High School District relating to the payment of the salary of one (1) Justice System Clerk II (JCS II) in an increased amount of \$91,728.00.00 for the extended term of July 1, 2011 through and including June 30, 2012.

This contract authorized the County to utilize the revenue they collect to be used against the amount in the contract. Should the revenue collected not meet the contracted amount of \$91,728.00, the County will not seek further compensation.

This amount has increased from \$57,444.00 to \$91,728.00 in order to cover the entire cost (salary and benefits) of the JCS II where in the past the amount did not cover the entire cost of the JCS II (salary only). The Original Agreement was approved by the Board at the October 8, 2011 Board Meeting.

Original Purchase Order was approved for \$57,444.00 + Amendment #1- \$91,728.00 = the new Contract total of \$149,172.00.

The Scope of Work includes but not limited to:

1. Screen District Attorney (DA) Referral forms, Juvenile Contact Reports, and other attendance record information and enter into CMS 2000, JTC's database.
2. Coordinate truancy hearing date with DA and Juvenile Hearing Officer.
3. Set up court date and notify minor and parent(s) or legal guardian.
4. Enter student identification numbers and case information into tracking form, and send weekly reports to the Office of the District Attorney.
5. Prepare truancy calendar and type up waiver forms.
6. Complete all actions necessary if minor "Fails to Appear," such as, call minor and/or parent, schedule new appointment, type another abstract, and report minor's status to Department of Motor Vehicles (DMV).
7. Process case after Court, enter dispositional information into CMS 2000 and report to DMV.
8. Collect fines and monitor minor's completion of Public Service Work.

9. Report to the DMV a Failure to Comply when minor does not comply with all Court Orders or a Failure to Pay if fine is not paid by due date.
10. Send a quarterly report listing the students name and student ID to the East Side Union High School District.

Selection Process

Not applicable to this service.

RECOMMENDATION

It is recommended that the Board of Trustees approve the First Amendment to the Agreement for Services Between The Santa Clara County Probation Department and East Side Union High School District relating to the payment of the salary of one (1) Justice System Clerk II (JCS II) in an increased amount of \$91,728.00.00 for the extended term of July 1, 2011 through and including June 30, 2012.

9. Extreme Learning

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
R. Ibarra C. Giammona D. Bertrand	October 21, 2011 – May 25, 2012	\$300,671.00 Title I	Education Center Robert Ibarra, Coordinator

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to enter into a Contract Services Agreement with Extreme Learning for the contract term October 21, 2011 through and including May 25, 2011 for the provision of supplemental educational Services to Title I Students at Program Improvement Year 2+ Schools; Andrew Hill, James Lick, Oak Grove, W. C. Overfelt, Yerba Buena, and Independence High Schools.

Title I requires that the parents are to decide which Supplementary Educational Service (SES) providers they want for their children. Title I requires ESUHSD to use their State approved SES providers list to select the providers to be used at ESUHSD along with the help of the parents. These contracts are paid for out of Title I funds. Some of these providers are a 1 to 1, some are 5 to 1. The State allows home, off site, or on site services.

SES services will be an ongoing element for our district, twice a year, as required by the State.

Selection Process

East Side Union High School District sent an e-mail invitation to a list of over thirty State-approved SES providers to attend a fair for parents/students at our school sites on various days throughout September 2011. Parents of Title I students at Andrew Hill, James Lick, Oak Grove, W. C. Overfelt, Yerba Buena, and Independence High Schools were then requested to select which one of the SES providers ESUHSD would offer contracts with to provide after school services for students in English/math/CAHSEE, etc.

At the fair there were a total of 13 companies who provide onsite after-school program and Extreme Learning was selected by the parents who attended.

RECOMMENDATION

It is recommended that the Board of Trustees approve a Contract Services Agreement with Extreme Learning for the contract term October 21, 2011 through and including May 25, 2011 for the provision of supplemental educational Services to Title I Students at Program Improvement Year 2+ Schools; Andrew Hill, James Lick, Oak Grove, W. C. Overfelt, Yerba Buena, and Independence High Schools.

10. Facilities Management Planning and Operations, Inc. (FMPO)

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
K. Lanford M. Battle D. Bertrand J. Unger	April 10, 2009 – October 31, 2012 (no change)	\$7,450.00 (increase amount) Measure E	W.C. Overfelt High School /Facilities Vito Chiala, Principal June Rono, Ph.D., Director

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to approve Change Order #3 to Purchase Order #905012 with FMPO for the Provision of Construction Management Services to include the security camera installation in an increased amount of \$7,450.00 at W.C. Overfelt High School Building C & E Modernization project (Project No.: E-040-001).

