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### Agenda Item Details

Meeting	Mar 19, 2015 - ESUHSD REGULAR BOARD MEETING - 4:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133
Category	16. BOARD OF TRUSTEES/SUPERINTENDENT - CONSENT/ACTION CALENDAR
Subject	16.02 Approve Minutes of February 12, 2015, Regular Board Meeting
Access	Public
Type	Action
Recommended Action	It is recommended that the Board of Trustees approve the February 12, 2015, Regular Board Meeting minutes as presented.

### Public Content

## EAST SIDE UNION HIGH SCHOOL DISTRICT

**Item: 16.02**

**TO:** Board of Trustees

**FROM:** Chris D. Funk, Superintendent

**SUBJECT:** Approve Minutes of February 12, 2015, Regular Board Meeting

Attached are the minutes of the February 12, 2015, 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 February 12, 2015, Regular Board Meeting minutes as presented.

**EAST SIDE UNION HIGH SCHOOL DISTRICT  
BOARD OF TRUSTEES**

**APPROVED**                      **March 19, 2015**



*M. Miller*



**EAST SIDE UNION HIGH SCHOOL DISTRICT**  
**REGULAR MEETING**  
**OF THE**  
**BOARD OF TRUSTEES**  
**Meeting Held at Education Center – Board Room**  
**February 12, 2015**  
**3:30 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 3:42 p.m. by President Le. Present for roll call:*

- *President Le*
- *Vice President Nguyen*
- *Clerk Biehl*
- *Member Herrera*
- *Member Cortese*

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

*President Le 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 5:30 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 Clerk Frank Biehl, second by Vice President Lan Nguyen, to approve the expulsion of Student A.*

*Vote 5/0; Motion Carries*

*Yea: President Van Le, Vice President Lan Nguyen, Clerk Frank Biehl, Member J Manuel Herrera, Member Pattie Cortese*

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

- *Superintendent*

**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 Educational Services*

*Cari Vaeth, Associate Superintendent of Human Resources*

Employee Organizations:

*American Federation of Teachers (AFT)*

*California School Employees Association (CSEA)*

*East Side Teachers Association (ESTA)*

*Administrator Collaborative of East Side (ACES)*

Unrepresented Organizations:

*Administrators*

*Managers*

*Confidential Employees*

**2.06 Conference with Legal Counsel – Anticipated Litigation  
Significant exposure to litigation pursuant to subdivision (d)(2) of Government  
Code Section 54956.9**

- *Claim for Damages of C. Nguyen;*
- *Claim for Damages of G. Ramirez; and,*
- *Two (2) Potential Cases*

*Motion by Vice President Lan Nguyen, second by Clerk Frank Biehl, to approve the claim for damages of G. Ramirez.*

*Vote: 5/0; Motion Carries*

*Yea: President Van Le, Vice President Lan Nguyen, Clerk Frank Biehl,  
Member J Manuel Herrera, Member Pattie Cortese*

**2.07 Conference with Legal Counsel – Anticipated Litigation  
Initiation of litigation pursuant to subdivision (d)(4) of Government Code  
Section 54956.9**

- *Two (2) Potential Cases*

**2.08 Conference with Legal Counsel – Existing Litigation  
(Paragraph (1) of subdivision (d) of Section 54956.9)**

**OPEN SESSION AT APPROXIMATELY 5:30 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 Le extended a welcome to everyone, explained the format of the meeting and noted that all Board Meetings are recorded.*

**5. ADOPTION OF AGENDA**

**5.01 For consideration by the Board of Trustees**

*Item 13.03 was pulled. It will be presented at the March 2015 Board Meeting.*

*Motion by Vice President Lan Nguyen, second by Clerk Frank Biehl, to adopt the agenda as amended.*

*Vote: 5/0; Motion Carries*

*Yea: President Van Le, Vice President Lan Nguyen, Clerk Frank Biehl,  
Member J Manuel Herrera, Member Pattie Cortese*

