

Agenda Item Details

Meeting	Jan 17, 2013 - ESUHSD REGULAR BOARD MEETING - 3:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133
Category	16. CONSENT/ACTION CALENDAR
Subject	16.26 Approve Minutes of December 11, 2012, Annual Organizational and Regular Board Meeting
Access	Public
Type	Action (Consent)
Recommended Action	It is recommended that the Board of Trustees approve December 11, 2012, Annual Organizational and Regular Board Meeting minutes as presented.

Public Content

EAST SIDE UNION HIGH SCHOOL DISTRICT**Item: 16.26**

TO: Board of Trustees

FROM: Chris D. Funk, Superintendent

SUBJECT: Approve Minutes of December 11, 2012, Annual Organizational and Regular Board Meeting

Attached are the minutes of the December 11, 2012, Annual Organizational and 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 December 11, 2012, Annual Organizational and Regular Board Meeting minutes as presented.

Executive Content

East Side Union High School District

Approved**Board of Trustees****January 17, 2013**

**EAST SIDE UNION HIGH SCHOOL DISTRICT
ANNUAL ORGANIZATION & REGULAR MEETING
OF THE
BOARD OF TRUSTEES
Meeting Held at Education Center
December 11, 2012
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 4:01 p.m. by President Biehl. Member Herrera, Member Nguyen, Member Le and Member Carrasco were present.

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

President Biehl 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.

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 Member Le, second by Member Herrera, the Board approved the expulsion of Student A.

Vote: 5/0

- 2.02 Public Employee Performance Evaluation (Government Code Section 54957)
- 2.03 Public Employment/Public Employee Appointment (Government Code Section 54957)
- 2.04 Public Employee Discipline/Dismissal/Release (Government Code Section 54957)
- 2.05 Conference with Labor Negotiators (Government Code Section 54957.6)

Agency Designated Representatives:

Chris D. Funk, Superintendent

Marcus Battle, Associate Superintendent of Business Services

Juan Cruz, Assistant Superintendent of Instructional Services

Vida Branner, Director of Compensation and Classified Employee Relations

Cari Vaeth, Director of Human Resources

Employee Organizations:

American Federation of Teachers (AFT)

California School Employees Association (CSEA)

East Side Teachers Association (ESTA)

Unrepresented Organizations:

Administrators

Managers

Confidentials

**2.06 Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9
of the Government Code**

- *Claim for Damages of V. Fox*

Motion by Member Herrera, second by Member Le, to reject the claim for damages of V. Fox.

Vote: 5/0

- *Claim for Damages of H. Nguyen*

- *Claim for Damages of L. Shively*

Motion by Member Nguyen, second by Member Le, to reject the claims for damages of L. Shively

Vote: 5/0

- *Claim for Damages of T. Truong*

Motion by Member Le, second by Member Nguyen to reject the claim for damages of T. Truong.

Vote: 5/0

- *Two (2) Potential Cases*

2.07 Conference with Legal Counsel – Anticipated Litigation
Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9

- *Two (2) Potential Cases*

2.08 Conference with Legal Counsel – Existing Litigation
Subdivision (a) of Government Code Section 54956.9

- *One Roe, et al. v. Anthony Loza, East Side Union High School District, Esther Pollack, and Does 1 -100; Santa Clara County Superior Court Case No. 112CV234748*
- *City of San Jose, Petitioners, v. California Director of Finance Ana J. Matosantos, California State Board of Equalization, Santa Clara County Auditor Controller Vinod Sharma, Respondents, County of Santa Clara; Franklin-McKinley School District; Oak Grove School District; Orchard Elementary School District; San Jose Unified School District; Santa Clara Unified School District; East Side Union High School District; West Valley-Mission Community College, Real Parties-in-Interest Sacramento County Superior Court Case No. 34-2012-80001327*

Motion by Member Herrera, second by Member Le, to authorize Counsel to accept service in that pending matter.

Vote: 5/0

- *In the Matter of Cardenas, Office of Office of Administrative Hearings Case No. 2012110722*

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

**BOARD OF TRUSTEES OATH OF OFFICE CEREMONY
NEWLY ELECTED BOARD MEMBER MAGDALENA CARRASCO
RE-ELECTED BOARD MEMBER LAN NGUYEN
6:10 P.M. (approximately)
EAST SIDE UNION HIGH SCHOOL DISTRICT
BOARD ROOM**

5. Annual Organizational Meeting (Action Items)

5.01 Nomination and Election of Board Officers

- **President**

Motion by Member Nguyen, second by Member Herrera, to nominate Member Biehl as Board President.

Vote: 5/0

- **Vice President**

Motion by Member Le, second by Member Nguyen, to nominate Member Herrera as Board Vice President.

Vote: 5/0

- **Clerk**

Motion by Member Biehl, second by Member Nguyen, to nominate Member Le as Board Clerk.

Vote: 5/0

5.02 Nomination and Appointment of Two Board Members to Board's Standing Audit Committee: Chairperson and Vice Chairperson

Motion by Member Biehl, second by Member Herrera, to nominate Member Nguyen as Audit Committee Chairperson.