Selection Process

The solicitation process took place prior to the original contract award. A Request for Qualification (RFQ) process was conducted by ESUHSD Administration. The recommendation for award was brought to the Board on March 10, 2009 for approval whereby a "Measures E & G Pre-Approved Construction Management Firms (CM) List" was developed. FMPO is one of the four Pre-Approved CMs.

RECOMMENDATION

It is recommended that the Board of Trustees approve Change Order #3 to Purchase Order # 905012 with Facilities Management Planning and Operations, Inc. (FMPO) in the amount of \$7,450.00 for the W. C. Overfelt High School Building C & E Modernization Project, (Project No.: E-040-001).

11. Facilities Management Planning and Operations, Inc. (FMPO)

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
K. Lanford M. Battle D. Bertrand J. Unger	May 7, 2010 – May 5, 2013 (no change)	\$95,550.00 (increase amount) Measure E	Calero High School /Facilities Kirsten King, Director June Rono, Ph.D., Director

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to approve Change Order #1 to Purchase Order #003268 with FMPO for the Provision of in Construction Management Services due to the change in budget and schedule in an increased amount of \$95,550.00 for the Modernization Project at Calero High School, (Project No.: E-080-002).

Selection Process

The solicitation process took place prior to the original contract award. A Request for Qualification (RFQ) process was conducted by ESUHSD Administration. The recommendation for award was brought to the Board on March 10, 2009 for approval whereby a "Measures E & G Pre-Approved Construction Management Firms (CM) List" was developed. FMPO is one of the four Pre-Approved CMs.

RECOMMENDATION

It is recommended that the Board of Trustees approve Change Order #1 to Purchase Order # 003268 with Facilities Management Planning and Operations, Inc. (FMPO) in the amount of \$95,550.00 for the Modernization Project at Calero High School (Project No.: E-080-002).

12. MAXIM Health Care Services

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
C. Hersom C. Giammona D. Bertrand	July 1, 2011 – June 30, 2012	\$75,000.00 Special Day Class (L/H)	Special Education Carole Hersom, Coordinator

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to enter into a Contract Services Agreement with MAXIM Health Care Services, Inc. for the purchase of licensed vocational nursing services; and to delegate authority to the Superintendent or designee to amend said contract on an as needed basis, including funding.

Contractor will provide substitute services for 1:1 IEP Para-Educators in the case of their absences. These services are provided to ESUHSD's medically fragile students who have a variety of medical conditions that warrant this service.

Selection Process

There was no competitive solicitation done this year as last year the District contacted a few nursing agencies to request a quote to provide the 1:1 service for this student. None of the vendors contacted were able to provide the District with this type of service. Finally the District was able to receive a quote from a vendor, "Care at Home" to do this work however, at the same time the District had contacted the Director of Nurses for the Santa Clara County Office of Education (SCCOE) to see if she had any vendor recommendations. SCCOE provided us with the name of the vendor SCCOE currently has a contract to provide comparable services: Maxim.

Maxim and "Care at Home" agency offered services at the same rate. Ultimately, Maxim was chosen due to their ready availability of staff to provide this specialized service that was needed by the District.

RECOMMENDATION

It is recommended that the Board of Trustees approve an Agreement with MAXIM Health Care Services for the contract term July 1, 2011 through and including June 30, 2012 for the provision of Non-Public School Services for Special Education Students in an amount of \$75,000.00 and to delegate authority to the Superintendent or designee to amend said contract on an as needed basis, including funding.

13. Pacific Autism Center

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
C. Hersom C. Giammona D. Bertrand	September 1, 2011 – August 31, 2012	\$222,238.70 (estimated annual expenditure) Tuition – Special Education	Special Education Carole Hersom, Coordinator

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to enter into an Agreement with Pacific Autism Center for Education (PACE) for the provision of non-public school services for special education students. Educational services shall be consistent with the master contract and specified services per the students Individual Education Program (IEP); and to delegate authority to the Superintendent or designee to amend said contract on an as needed basis, including funding.