**6. Board Member Swearing-In Ceremony**

**6.01 Swearing-In Ceremony of Newly Appointed Board Member Pattie Cortese**

**7. Board President's State of the District**

**7.01 State of the District Address – Board President Van Le**

8. **BOARD PRESIDENT’S RECOGNITIONS**

8.01 **Recognitions:**

- Gonzalo Amezcua
- Dan Juchau
- Karen Poon
- Child Nutrition Services Staff – Oak Grove High School
- Custodial Staff – Yerba Buena High School
- Student Services Staff
- J. Manuel Herrera
- Mary Guillen

8.02 **Reception (15 minutes)**

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 **Presentation, Discussion and/or Action to Review and Accept the Custodial Services Operational Study - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Tatia Prieto, President, Prismatic Services**

*Presentation item; no action taken*

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

10.01 **Hold Public Hearing at Approximately 7:45 p.m. - Receive and Sunshine the Initial Proposal for Successor Contract: From East Side Teachers Association, CTA/NEA to East Side Union High School District - Cari Vaeth, Associate Superintendent of Human Resources**

*Public hearing held; item received*

*Public speaker:*

- Marisa Hanson*

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.**

Anyone wishing to address the Board from either the teleconference location or the Board Room meeting location regarding Closed Session items may speak at this time. Persons present in the Board Room wishing to address the Board on Closed Session items or any subject not on the agenda must fill out a gold request form, which is located at the entrance of the Board Room. Persons wishing to address the Board from the teleconference location should state his/her name before speaking.

*Public speakers:*

- *Deanna Gonzales - San Jose State University Impaction*
- *Isabel Valtierra - Andrew Hill High School*
- *Esther - Andrew Hill High School*
- *Angie Nunn - Classified Employee Recognitions*
- *Luis Perez - Public Comment*
- *Cesar Garcia Hernandez - Public Comment*
- *Jeff Moore - Public Comment*

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

### **12.01 Discussion and/or Action to Establish a Board Task Force Committee to Review Schools' Start Times - Frank Biehl, Board Clerk, and J. Manuel Herrera, Board Trustee**

#### ***Motion #1***

*Motion by Vice President Lan Nguyen, second by Member J Manuel Herrera, to approve a 16-member Task Force comprised of (2) Trustees, (2) administrators, (4) teachers, (4) parents and (4) students to review the impact on moving school start times to later in the day.*

*Vote: 5/0; Motion Carries*

*Yea: President Van Le, Vice President Lan Nguyen, Clerk Frank Biehl, Member J Manuel Herrera, Member Pattie Cortese*

#### ***Amendment to Motion #1***

*Motion by Member J Manuel Herrera, second by Clerk Frank Biehl, to approve an 18-member Task Force comprised of (2) Trustees, (2) administrators, (4) teachers, (2) classified employees (CSEA), (4) parents and (4) students to review the impact on moving school start times to later in the day.*

*Vote: 5/0 Motion Carries*

*Yea: President Van Le, Vice President Lan Nguyen, Clerk Frank Biehl, Member J Manuel Herrera, Member Pattie Cortese*

**12.02 Discussion and/or Action to Nominate and Appoint Board Member as Vice Chairperson to Board Audit Committee - Chris D. Funk, Superintendent**

*Motion by Clerk Biehl, second by Vice President Nguyen, to nominate and appoint Pattie Cortese to serve as Vice Chairperson to the Board Audit Committee for remainder of the 2015 calendar year, February 12, 2015, through December 31, 2015.*

*Vote: 4/0; Motion Carries*

*Yea: President Van Le, Vice President Lan Nguyen, Clerk Frank Biehl, Member Pattie Cortese*

*Not Present at Vote: Member J Manuel Herrera*

**12.03 Discussion and/or Action to Nominate and Elect a Board Representative to Santa Clara County School Boards Association - Chris D. Funk, Superintendent**

*Motion by Clerk Biehl, second by Vice President Nguyen, to nominate and elect Pattie Cortese as the Board representative to serve on the Santa Clara County School Boards Association for remainder of the 2015 calendar year, February 12, 2015, through December 31, 2015.*