Vote: 5/0

Motion by Member Herrera, second by Member Biehl, to nominate Member Carrasco as Audit Committee Vice Chair.

Vote: 5/0

5.03 Nomination and Election of Alternate Representative to MetroED Board

Motion by Member Herrera, second by Member Biehl, to nominate Member Nguyen as the alternate representative to the MetroED Board, which serves from January 2013 through December 2013.

Vote: 5/0

5.04 Nomination of One Member of the Board of Trustees to Vote in the Election of the Santa Clara County Committee on School District Organization

Motion by Member Nguyen, second by Member Herrera, to nominate Member Le to vote in the election of the Santa Clara County Committee on School District Organization.

Vote: 5/0

5.05 Nomination and Election of Representative to Santa Clara County School Boards Association

Motion by Member Biehl, second by Member Nguyen, to nominate Member Le as the District representative to the Santa Clara County School Boards Association.

Vote: 5/0

5.06 Call for Nominations to CSBA Delegate Assembly

Motion by Member Biehl, second by Member Herrera, to nominate Member Le as a candidate to CSBA Delegate Assembly.

Vote: 5/0

5.07 Appointment of Board Secretary

Motion by Member Herrera, second by Member Nguyen, to appoint the Superintendent as Board Secretary.

Vote: 5/0

OATH OF OFFICE CELEBRATION (15 minutes)

6. ADOPTION OF AGENDA

For consideration by the Board of Trustees.

There were no changes to the agenda.

7. BOARD SPECIAL RECOGNITION(S)

No items on calendar under this section.

8. STUDENT BOARD LIAISONS

8.01 Diane Nguyen, ASB President, Andrew Hill High School

8.02 Christine Truong, ASB President, Yerba Buena High School

9. **SPECIAL ORDER OF BUSINESS – OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION**

- 9.01 The Superintendent and/or Board Member(s) may request that items be considered, discussed, and acted on out of the order indicated on the agenda as per schedule.
- 9.02 Discussion and/or Action Approving Statement of Votes and Certification of Election Results from the Santa Clara County Registrar of Voters Office and Declare the Totals to be the Final Results of the Election; Approval and Adoption of Resolution #2012/2013-15 Certifying Results of General Obligation Bond Election Held on November 6, 2012 – Chris D. Funk, Superintendent

Motion by President Biehl, second by Vice President Herrera, to approve the statement of votes and certification of election results from the Santa Clara County Registrar of Voters Office and declare the totals to be the final results of the election and to adopt Resolution #2012/2013-15 Certifying the Results of General Obligation Bond Election Held on November 6, 2012.

Vote: 5/0

10. **PUBLIC HEARING(S) – OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION**

No Items on Calendar Under this Section

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

Members of the public may address the Board on any subject not on tonight's agenda; however, provisions of the Brown Act (Government Code section 54954.2(a) and 54954.3) preclude any action. As an unagendized item, no response is required from the Board or District staff and no action can be taken; however, the Board may instruct the Superintendent to agendize the item for a future meeting. When your name is called, please come to the podium, state your name for the record, and limit your remarks to three (3) minutes.

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

There were no public speakers.

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

- 12.01 Discussion and/or Action of Schedule of Regular Board Meetings and Annual Organizational Meeting for 2013 - Chris D. Funk, Superintendent

Motion by President Biehl, second by Clerk Le, to approve the schedule of Regular Board Meetings and Annual Organizational Board Meeting for calendar year 2013.

Vote: 5/0

12.02 Discussion and/or Action of Board Members Attendance to CSBA's Masters in Governance Program; CSBA's Board Presidents Workshop, and; CSBA's Board Self Evaluation and Superintendent Evaluation Workshop - Chris D. Funk, Superintendent

Motion by Clerk Le, second by Vice President Herrera, to approve Board Members Attendance to CSBA's Masters in Governance Program; CSBA's Board Presidents Workshop, and; CSBA's Board Self Evaluation and Superintendent Evaluation Workshop.

Vote: 5/0

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

13.01 Discussion and/or Action of KIPP San Jose Collegiate Charter School Renewal Petition – Juan Cruz, Assistant Superintendent of Instructional Services, and Kirsten King, Director of Instructional Services

Public Speakers:

- *Julissa Barron*
- *John Buie*
- *Alicia Greenwald*
- *Juan Lopez*

Motion by Vice President Herrera, second by Clerk Le, to approve the renewal of KIPP San Jose Collegiate Charter School. The charter will be renewed for five (5) years and will expire on June 30, 2018.

Vote: 5/0

13.02 Discussion and/or Action of CAHSEE Local Waivers for Special Education Students - Juan Cruz, Assistant, Superintendent of Instructional Services

Motion by Clerk Le, second by Vice President Herrera, to approve the CAHSEE local waivers for special education students.