Due to the specialized educational services required to appropriately serve the severely involved Autism Spectrum students residing in the ESUHSD, PACE is a non-public school (NPS) offering such services that meet the widely, varying needs of this unique group of students.

Selection Process

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

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. Referrals to PACE were made at the students' IEP meeting by a District Program Specialist after consultation with the District's Special Services Coordinator.

PACE is a NPS that offers specialized educational services for this unique group of ESUHSD students. PACE is one of two local NPSs that offer these unique services and ESUHSD contract with both vendors.

RECOMMENDATION

It is recommended that the Board of Trustees approve an Agreement with Pacific Autism Center for Education (PACE) for the contract term September 1, 2011 through and including August 31, 2012 for the provision of Non-Public School Services for Special Education Students in an estimated amount of \$222,238.70 and to delegate authority to the Superintendent or designee to amend said contract on an as needed basis, including funding.

14. SafeTrans Transportation

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
J. Kasberger D. Moser D. Bertrand	July 1, 2011 – September 30, 2011 (no change)	\$ 61,897.50 Transportation	Education Center – Transportation Julie Kasberger, Director

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to approve Change Order #1 to Purchase Order # 200639 with Safe Trans Transportation for the provision of Transportation Services for ESUHSD's Special Education Students. This increase is needed due to the significant number of ESUHSD drivers not driving school buses over the summer months, retirements, resignations, and school bus certificate issues. Therefore, more routes were contracted with Safe Trans than anticipated when the contract was let in July.

Original Purchase Order was approved for \$221,000.00 + Change Order #1- \$61,897.50 = the new Purchase Order total of \$282,897.50.

Selection Process

N/A

RECOMMENDATION

It is recommended that the Board of Trustees approve Change Order #1 to Purchase Order # 200639 with Safe Trans Transportation for the provision of Transportation Services for ESUHSD's Special Education Students in the amount of \$61,897.50.

15. University of California at Santa Cruz-Educational Partnership Center (CAL-SOAP)

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
D. Moser D. Bertrand	September 1, 2011 – August 13, 2012	\$ 60,500.00 Total Amount to be distributed as described below: \$16,000 Andrew Hill High School \$18,500 James Lick High School \$14,500 Yerba Buena High School \$11,500 W.C. Overfelt High School Title I	Dan Moser, Superintendent James Lick High School; Glenn VanderZee, Principal Andrew Hill High School, Bettina Lopez, Principal Yerba Buena High School, Tom Huynh, Principal W.C. Overfelt High School, Vito Chiala, Principal

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to approve Contract Services Agreement and Individual Site Partnership Services

Agreements with The Regents of the University of California on behalf of San Jose Cal-SOAP for the Term September 1, 2011 through and including August 13, 2012 for the provision of academic support in a total amount of \$60,500, and to delegate authority to the Superintendent or designee to amend said contract on an as needed basis, including funding.

Contractor will provide academic support and to increase student achievement and prepare students to pursue and succeed in post-secondary education. Contractor will provide the following minimum efforts to support the above outcomes: provide high quality outreach services to Andrew Hill, Yerba Buena, James Lick, and W.C. Overfelt High Schools and leverage all funding and program opportunities; integrate direct service programs with school wide efforts and align with the school objectives; assign one trained outreach counselor to provide direct services to students and school staff; provide trained undergraduate academic interns to provide direct services to Andrew Hill, Yerba Buena, James Lick, and W.C. Overfelt High Schools' students; and provide a high school appropriate college awareness program to Andrew Hill, Yerba Buena, James Lick, and W.C. Overfelt High Schools' students through multiple formats.

Selection Process

No Solicitation process took place for this service.

RECOMMENDATION

It is recommended that the Board of Trustees approve a Contract Services Agreement and the Individual Site Partnership Services Agreements with The Regents of the University of California on behalf of San Jose Cal-SOAP for the Term September 1, 2011 through and including August 1, 2012 in a total amount of \$60,500 and to delegate authority to the Superintendent or designee to amend said contract on an as needed basis, including funding.

Agenda Item Details

Meeting Oct 20, 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 14.05 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: 14.05**

TO: Board of Trustees

FROM: Dan Moser, Superintendent

PREPARED BY: Marcus Battle, Associate Superintendent of Business Services, Donna Bertrand, C.P.M.,
Contracts Administration Coordinator

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.