*Vote: 4/0; Motion Carries*

*Yea: President Van Le, Vice President Lan Nguyen, Clerk Frank Biehl, Member Pattie Cortese*

*Not Present at Vote: Member J Manuel Herrera*

**12.04 Discussion and/or Action regarding 2015 California School Boards Association (CSBA) Delegate Assembly Election – Frank Biehl, Board Clerk**

*Motion by Clerk Biehl, second by Member Herrera, to nominate the following persons as candidates to the 2015 California School Boards Association (CSBA) Delegate Assembly:*

- Danielle M.S. Cohen
- Anjali Kausar
- Reid Myers
- Andres Quintero
- George Sanchez

*Vote: 5/0; Motion Carries*

*Yea: President Van Le, Vice President Lan Nguyen, Clerk Frank Biehl, Member J Manuel Herrera, Member Pattie Cortese*

**12.05 Discussion and/or Action to Adopt Amended Board Bylaw 9270 Conflict of Interest and Revolving Door Restrictions – Rogelio M. Ruiz, Legal Counsel**

*Item carried to March Board meeting.*

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

**13.01 Presentation, Discussion and/or Action regarding the English Language Development (ELD) Report - Juan Cruz, Associate Superintendent of Educational Services**

*Presentation item only; no action taken*

**13.02 Discussion and/or Action to Approve Title III Plan and Budget for English Learners and Immigrant Students for the 2014-2015 School Year - Juan Cruz, Associate Superintendent of Educational Services**

*Motion by Vice President Lan Nguyen, second by Clerk Frank Biehl, to approve the Title III Plan and Budget for English Learners and Immigrant Students for the 2014-2015 school year.*

*Vote: 5/0; Motion Carries*

*Yea: President Van Le, Vice President Lan Nguyen, Clerk Frank Biehl, Member J Manuel Herrera, Member Pattie Cortese*

**13.03 Presentation and/or Discussion on Academic Success Analysis - Juan Cruz, Associate Superintendent of Educational Services**

*Item pulled from the agenda.*

**13.04 Presentation, Discussion and/or Action on After School Programs/Homework Centers - Juan Cruz, Associate Superintendent of Educational Services**

*Discussion only; no action taken*

**13.05 Discussion and/or Action to Approve the San Jose Conservation Corps Charter School's Alternative Schools Accountability Model (ASAM) Application - Juan Cruz, Associate Superintendent of Educational Services, Kirsten King, Director of Assessment and Accountability, and Lucretia Peebles, Ph.D., Administrator for Charter School Oversight**

*Motion by Clerk Frank Biehl, second by Member J Manuel Herrera, to approve the San Jose Conservation Corps Charter School's Alternative Schools Accountability Model (ASAM) Application.*

*Vote: 5/0; Motion Carries*

*Yea: President Van Le, Vice President Lan Nguyen, Clerk Frank Biehl, Member J Manuel Herrera, Member Pattie Cortese*

**13.06 Receive the Fourth Valenzuela/CAHSEE and Williams Settlement Uniform Complaints Quarterly Report for Period Covering October 1, 2014, through December 31, 2014 as required by EC 35186 (Williams Settlement Legislation SB550 and AB2727) - Juan Cruz, Associate Superintendent of Educational Services**

*Motion by Clerk Frank Biehl, second by Member J Manuel Herrera, to accept the Fourth Quarterly Valenzuela/CAHSEE and Williams Settlement Uniform Complaint report for the*



period covering October 1, 2014, through December 31, 2014, as required by EC 35186 (Williams Settlement Legislation SB550 and AB2727).