Vote: 5/0

13.03 Discussion and/or Receipt of Charter School Petition from B. Roberto Cruz Leadership Academy - Juan Cruz, Assistant Superintendent of Instructional Services, and Kirsten King, Director of Instructional Services

Item received

13.04 Discussion and/or Receipt of Charter School Petition from Latino College Preparatory Academy II - Juan Cruz, Assistant Superintendent of Instructional Services, and Kirsten King, Director of Instructional Services

Item received

13.05 Discussion and/or Receipt of First Reading of Proposed Amendment to Board Policy 1312.3 Community Relations - Uniform Complaint Procedures, and Board Policy 1312.3(E) Uniform Complaint Procedure Form - Juan Cruz, Assistant Superintendent of Instructional Services

Motion by Vice President Herrera, second by Member Nguyen, to authorize the District to apply for the Linked Learning Pilot Grant.

Vote: 5/0

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

14.01 Adopt Resolution #2012-2013-11 Declaring the Observance of Lincoln's Birthday on Friday, February 22, 2013 - Cari Vaeth, Director, Human Resources

Motion by Clerk Le, second by Member Carrasco, to adopt Resolution #2012/2013-11 Declaring the Observance of Lincoln's Birthday on Friday, February 22, 2013.

Vote: 5/0

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

15.01 Discussion and/or Action of First Interim Financial Report for 2012/13 - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance

Public Speaker:

- *Marisa Hanson, ESTA President*

Motion by Vice President Herrera, second by Member Carrasco, to approve the First Interim Financial Report/revision to the operating budget as presented for fiscal year 2012-2013.

Vote: 5/0

15.02 Adopt Resolution #2012/2013-12 Approving Authorized Signatures - Marcus Battle, Associate Superintendent of Business Services

Motion by Clerk Le, second by Member Carrasco, to adopt Resolution #2012/2013-12 Approving Authorized Signatures.

Vote: 5/0

15.03 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 Member Nguyen, second by Vice President Herrera, to approve the contracts for professional services over \$50,000 (copy attached.).

Vote: 5/0

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

16.01 Adopt Resolution #2012/2013-13 Authorization for Administration to Submit School Facility Program Applications to the State Allocation Board - Marcus Battle, Associate Superintendent of Business Services, and Linda da Silva, Director of Construction, Maintenance & Facilities

Motion by Member Nguyen, second by President Biehl, to adopt Resolution #2012/2013-13 Authorization for Administration to Submit School Facility Program Applications to the State Allocation Board.

Vote: 5/0

16.02 Presentation, Discussion and/or Action of Measure E Distribution for Escuela Popular - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance & Facilities, and Patricia Reguerin, Escuela Popular Executive Director

Motion by Vice President Herrera, second by Member Nguyen, to approve distribution of furniture, fixtures and equipment, funded by Measure E bond funds, to Escuela Popular in an amount not to exceed \$332,000, conditional upon the California Department of Education not revoking Escuela Popular's charter.

Vote: 5/0

16.03 Presentation, Discussion and/or Action of Measure G Swimming Pools Upgrade Project - Marcus Battle, Associate Superintendent of Business Services, and Linda da Silva, Director of Construction, Maintenance & Facilities

Public Speakers:

- *Jeff Love*
- *Jon Reinke*

Motion by Member Nguyen, second by Member Carrasco, to authorize/approve staff recommendation #3.

Vote: 4/1, Clerk Le voted No

For the record, Clerk Le voted No because she supports recommendation #2.

16.04 Discussion and/or Action for Award of Bid for Independence High School Swimming Pool Renovation - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance & Facilities, and Janice Unger, Capital Projects Purchasing Manager

Motion by President Biehl, second by Member Nguyen, to approve award of bid for the Independence High School Pool Renovation Project to Gonsalves & Stronck Construction, Inc. as the lowest responsive bidder.

Vote: 5/0

16.05 Presentation, Discussion and/or Action of the California Uniform Public Construction Cost Accounting Act (CUPCCAA) - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance & Facilities, and Janice Unger, Capital Projects Purchasing Manager

Motion by Member Nguyen, second by Vice President Herrera, to authorize administration to move forward with the California Uniform Public Construction Cost Accounting Act (CUPCCAA). Legal Counsel to provide a written analysis on CUPCCAA. At the January Board Meeting, the first reading of a draft Board Policy and a Resolution will be presented to the Board for action and/or approval/adoption. In February, the Board Policy will be presented to the Board for second reading and action/adoption.

Vote: 5/0

16.06 Discussion and/or Action of Bond/Capital Projects Contracts Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, and Janice Unger, Capital Projects Purchasing Manager

Motion by Member Nguyen, second by Clerk Le, to approve bond/capitol projects contracts for professional services over \$50,000 (attached).

Vote: 4/0, Vice President Herrera out of room

17. ATTACHMENT A – CONSENT CALENDAR ITEMS

Motion by Member Nguyen, second by Clerk Le, to approve the entire consent calendar as presented and to include a correction in agenda item 17.07, change Juan Valdes to Jose Valdes.