[14.05 Contracts Under \\$50k.pdf \(72 KB\)](#)

Executive Content

EAST SIDE UNION HIGH SCHOOL DISTRICT
BOARD OF TRUSTEES
APPROVED **October 20, 2011**


Item: 14.05

EAST SIDE UNION HIGH SCHOOL DISTRICT PROFESSIONAL CONTRACT SERVICES at or Below \$50,000 Board Meeting of October 20, 2011

A. SCHOOL SITES/EDUCATION CENTER						
Contractor Name	Reviewed By	Contract Period	Cost/Funding	School/Dept. Manager	Purpose	
1 Apangea Learning, Inc.	K. King B. Schallau C. Giammona D. Bertrand	July 1, 2011 – June 30, 2012	\$39,590.00 District Wide Expense	Education Center Instructional Kirsten King, Director	REQUEST FOR RATIFICATION Contractor will provide Unlimited student enrollment, unlimited access for 557 Individually named ESUHSD students. Includes teacher and administrative logins, automated and customized reporting. All users may access the program from any location (home, school, library, community centers, etc.). Apangea will also provide professional services and staff development.	
2 Azusa Pacific University	C. Giammona D. Bertrand	None defined but can be terminated at any time.	\$800.00 per intern (REVENUE)	Education Center Cathy Giammona, Associate Superintendent	Approve an Intern Agreement with Azusa Pacific University for the placement of College students who are attending their internship program. This particular University pays the ESUHSD \$800 per intern plus provides an additional \$500 each semester to the interns to use for classroom and professional needs.	
3 A+ Educational Center	R. Ibarra C. Giammona D. Bertrand	October 21, 2011 – May 25, 2012	\$14,318.00 Title I	Education Center Instructional Robert Ibarra, Coordinator	For the provision of Supplemental Educational Services to Title I Students at Program Improvement Year 2+ Schools	
4 ACE Tutoring Services, Inc.	R. Ibarra C. Giammona D. Bertrand	October 21, 2011 – May 25, 2012	\$3,818.00 Title I	Education Center Instructional Robert Ibarra, Coordinator	For the provision of Supplemental Educational Services to Title I Students at Program Improvement Year 2+ Schools	
5 Alternatives Unlimited, Inc.	R. Ibarra C. Giammona D. Bertrand	October 21, 2011 – May 25, 2012	\$2,864.00 Title I	Education Center Instructional Robert Ibarra, Coordinator	For the provision of Supplemental Educational Services to Title I Students at Program Improvement Year 2+ Schools.	
6 California State University, East Bay	C. Giammona D. Bertrand	January 1, 2012 – December 31, 2015	Non-Monetary Agreement	Education Center/ All School Sites Cathy Giammona,	Contractor will provide university students to participate in Clinical field study experiences throughout ESUHSD school sites. ESUHSD and California State University will enter into a Student Placement Agreement supplied by the University and	

						Associate Superintendent	as modified by ESUHSD.
7	California Youth Outreach	V. Chiaia C. Giammona D. Bertrand	August 16, 2011 – May 31, 2012	\$9,912.00 Principals Account	W. C. Overfelt Vito Chiaia, Principal	REQUEST FOR RATIFICATION Contractor will provide a youth intervention specialist at W.C. Overfelt High School to work with targeted high risk & gang involved/impact students, parents, teachers, or other staff to help maintain a safe school climate and build youth resiliency and pro social skills.	
8	Encourage Tomorrow	R. Ibarra C. Giammona D. Bertrand	October 21, 2011 – May 25, 2012	\$11,454.00 Title I	Education Center Instructional Robert Ibarra, Coordinator	For the provision of Supplemental Educational Services to Title I Students at Program Improvement Year 2+ Schools	
9	Educational Advantage LLC, Xanuaze In-Home Tutoring	R. Ibarra C. Giammona D. Bertrand	October 21, 2011 – May 25, 2012	\$954.51 Title I	Education Center Instructional Robert Ibarra, Coordinator	For the provision of Supplemental Educational Services to Title I Students at Program Improvement Year 2+ Schools	
10	iDimensions For Learning	D. Moser D. Bertrand	August 1, 2011 – June 30, 2012	\$50,000.00 Small Learning Community	W.C. Overfelt Vito Chiaia, Principal Andrew Hill Bettina Lopez, Principal	Contractor will provide project management for Smaller Learning Communities (SLC); coordinate operation and implementation of SLC structures and strategies at W. C. Overfelt and Andrew Hill High Schools; perform site and cohort-based data collection and reporting; acts as liaison between schools & district to maximize District support; coordinate & facilitate meetings of leadership and stakeholder groups; act as liaison and facilitator with redesign coach and external evaluators; cultivate business and community relationships to ensure continued support of SLC; cultivate alternative funding sources to ensure long-term sustainability. Solicitation Process: No solicitation process took place for this contract. This is the fourth year of the five year grant. Brenda Childress, principal of iDimensions, brings the expertise and organization necessary to make this SLC performance-based grant an asset for W, C. Overfelt and Andrew Hill High Schools. With over 30 years of experience with Career Technical Education (CTE) programs and with direct links to local, state, and federal CTE resources and agencies Mrs. Childress has assisted both schools in establishing SLC	