Vote: 5/0; Motion Carries

Yea: President Van Le, Vice President Lan Nguyen, Clerk Frank Biehl, Member J Manuel Herrera, Member Pattie Cortese

#### **14. BUSINESS SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION**

##### **14.01 Discussion and/or Action to Approve the Contract(s) for Professional Services Over \$25,000 - Marcus Battle, Associate Superintendent of Business Services, André Bell, Assistant Director of Capital Accounting and Purchasing, and Donna Bertrand, C.P.M., Contracts Administration Coordinator**

*Motion by Clerk Frank Biehl, second by Vice President Lan Nguyen, to approve the contract(s) for professional services over \$25,000 as presented and authorize the Superintendent and/or designee to execute amendments to the Agreement that may be needed during the term, provided such amendments do not: (i) extend the term of the contract; (ii) increase the price of goods or services provided under the contract by greater than ten percent (10%) of the contract amount, but not to exceed \$25,000 exclusive of any approved amendments in the aggregate); or (iii) alter the quality or quantity of services or goods provided under the Board approved contract per Board Policy 3312.1.*

*Public speaker:*

•*Marisa Hanson*

*Vote: 5/0; Motion Carries*

*Yea: President Van Le, Vice President Lan Nguyen, Clerk Frank Biehl, Member J Manuel Herrera, Member Pattie Cortese*

##### **14.02 Discussion and/or Action to Approve Weekly Bingo Fundraiser by Oak Grove High School Band Boosters (OGBB) and Facility Use Agreement - Marcus Battle, Associate Superintendent of Business Services, Karen Poon, Director of Finance, Kelly Kwong, Senior Manager of Internal Controls, and Donna Bertrand, C.P.M., Contracts Administration Coordinator**

*Motion by Member J. Manuel Herrera, second by Vice President Nguyen, to approve the Oak Grove Band Boosters to include bingo as a fundraiser and approve the Facility Use Agreement.*

*Vote: 5/0; Motion Carries*

*Yea: President Van Le, Vice President Lan Nguyen, Clerk Frank Biehl, Member J. Manuel Herrera, Pattie Cortese*

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

**15.01 Discussion and/or Action Regarding the Approval of the Student/Certificated Calendars for the 2015-2016 and 2016-2017 School Years - Cari Vaeth, Associate Superintendent of Human Resources**

*Motion by Clerk Frank Biehl, second by Member J Manuel Herrera, to approve the student/certificated calendars for the 2015-2016 and 2016-2017 school years.*

*Vote: 5/0; Motion Carries*

*Yea: President Van Le, Vice President Lan Nguyen, Clerk Frank Biehl, Member J Manuel Herrera, Member Pattie Cortese*

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

**16.01 Discussion and/or Action to Receive and Adopt the Second Reading of Proposed New and Amended Policies in the 7000 Facilities Board Policy Series - Marcus Battle, Associate Superintendent of Business Services, and Linda da Silva, Director of Construction, Maintenance and Facilities**

*Motion by Clerk Frank Biehl, second by Member J Manuel Herrera, to receive and adopt the second reading of the proposed new and amended Board Policies in the 7000 Facilities series as presented.*

*Vote: 5/0; Motion Carries*

*Yea: President Van Le, Vice President Lan Nguyen, Clerk Frank Biehl, Member J Manuel Herrera, Member Pattie Cortese*

**16.02 Discussion and/or Action to Ratify CUPCCAA Informal Bond Project(s) - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, André Bell, Assistant Director of Capital Accounting and Purchasing, and Janice Unger, Capital Projects Purchasing Manager**

*Motion by Member J Manuel Herrera, second by Clerk Frank Biehl, to ratify the CUPCCAA informal project(s) as presented.*

*Vote: 5/0 Motion Carries*

*Yea: President Van Le, Vice President Lan Nguyen, Clerk Frank Biehl, Member J Manuel Herrera, Member Pattie Cortese*

**16.03 Discussion and/or Action to Approve the Bond/Capital Projects Contract(s) Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, André Bell, Assistant Director of Capital Accounting and Purchasing, and Janice Unger, Capital Projects Purchasing Manager**

*Motion by Vice President Lan Nguyen, second by Clerk Frank Biehl, to approve the bond/capital projects contract(s) as presented; and to authorize the Superintendent and/or designee to execute amendments to the Agreement that may be needed during the term up to ten percent (10%) of the original Board-approved contract amount, but not to exceed \$175,000.00 in total and change orders to contracts for capital construction related*

professional services up to ten percent (10%) of the original contract value, but not to exceed \$50,000.00 as per Board Policy 3312.1.