Vote: 5/0

- 17.01 Ratify/Approve Classified Personnel Actions Presented December 11, 2012**
- 17.02 Ratify/Approve Certificated Personnel Actions Presented December 11, 2012**
- 17.03 Ratify/Approve Student Aide Personnel Actions Presented December 11, 2012**
- 17.04 Approve School Field Trips**
- 17.05 Approve Award of Bids**
- 17.06 Approve Contracts for Professional Services At or Below \$50,000**
- 17.07 Approve Memoranda of Understanding**
- 17.08 Approve Budget Transfers**
- 17.09 Approve Purchase Orders**
- 17.10 Approve Change Orders to Purchase Orders**

- 17.11 **Adopt Resolution #2012/2013-14 Declaration of Obsolete Instructional Materials for Sale, Donation and/or Disposal per Education Code Sections 60510-60511**
- 17.12 **Accept Warrant Register for the Month of November 2012**
- 17.13 **Approve Proposed Termination of Professional Services Agreement and Purchase Orders between East Side Union High School District and RGM and Associates**
- 17.14 **Reject all Bids for Bond/Capital Projects**
- 17.15 **Approve Bond/Capital Projects Contracts for Professional Services At or Below \$50,000**
- 17.16 **Approve Final Change Order #2 for W.C. Overfelt High School Wing C & E and Title IX Interior Modernization Project (Angotti & Reilly, Inc.)**
- 17.17 **Approve Notice of Completion for Andrew Hill High School Title IX Interior Modernization Project (Cal-Pacific Construction, Inc.), Project #E-025-001**
- 17.18 **Approve Notice of Completion for W.C. Overfelt High School High School Wing C & E and Title IX Interior Modernization Project (Angotti & Reilly, Inc.), Project #'s E-040-001 & E-040-003**
- 17.19 **Approve Minutes of October 23, 2012, Special Board Meeting / Board Workshop**
- 17.20 **Approve Minutes of November 15, 2012, Regular Board Meeting**

18. WRITTEN REPORTS/RECOMMENDATIONS

- 18.01 **Receive Update to Previously Approved Change Orders for Current Bond Projects Which Exceed the 10% Allowance**

Item received

- 18.02 **Receive Quarterly Report on Santa Clara County Treasury Investment Portfolio Status as of September 30, 2012**

Item received

19. FUTURE AGENDA ITEMS

- 19.01 **Opportunity for Board of Trustees to request items on future agendas.**

19.02 Future Items:

Board President Biehl:

Item	Date (tentative)	Type
<i>Status of Chinese Language Program</i>	<i>February 2013</i>	<i>Written Report</i>
<i>Parent Involvement Plan</i>	<i>March 2013</i>	<i>Board Policy</i>

Board Clerk Le:

Item	Date (tentative)	Type
<i>Special Education Program Overview</i>	<i>March 2013</i>	<i>Study Session</i>

Board Member Nguyen:

Item	Date (tentative)	Type
<i>International Baccalaureate (IB) Program</i>	<i>March 2013</i>	<i>Study Session</i>
<i>Review on Procurement and Bidding Process</i>	<i>April 2013</i>	<i>Presentation</i>

Removed from future items list:

- Child Development Program – To be done annually
- Social Networking – Language included in amended/adopted Board Policy

20. BOARD OF TRUSTEES/SUPERINTENDENT COMMUNICATIONS/COMMENTS

20.01 Board of Trustees

Van Le, Board Clerk

I attended the Student/Board Relations meeting at James Lick High School with Superintendent Chris Funk. I would like to continue that relationship with the students. I would like us to continue working on the "Best of the Best" project with the students.

I want to extend my appreciation to Julie, Darlene, her staff and Mary. Everyone has contributed to organizing the Homeless Project for East Side. It was very touching and very emotional. This was the first event that East Side organized and it was beautifully organized. I hope that we will continue this next year and will have more participation and also get help with transportation of the families. I want to extend an appreciation to the staff for their time and putting out their heart in putting together our first event.

I would like to thank the Board for their nomination of me to CSBA. I am learning a lot this year and will learn more this next coming year. I am learning so much and really appreciate all the time and support by staff on answering my questions.

I would like to welcome Magdalena Carrasco to the Board.

I wish everyone Happy Holidays Merry Christmas and Happy New Year!

Lan Nguyen, Board Member

Happy Holidays!

Magdalena Carrasco, Board Member

Thank you for such a warm reception. I want to thank all of you. You have been very gracious this evening. I want to thank the Board for their warmth and welcoming gesture. It has been very nice getting to know all of you.

If you need to reach me, please contact me through the District's website. Mary has connected me to the e-mail. I am really looking forward to working with you and I say that sincerely. I have a great deal to learn and I want to know all the Principals, teachers, staff, parents and community leaders. When I decided to run, it was with the intent of really moving forward a child focused agenda. I want to do everything possible to serve you in the work that you do and to be sure that we are responsible to our children and that we give you all the support that you need to get your work done.

Please feel free to call me and we will get together. I would love to visit your schools and see the wonderful work that you are doing with the students and get to know you.

Have a wonderful holiday and a great New Year! I can't wait to see you next year and do a lot of wonderful things for our students. Thank you so much for being here.

J. Manuel Herrera, Board Member

Welcome to our newest Board Member, Magdalena Carrasco. I look forward to all of us working together.