11	The Learning Curve	R. Ibarra C. Giammona D. Bertrand	October 21, 2011 – May 25, 2012	\$5,727.00 Title I	Education Center Instructional Robert Ibarra, Coordinator	For the provision of Supplemental Educational Services to Title I Students at Program Improvement Year 2+ Schools	programs that meet federal compliance requirements and their school program goals. Additionally, Mrs. Childress was successful through her grant writing to bring 4 additional state Academy Programs under the SLC umbrella.
12	Learning Ladder, Inc.	R. Ibarra C. Giammona D. Bertrand	October 21, 2011 – May 25, 2012	\$21,954.00 Title I	Education Center Instructional Robert Ibarra, Coordinator	For the provision of Supplemental Educational Services to Title I Students at Program Improvement Year 2+ Schools	
13	Leader Services	C. Hersom C. Giammona D. Bertrand	July 1, 2011 – June 30, 2012	\$23,000.00 Medi-Cal Reimbursement	Education Center Special Services Carole Hersom Coordinator	For up to 9% of recovered Medi-Cal billing, Leader Services will provide training, do consultations, toll free telephone support, input data in a timely manner and provide reports both monthly and quarterly as needed.	
14	Mark M. Okuda	M. Metz B. Lopez C. Vaeth C. Giammona D. Bertrand	October 21, 2011 – May 31, 2012	\$1,500.00 Academy - Biotech	Andrew Hill Bettina Lopez, Principal	No solicitation process was done for this service. The District is planning on doing an RFP by the end of the 2011/12 school year. Contractor will provide curriculum support for a new science teacher at Andrew Hill High School. Contractor will provide materials and activities for Biotechnology course which is a part of the Biotech Academy, a CPA. Contractor will assist the teacher with planning and implementing lab activities and train her on the use of the lab equipment specific to Biotechnology. Contractor will maintain regular email/phone correspondence and will provide onsite visits as needed but as a minimum monthly.	
15	Mark M. Okuda	R. Ibarra C. Giammona D. Bertrand	November 12, 2011	\$300.00 Professional Development Program	Education Center/ Professional Development Robert Ibarra, Coordinator	Contractor to facilitate one three-hour seminar, "The Art of Teaching Science" for ESUHSD science teachers on Saturday November 12, 2011.	
16	Mathnasium Center Licensing, LLC	R. Ibarra C. Giammona D. Bertrand	October 21, 2011 – May 25, 2012	\$2,864.00 Title I	Education Center Instructional Robert Ibarra, Coordinator	For the provision of Supplemental Educational Services to Title I Students at Program Improvement Year 2+ Schools	Conflict of Interest on file.