Vote: 5/0; Motion Carries

Yea: President Van Le, Vice President Lan Nguyen, Clerk Frank Biehl,  
Member J Manuel Herrera, Member Pattie Cortese

## **Consent / Action Calendar Sections 17-21**

All items listed under the Consent/Action Calendar are considered by the Board to be routine and will be enacted in one motion. There will be no discussion of these items prior to the time the Board considers the motion, unless members of the Board or the Superintendent request specific items to be discussed and/or removed from the Consent/Action Calendar.

Superintendent asserts that the following Business Transactions, Personnel Actions, Maintenance of Records, Approvals and Recommendations requiring Board Action have been carried out to the best of his knowledge in accordance with the law.

*Motion by Vice President Lan Nguyen, second by Member J. Manuel Herrera, to approve the consent/action calendar, sections 17-21, except items 17.01, 17.03, 17.04 and 20.04, which were pulled for discussion.*

Vote: 5/0 Motion Carries

Yea: President Van Le, Vice President Lan Nguyen, Clerk Frank Biehl, Member J Manuel Herrera,  
Member Pattie Cortese

### **17. Board of Trustees / Superintendent - Consent / Action Calendar**

**17.02 Ratify/Approve Superintendent's Attendance and Lawful Expenses to Conferences/  
Workshops/Meetings**

### **18. Educational Services / Student Services - Consent / Action Calendar**

**18.01 Approve CAHSEE Local Waivers for Special Education Students**

**18.02 Accept the Comprehensive School Safety Plan Goals for the 2015-2016 School Year**

**18.03 Ratify/Approve School Field Trips**

### **19. Business Services - Consent / Action Calendar**

**19.01 Ratification of Contract(s) for Professional Services At or Below \$25,000**

**19.02 Accept Report of Credit Card Purchases for Statement Dated December 22, 2014**

**19.03 Approve Purchase Orders**

**19.04 Approve and/or Ratify Change Orders to Purchase Orders and/or Contracts**

**19.05 Approve Memoranda of Understanding**

**19.06 Approve Budget Transfers**

**20. Human Resources - Consent / Action Calendar**

**20.01 Ratify/Approve Classified Personnel Actions Presented February 12, 2015**

**20.02 Ratify/Approve Certificated Personnel Actions Presented February 12, 2015**

**20.03 Ratify/Approve Student Aide Personnel Actions Presented February 12, 2015**

**Items pulled for discussion:**

**17.01 Ratify/Approve Board Member(s) Lawful Expenses/Mileage to Conferences/ Workshops/Meetings**

*Motion by Clerk Frank Biehl, second by Vice President Lan Nguyen, to ratify/approve the lawful expenses/mileage report(s)/reimbursement(s) to conferences/workshops/meetings as presented.*

*Vote: 5/0; Motion Carries*

*Yea: President Van Le, Vice President Lan Nguyen, Clerk Frank Biehl, Member J Manuel Herrera, Member Pattie Cortese*

**17.03 Approve Minutes of January 15, 2015, Regular Board Meeting**

*Motion by Clerk Frank Biehl, second by Member J Manuel Herrera, to approve the January 15, 2015, Regular Board Meeting minutes as presented.*

*Vote: 4/0; Motion Carries*

*Yea: President Van Le, Vice President Lan Nguyen, Clerk Frank Biehl, Member J Manuel Herrera, Member*

*Abstained: Pattie Cortese*

**17.04 Approve Minutes of January 26, 2015, Special Board Meeting**

*Motion by Clerk Frank Biehl, second by Member J Manuel Herrera, to approve the January 26, 2015, Special Board Meeting minutes as presented.*

*Vote: 4/0; Motion Carries*

*Yea: President Van Le, Vice President Lan Nguyen, Clerk Frank Biehl, Member J Manuel Herrera, Member*

*Abstained: Pattie Cortese*

**20.04 Approve Authorizing Offer of Incentives to Certificated Staff for the Early Notification of Retirement**

*Motion by Clerk Frank Biehl, second by Member J Manuel Herrera, to approve the one-time, monetary incentives, up to \$2,000, for those certificated staff who submit by March 6, 2015, an irrevocable letter of retirement, effective no later than June 30, 2015.*