I am well aware that I am now officially the longest serving Board Member for the East Side Union High School District. When Richard Tanaka left East Side as Board Member, I spoke with Richard about how long he was on the Board. He said twenty years. I thought I had retired at 20 years. When I ran and got reelected, I knew that during the term I was going to pass that benchmark and I would become the longest serving Board Member. I talked to Richard recently just to verify his 22 years. He was going to double check and get back to me. He got back to me and let me know that it was 21 years. So, a year ago, I became the longest serving Board Member. Thanks for keeping me around. I really enjoy serving. Thank you and Happy Holidays!

Frank Biehl, Board President

Welcome Magdalena to the Board. I think your input will be great and I am glad to have you here.

I am in the process of scheduling school site visits. I am doing this during January and February. I have scheduled nine so far. I have three more to go. Those of you who I haven't scheduled with yet check your e-mail and get back to me. Any Board Member, I will publish my schedule, and if you would like to join me on any of these visits, you are welcome to do that. It is probably not a good idea to have more than two Board Members at a time, but if anybody else wants to join me, it is fine. Van Le has done some with me before. You are free to schedule your own visits on your own. I also always leave the option to the

Superintendent to join me on any of these. I try not to make this a burden on the school, but it is great to go out there and look at those swimming pools and see what is going on.

Thank you very much for all the good work we did tonight. I think we tackled some significant issues, some good discussions, and made some good decisions and are moving them forward. Thank you very much.

20.02 Chris D. Funk, Superintendent

In Cabinet today, we began the process of drafting Board Policy #0150 Equity, which we will be bringing forward in the near future to the Board, as well as take out to our many stakeholders for input. We also began reviewing questions that we will begin submitting as a climate survey that will be going out to staff, students, parent and outside stakeholders with the goal of beginning the climate survey in mid January so that we will have the information when we begin our community conversations around the strategic planning process, which will publish when we return. That will begin sometime in February and carry us through March / early April. Again, Cabinet is made up off all the Principals, Directors, Association Presidents and Superintendent's Council.

I, once again, want to thank everyone for welcoming me into the family. It's been six months now. It has been a fast and crazy ride and I love it. I just want to remind everyone how important it is to take time over the holidays to rejuvenate, refresh, recharge your batteries, spend time with your loved ones, friends and family members because we have a lot of work to do this Spring. I am looking forward to it. Thank you.

21. 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.

22. ADJOURNMENT

President adjourns the meeting.

The meeting was adjourned at 10:09 PM.

Respectfully submitted,



Board Clerk

Agenda Item Details

Meeting Dec 11, 2012 - ESUHSD ANNUAL ORGANIZATIONAL & REGULAR BOARD MEETING - 4:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category 15. BUSINESS SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

Subject 15.03 Discussion and/or Action of 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: 15.03

TO: Board of Trustees

FROM: Chris D. Funk, Superintendent

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

SUBJECT: Discussion and/or Action of 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.

[Contracts Over \\$50k 12-11-12.pdf \(18 KB\)](#)

Executive Content

**EAST SIDE UNION HIGH SCHOOL DISTRICT
BOARD OF TRUSTEES
APPROVED December 11, 2012**



M. Guillen

**EAST SIDE UNION HIGH SCHOOL DISTRICT
Contracts for Professional Services over \$50,000
Board Meeting of December 11, 2012**

1. Victor Treatment Centers d.b.a. North Valley School (RATIFICATION)

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Juan Cruz Toby Hopstone Donna Bertrand	November 13, 2012 – August 31, 2013	\$158,353 (estimated expenditure) Tuition – Special Education \$2,975 (estimated expenditure) -Transportation	Special Services Toby Hopstone, Director of Special Education

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to ratify an Agreement with Victor Treatment Centers d.b.a. North Valley School for the provision of Non-Public School (NPS), residential, day treatment, and mental health services. Educational services shall be consistent with the master contract and specified services per the students Individual Education Program (IEP) plan.

Victor Treatment Centers Stockton is located in East Stockton among the farms and vineyards of the San Joaquin Valley. This rural setting provides care for 42 children in need of specialized mental health treatment. The youths reside in seven attractive, family-style homes in quiet neighborhoods. The program serves children and adolescents between 8 and 18 years of age who are identified as Severely Emotionally Disturbed Youth and are in need of 24/7 supervision and intensive treatment services in multiple life domains. Victor Treatment Centers Stockton provides highly individualized services and maintains a 1 to 3 staff to client ratio within the treatment environment. A high staff to youth ratio in a home-like atmosphere provides a safe, consistent and predictable structure allowing each individual youth to grow at their own pace and according to their personal abilities.

Selection Process

There was no competitive solicitation done for this type of service. This is a very specialized service for a very unique case. Other programs were researched and this facility was determined by ESUHSD staff as the best facility to meet the needs of this particular ESUHSD student.

RECOMMENDATION

It is recommended that the Board of Trustees ratify an Agreement with Victor Treatment Centers d.b.a. North Valley School for the provision of Non-Public School (NPS), residential, day treatment, and mental health services Spectrum Center for the contract term November 13, 2012 through and including August 31, 2013 in an estimated amount of \$161,328.00, and to delegate authority to the Superintendent or designee to amend said agreement, including funding as needed.