17	Notre Dame De Namur University	C. Giammona D. Bertrand	July 1, 2011 – June 30, 2014	\$120 per semester per teacher (REVENUE))	Education Center/ District Wide Cathy Giammona	Approve Contract to accept and supervise Student/Intern Teachers and Administrative Interns at High Schools within ESUHSD.
18	Parent "A"	C. Hersom C. Giammona D. Moser M. Battle D. Bertrand	N/A	\$27,000.00 not-to-exceed Special Education	Special Education Carole Hersom, Coordinator	At this Board Meeting during closed session, a settlement agreement was brought forward to the Board for approval. The settlement is with a parent of a student with a disability pursuant to the Individuals with Disabilities Education Act ("IDEA"); 20 USC Sections 1400 et seq., and implementing California law, California Education Code Sections 56000 et seq. This request is to authorize Administration to execute the agreement presented to the Board during closed session. This action is contingent upon the Board's approval of the closed session item. No solicitation process required for this contract.
19	Planned Parenthood Mar Monte	T. Marquez C. Giammona D. Bertrand	November 14, 2011 – November 23, 2011	\$640.00 Principal's Account	Mt. Pleasant Teresa Marquez, Principal	Contractor will provide classroom presentation and comprehensive health education.
20	Premier Food Safety	J. Kasberger M. Battle D. Bertrand	October 1, 2011	\$2,962.80 Cafeteria	Education Center Child Nutrition Julie Kasberger, Director	REQUEST FOR RATIFICATION Contractor to provide services for on-site class for food manager certification class for 23 food service personnel. Contractor to provide all materials and certifications. Class was scheduled and could not be cancelled due to the need to have staff certified prior to expiration. Therefore, Administration approved the class prior to Board Approval.
21	Sabrina Daise	M. Metz B. Lopez C. Giammona D. Bertrand	September 21, 2011 – April 20, 2012	\$4,400.00 California Wellness Foundation	Andrew Hill Bettina Lopez, Principal	REQUEST FOR RATIFICATION To provide after school instruction classes on Medical Terminology and Pharmacy Clerk.

22	Total Education Solutions	R. Ibarra C. Giammona D. Bertrand	October 21, 2011 – May 25, 2012	\$3,818.00 Title I	Education Center Instructional Robert Ibarra, Coordinator	For the provision of Supplemental Educational Services to Title I Students at Program Improvement Year 2+ Schools
23	Ultimate Success Learning, Inc.	R. Ibarra C. Giammona D. Bertrand	October 21, 2011 – May 25, 2012	\$954.51 Title I	Education Center Instructional Robert Ibarra, Coordinator	For the provision of Supplemental Educational Services to Title I Students at Program Improvement Year 2+ Schools
24	XCEL Educational Services	R. Ibarra C. Giammona D. Bertrand	October 21, 2011 – May 25, 2012	\$13,363.00 Title I	Education Center Instructional Robert Ibarra, Coordinator	For the provision of Supplemental Educational Services to Title I Students at Program Improvement Year 2+ Schools
25	Tides Foundation	V. Chiala C. Giammona D. Bertrand	September 1, 2011 – May 31, 2011	\$15,000.00 (REVENUE) Tides Foundation Grant	W. C. Overfelt Vito Chiala, Principal	Accept the grant from the Tides Foundation, on the recommendation of the Google Community Grants Fund. The grant is for the Math Department and the Library
26	West Ed	D. Moser D. Bertrand	August 1, 2011 – July 31, 2012	\$25,000.00 Small Learning Communities	Andrew Hill Bettina Lopez W. C. Overfelt Vito Chiala	Provide school redesign coach for Smaller Learning Communities (total of 20 days – 10 days per site). The coach will offer both school redesign expertise and a "critical friend" perspective as implementation of the SLC project continues. Specific coaching areas will include: Assisting SLC teams with "team building; facilitating and managing project-based learning and cross-curricula instruction; provide professional development for teaching character education; coaching on obtaining student commitment and buy-in; and develop positive ways to address student discipline. Solicitation process took place in 2010 were proposals were solicited from three known vendors.