Agenda Item Details

Meeting Dec 11, 2012 - ESUHSD ANNUAL ORGANIZATIONAL & REGULAR BOARD MEETING - 4:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category 16. FACILITIES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

Subject 16.06 Discussion and/or Action of Bond/Capital Projects Contracts Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, and Janice Unger, Capital Projects Purchasing Manager

Access Public

Type Action, Discussion

Recommended Action It is recommended that the Board of Trustees approve the Bond/Capital Projects contracts as recommended on the attachment.

Public Content

EAST SIDE UNION HIGH SCHOOL DISTRICT

Item: 16.06

TO: Board of Trustees

FROM: Chris D. Funk, Superintendent

PREPARED BY: Marcus Battle, Associate Superintendent of Business Services, and Janice Unger, Capital Projects Purchasing Manager

SUBJECT: Discussion and/or Action of Bond/Capital Projects Contracts Over \$50,000

The attached list of Bond/Capital Projects Contracts over \$50,000 is 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 Bond/Capital Projects contracts as recommended on the attachment.

[Bond Contracts Over \\$50k.pdf \(139 KB\)](#)

Executive Content

**EAST SIDE UNION HIGH SCHOOL DISTRICT
BOARD OF TRUSTEES
APPROVED December 11, 2012**

Last Modified by Betty Banderas on December 5, 2012

EAST SIDE UNION HIGH SCHOOL DISTRICT
Bond/Capital Projects Contracts over \$50,000
Board Meeting of December 11, 2012

1. FieldTurf USA, Inc. (CMAS – Piggyback) – Athletic Facility Improvement Projects at Independence, Mt. Pleasant, W.C. Overfelt, Evergreen Valley and Silver Creek High Schools

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Linda da Silva Marcus Battle Janice Unger	May 11, 2012 – November 30, 2016	\$ 36,297.00 (Increased amount) Fund 35 – School Facilities	Independence, Mt. Pleasant, W.C. Overfelt, Evergreen Valley & Silver Creek High Schools/Facilities Grettel Castro-Stanley, Teresa Marquez, Vito Chiala, Ana Lomas & Adolfo Laguna, Principals Linda da Silva, Director of Construction, Maintenance & Facilities

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to approve change order #3 to Purchase Order #203075 for the Athletic Facility Improvement Projects at Independence, Mt. Pleasant, W. C. Overfelt, Evergreen Valley and Silver Creek High Schools, (Project No.: G-065-201, G-035-201, G-040-201, F-035-075-001, G-055-201).

This change order #3 is for Evergreen Valley High School and request is issued for seal coat application to extend the life of the new track surface. This seal coating was not applied during original construction of the track, and the omission was revealed as a hidden condition. Application of this seal coat will allow the track to look and wear better over time, similar to the other tracks recently resurfaced at Independence, Mt. Pleasant, W.C. Overfelt and Silver Creek High Schools. The contractor is offering this change order at their cost for materials, labor and freight, with no profit.

Original Purchase Order \$2,752,733.00 + Change Order #1 \$39,560.00 (\$9,890.00 per field, Board Approved 9/20/12) + Change Order #2 \$1,268.11 (Board Approved 11/15/12) + Change Order #3 \$36,297.00 = the new Purchase Order total for \$2,829,858.11.

Selection Process

N/A

RECOMMENDATION

It is recommended that the Board of Trustees approve change order #3 to Purchase Order #203075 with FieldTurf USA, Inc. in an amount of \$36,297.00 for the Athletic Facility Improvement Projects at Independence, Mt. Pleasant, W.C. Overfelt, Evergreen Valley and Silver Creek High Schools, (Project No.: G-065-201, G-035-201, G-040-201, F35-075-001, G-055-201).

2. NTD Architecture

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Linda da Silva Marcus Battle Janice Unger	September 15, 2011 through project closeout	\$ 25,000.00 (Increased amount) Measure E	W.C. Overfelt High School/Facilities Vito Chiala, Principal Linda da Silva, Director of Construction, Maintenance & Facilities

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to approve change order #1 to Purchase Order #201373 for the W.C. Overfelt High School Modernization of Building D/Classroom Project, (Project No.: E-040-005).

This change order #1 is for additional professional services for utility and infrastructure scope required to support the project.

Original Purchase Order \$298,925.00 + Change Order #1 \$25,000.00 = the new Purchase Order total for \$323,925.00

Selection Process

N/A

RECOMMENDATION

It is recommended that the Board of Trustees approve change order #1 to Purchase Order #201373 with NTD Architecture in an amount of \$25,000.00 for the W.C. Overfelt High School Modernization of Building D/Classroom Project, (Project No.: E-040-005).

2. NetXPerts, Inc.

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Linda da Silva Janice Unger Marcus Battle	June 8, 2012 through project completion	\$ 65,584.69 (Increased Amount) Measure E	Education Center/ Technology/Facilities Randy Phelps, Director of Technology Linda da Silva, Director of Construction, Maintenance & Facilities
RFP #	Purchase Order #	DSA #	Project #
RFP-17-11-12	203349	N/A	N/A

The District Wireless Project (RFP-17-11-12) encountered field conditions and sequencing changes that were not in the contracted scope of work. District-initiated additional scope to improve project outcomes is also included in this change order request.

Original Contract Amount	\$935,206.00
Previously Authorized Change Orders (#s 1)	\$41,948.49
Contract Amount Prior to This Change Order	\$977,154.49

Requested Change Order #2	\$65,584.69
Revised Contract Amount	\$1,042,739.18

RECOMMENDATION: It is recommended that the Board of Trustees approve Change Order #2 to Purchase Order #203349 with NetXPerts, Inc. in the amount of \$65,584.69 for the District Wireless Project.

Agenda Item Details

Meeting	Dec 11, 2012 - ESUHSD ANNUAL ORGANIZATIONAL & REGULAR BOARD MEETING - 4:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133
Category	17. ATTACHMENT A - CONSENT CALENDAR
Subject	17.06 Approve Contracts for Professional Services At or Below \$50,000
Access	Public
Type	Action (Consent)
Recommended Action	It is recommended that the Board of Trustees approve the contracts for professional services at or below \$50,000 as listed in the attachment and to delegate authority to the Superintendent or designee to amend said contracts and purchase orders on an as needed basis, including funding.

Public Content**EAST SIDE UNION HIGH SCHOOL DISTRICT**

Item: 17.06

TO: Board of Trustees

FROM: Chris D. Funk, 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 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.

[Contracts Under 50k 12-11-12.pdf \(19 KB\)](#)

**EAST SIDE UNION HIGH SCHOOL DISTRICT
BOARD OF TRUSTEES
APPROVED December 11, 2012**



Executive Content

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 the request of any board member.

Last Modified by Betty Banderas on December 4, 2012

**EAST SIDE UNION HIGH SCHOOL DISTRICT
PROFESSIONAL CONTRACT SERVICES At or Below \$50,000**

Board Meeting of December 11, 2012

Contractor Name	Reviewed By	Contract Period	Cost/ Funding	School/Dept. Manager	Purpose
1. Mary Stone	Kirsten King Juan Cruz Donna Bertrand	December 12, 2012 – June 30, 2013	\$20,000.00 Title I	Education Center Kirsten King, Director	Academic coaching and program improvement consultation.
2. Santa Clara County Office of Education (SCCOE)	Richard Uribe Juan Cruz Donna Bertrand	November 16, 2012	(\$1,000.00) estimated REVENUE CONTRACT	Education Center Richard Uribe, Director	REQUEST FOR RATIFICATION To provide professional development training through the Career Technical Education (CTE) Department for ESUHSD Health & Public Service Instructors. SCCOE will reimburse ESUHSD for substitute(s) costs incurred not-to-exceed \$1,000.00. The Teachers who attended the training will also receive approximately \$300 in program supplies from SCCOE.
3. WestEd	Martha Brazil Jennifer Casel Juan Cruz Donna Bertrand	December 12, 2012 – December 31, 2014	\$200 Stipend for the school & \$50 Stipend for each participating teacher REVENUE CONTRACT	Oak Grove Martha Brazil, Principal	To conduct a study that is funded by the U.S. Department of Education's Institute for Education Sciences (IES). WestEd is the principal investigator of the study and the University of California, Davis is the co-principal investigator. The purpose of the study is to examine the impact of the English learner writing program of the WRITE Institute of the San Diego County Office of Education on the English learner student achievement and teacher practice. Data will be exchanged and stipends will be provided to both the ESUHSD and teachers who participate in the study.

4.	WestEd	Toby Hopstone Juan Cruz Donna Bertrand	December 12, 2012 – June 30, 2013	\$26,250.00 Special Education	Education Center/ Special Education Toby Hopstone, Director	<p>Provider will conduct a review of ESUHSD special education services and provide recommendations for improvement and will assist ESUHSD with our self-review for disproportionality and facilitate the development of a district action plan to address the root causes of disproportionate representation. Their assistance will include the identification of a stakeholder group, selection of an appropriate needs assessment tool that best meets the ESUHSD's needs, and the collection of pertinent data from a variety of sources for example, demographic data, LEAP review, professional development plan, Student Study Team Process, AYP, API, attendance, and discipline records.</p> <p>Two proposals were received and reviewed. WestEd was selected based on price and proposal elements.</p>
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Agenda Item Details

Meeting	Dec 11, 2012 - ESUHSD ANNUAL ORGANIZATIONAL & REGULAR BOARD MEETING - 4:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133
Category	17. ATTACHMENT A - CONSENT CALENDAR
Subject	17.15 Approve Bond/Capital Projects 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 Bond/Capital Projects 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: 17.15**

TO: Board of Trustees

FROM: Chris D. Funk, Superintendent

PREPARED BY: Marcus Battle, Associate Superintendent of Business Services, and Janice Unger, Capital Projects Purchasing Manager

SUBJECT: Approve Bond/Capital Projects Contracts for Professional Services At or Below \$50,000

The attached list of Bond/Capital Projects 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 Bond/Capital Projects 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.