B. FACILITIES

	Contractor Name	Reviewed By	Contract Period	Cost/Funding	School/Dept. Manager	Purpose
1	Cleary Consultants, Inc.	K. Lanford M. Battle D. Bertrand J. Unger	November 19, 2010 – November 18, 2013 (no change)	\$2,915.25 (not to exceed) Measure G	James Lick Facilities Glenn VanderZee, Principal June Rono, PhD., Director	Change Order #2 to Purchase Order # 101739 is issued to include geotechnical engineering services for the retaining wall and steps at the ADA ramp for the New Fire Service Center Project at James Lick High School, (Project No.: G-030-026). Original Purchase Order Amount \$12,600.00 + Change Order #1 \$7,900.00 + Change Order #2 \$2,915.25 = a new Purchase Order Total \$23,415.25.
2	Environmental Remediation Technologies, Inc. (ERT)	K. Lanford M. Battle D. Bertrand J. Unger	June 17, 2011 – October 31, 2011 (no change)	\$6,500.00 (not to exceed) Measure E	Yerba Buena Facilities Tom Huynh, Principal June Rono, PhD., Director	Change Order #1 to Purchase Order #103198 is issued to increase the purchase order by \$6,500.00 due to abatement activity lasting additional (10) days beyond the original estimated time for the Title IX Interior Modernization Project at Yerba Buena High School. (Project No.: E-060-003) Original Purchase Order Amount \$12,650.00.00 + Change Order #1 \$6,500.00 = a new Purchase Order Total \$19,150.00.
3	Michael Henley & Co.	K. Lanford M. Battle D. Bertrand J. Unger	October 21, 2011 – December 31, 2011	\$1,000.00 (not to exceed) Measure G	Independence Facilities Grettal Castro-Stanley, Principal June Rono, PhD., Director	Contract Service Agreement for inspector of record (IOR) services for KIPP Charter Science Lab Relocatable Portable Project at Independence High School, (Project No.: MG2011-001)
4	MatriScope Engineering Laboratories, Inc.	K. Lanford M. Battle D. Bertrand J. Unger	July 18, 2011 – November 30, 2011 (time extension request)	\$7,716.29 (not to exceed) Measure G	Independence Facilities Grettal Castro-Stanley, Principal June Rono, PhD., Director	Change Order #1 to Purchase Order # 200368 is issued due to change in schedule, separate trenching into (4) phases in order to allow traffic/pedestrian flow. Expedited lab services and overtime hours were required in order to accelerate the project for KIPP Charter Relocatable Classroom and Restroom Project at Independence High School, (Project No.: MG2011-001). Original Purchase Order Amount \$3,892.00 + Change Order #1 \$7,716.29 = a new Purchase Order Total \$11,608.29.

5	MatriScope Engineering Laboratories, Inc.	K. Lanford M. Battle D. Bertrand J. Unger	August 5, 2011 – August 8, 2011	\$765.54 (not to exceed) Measure G	Independence Facilities Gretal Castro-Stanley, Principal June Rono, PhD., Director	REQUEST FOR RATIFICATION Contract Service Agreement for DSA required special inspection services for the Title IX Interior Modernization Project at Independence High School, (Project No.: E-065-002). No solicitation process was performed for this service.
6	MatriScope Engineering Laboratories, Inc.	K. Lanford M. Battle D. Bertrand J. Unger	October 01, 2011 – November 30, 2011	\$6,385.00 (not to exceed) Measure E	Oak Grove Facilities Martha Brazil, Principal June Rono, PhD., Director	Contract Service Agreement and Purchase Order # 103071 expired on September 30, 2011. Due to Purchasing not receiving this add service request in time for the September 15, 2011 Board meeting the contract expired. Request to ratify a new contract service agreement for additional services required due to original proposal was based on an estimated construction schedule. This adds service request is based on contractor's current schedule and anticipated work to complete this project for Title IX Interior Modernization Project at Oak Grove High School, (Project No.: E-050-003). Original Purchase Order (103071) Amount = \$4,876.00, Board Ratified on May 31, 2011.
7	MatriScope Engineering Laboratories, Inc.	K. Lanford M. Battle D. Bertrand J. Unger	October 01, 2011 – November 30, 2011	\$4,013.00 (not to exceed) Measure E	Silver Creek Facilities Adolfo Laguna, Principal June Rono, PhD., Director	Contract Service Agreement and Purchase Order # 103077 expired on September 30, 2011. Due to Purchasing not receiving this add service request in time for the September 15, 2011 Board meeting the contract expired. Request to ratify a new contract service agreement for additional services required due to original proposal was based on an estimated construction schedule. This adds service request is based on contractor's current schedule and anticipated work to complete this project for Title IX Interior Modernization Project at Silver Creek High School, (Project No.: E-055-003). Original Purchase Order (103077) Amount = \$5,444.00, Board Ratified on May 31, 2011.
8	Piedmont Moving Systems	K. Lanford M. Battle D. Bertrand J. Unger	June 29, 2011 – December 31, 2011 (no change)	\$3,200.00 (not to exceed) Measure E	W.C. Overfelt Facilities Vito Chiala, Principal June Rono, PhD., Director	Change Order #1 to Purchase Order #103262 is issued to increase the purchase order by \$3,200.00 due to additional moving services performed at the Wing C & E Modernization Project at W. C. Overfelt High School (Project No.: E-040-001) Original Purchase Order Amount \$5,000.00.00 + Change Order #1 \$3,200.00 = a new Purchase Order Total \$8,200.00.