[Bond Contracts At or Below \\$50k.pdf \(31 KB\)](#)

Executive Content

**EAST SIDE UNION HIGH SCHOOL DISTRICT
BOARD OF TRUSTEES
APPROVED December 11, 2012**



M. Guiten

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 the request of any board member.

EAST SIDE UNION HIGH SCHOOL DISTRICT
BOND/CAPITAL PROJECTS PROFESSIONAL CONTRACT SERVICES At or Below \$50,000
 Board Meeting of December 11, 2012

A. BOND / FACILITIES

	Contractor Name	Reviewed By	Contract Period	Cost/Funding	School/Dept. Manager	Purpose
1.	C2G/Civil Consultants Group, Inc.	L. da Silva M. Battle J. Unger	December 12, 2012 – June 30, 2013	\$ 7,200.00 (estimate not to exceed) Measure E	Oak Grove High School/Facilities Martha Brazil, Principal Linda da Silva, Director of Construction, Maintenance & Facilities	Provide a topographic survey of the path of travel to Buildings I & U and survey the perimeters of both Building I&U for the Oak Grove High School Modernization – Buildings I & U Project, (E-050-005, E-050-006).
2.	Construction Inspection Services, Inc. (CIS, Inc.)	L. da Silva M. Battle J. Unger	December 12, 2012 – through project closeout	\$ 28,296.00 (estimate not to exceed) Measure G	Independence High School/Facilities Gretel Castro-Stanley, Principal Linda da Silva, Director of Construction, Maintenance & Facilities	Provide required Division of the State Architect (DSA) project inspection services for the Independence High School Pool Renovation Project, (G-065-203).
3.	Davillier-Sloan, Inc. (DSI)	L. da Silva M. Battle J. Unger	January 01, 2013 – June 30, 2013	\$45,000.00 (estimate not to exceed) Measure E	Multiple School Sites/Facilities Linda da Silva, Director of Construction, Maintenance & Facilities	Provide labor management monitoring services for labor compliance of certified payroll for Measure E projects that were contracted before January 1, 2012. Projects assigned to DSI are Piedmont Hills High School New Gymnasium, Silver Creek High School New Multi-purpose Theater Building, Overfelt Adult Education New Facility Building, James Lick High School New Two Story Building 500, and Mt Pleasant High School Modernization – Increments 1 & 2. The services requested of DSI are to collect certified payroll from all contractors and monitor for prevailing wage

4.	Earth Systems Pacific	L. da Silva M. Battle J. Unger	N/A	\$ 6,068.40 (not to exceed) Measure G	Independence, Mt. Pleasant, Silver Creek, W.C. Overfelt and Evergreen Valley High Schools/Facilities Grettel Castro-Stanley, Teresa Marquez, Adolfo Laguna, Vito Chiala, Ana Lomas, Principals Linda da Silva, Director of Construction, Maintenance & Facilities	and upon completion of the projects to certify labor compliance closeout. Due to Department of Industrial Relations regulation changes effective January 1, 2012, the Capital Purchasing Department assumed responsibility for certified payroll monitoring for projects that have been awarded after January 1, 2012. Change Order #1 to Purchase Order # 300089, Amendment #1 to increase contract due to unforeseen field flood testing (percolation testing that was not a part of the original contract) . This involved additional consultation, sampling, and testing associated with the permeable material. All testing has been completed and are in the process of preparing final reports for the project. Original Purchase Order Amount \$20,000.00 + Change Order #1 \$6,068.40 = a new Purchase Order Total \$26,068.40.
5.	Musson Theatrical	L. da Silva M. Battle J. Unger	December 12, 2012 – June 30, 2013	\$ 11,500.00 (not to exceed) Measure E	Silver Creek High School/Facilities Adolfo Laguna, Principal Linda da Silva, Director of Construction, Maintenance & Facilities	Provide installation services of the portable lighting package for the Silver Creek High School Multi-purpose Building Project, (E-055-001).
6.	Ninyo & Moore	L. da Silva M. Battle J. Unger	December 12, 2012 – through project closeout	\$ 9,352.00 (estimate not to exceed) Measure G	Independence High School/Facilities Grettel Castro-Stanley, Principal Linda da Silva, Director of Construction,	Provide material testing and special inspection services for the Independence High School Pool Renovation Project, (G-065-203).

7.	Randall Black dba A440 Piano Tuning and Repair	L. da Silva M. Battle J. Unger	December 12, 2012 – June 30, 2013	\$ 600.00 (not to exceed) Measure E	Silver Creek High School/Facilities Adolfo Laguna, Principal Linda da Silva, Director of Construction, Maintenance & Facilities	Provide re-tuning of (6) pianos after moving back into the new Multi-purpose Building at Silver Creek High School Project, (E-055-001).
8.	Salas O'Brien	L. da Silva M. Battle J. Unger	December 12, 2012 – through project closeout	\$45,400.00 (fixed fee inclusive of reimbursable fee). Measure G	Silver Creek High School/Facilities Adolfo Laguna, Principal Linda da Silva, Director of Construction, Maintenance & Facilities	Provide Electrical Engineering services for the Stadium Lighting Project at Silver Creek High School, (G-055- 207).