*Vote: 5/0; Motion Carries*

*Yea: President Van Le, Vice President Lan Nguyen, Clerk Frank Biehl, Member J Manuel Herrera, Member Pattie Cortese*

**21. Facilities - Consent / Action Calendar**

**21.01 Receive First Interim Financial Report Certification Letter from Santa Clara County Office of Education**

*Item received*

**21.02 Report of Governor's Budget Updates for 2015-16**

*Item received*

**22. WRITTEN REPORTS/RECOMMENDATION**

**22.01 Receive Update to Previously Approved Allowance for the Current Andrew Hill High School New Building 100 Classroom Modernization**

*Report Received*

**22.02 Receive Update on After School Programs/Homework Centers**

*Report Received*

**22.03 Receive English Language Development (ELD) Report**

*Report Received*

**22.04 Receive Self Insured Schools of California GASB 45 Trust B (SISC) Annual Financial Report Ending June 30, 2014**

*Report Received*

**23. FUTURE AGENDA ITEMS**

**23.01 Opportunity for Board of Trustees to Request Items on Future Agendas**

**Board Clerk Frank Biehl**

<b>Item</b>	<b>Date (tentative)</b>	<b>Type</b>
Summer School Plans	April, 2015	Presentation/Discussion

**23.02 Future Items**

**Board President Van Le**

<b>Item</b>	<b>Date (tentative)</b>	<b>Type</b>
Failed Courses	Quarterly	Report
Independent Study Program Report	March, 2015	Report

**Board Vice President Lan Nguyen**

<b>Item</b>	<b>Date (tentative)</b>	<b>Type</b>
International Baccalaureate (IB) Program	March, 2015	Presentation/Discussion

**Board Clerk Frank Biehl**

<b>Item</b>	<b>Date (tentative)</b>	<b>Type</b>
Special Education Program Update (County & District Wide)	March, 2015	Presentation/Discussion
Summer School Plans	April, 2015	Presentation/Discussion

### 23.03 Annual Governance Calendar

<b>July</b>
Summer School Program (concludes session)
Summer School Graduation

<b>August</b>
Board Retreat
Expulsion Hearing Panel Committee
First Day of School
Williams Quarterly Report

<b>September</b>
Board Study Session/Workshop
College Night
Conflict of Interest/Board Policy (updates)
Public Hearing and Adoption: Gann Spending Limit
Public Hearing: Sufficiency or Insufficiency of Textbooks
Receive Annual Developer Fees Report
Unaudited Actuals

<b>October</b>
Bond Program Presentation
Solar Energy Presentation
Student Achievement Presentation
Superintendent's Annual Evaluation
Williams Quarterly Report

<b>November</b>
Board Study Session/Workshop
Election Orientation for New Board Members

<b>December</b>
Annual Organizational Board Meeting
CSBA Annual Conference
Election Orientation for New Board Members
End of First Semester
First Interim Report
Superintendent's Mid-Year Evaluation

<b>January</b>
Audit Report
Board Audit Committee Selections/Appointments
Board Retreat
Financial & Performance Audit Report for Bond Measures
Magnet Night
Martin Luther King, Jr. Writing, Art & Multi-Media Awards Ceremony & Reception
Master Business Relationship Agreement between East Side Union High School District and Metropolitan Education District
Policies & ByLaws (Begin Review by Series)
Sports Recognitions (Fall)
Technology Report
Williams Quarterly Report

<b>February</b>
African American Students Achievement Awards
Audit Committee Charter Amendment(s)
CSBA Delegate Assembly Election
Non-Re-Elects
Safety Plan Goals for Each Site

<b>March</b>
Cesar Chavez Writing, Art & Multi-Media Awards Luncheon
Latino Students Awards Ceremony
March 15 Notices
Second Interim Report
SJPD Secondary Employment Application
Vietnamese Students Achievement Awards

<b>April</b>
Board Study Session/Workshop
Form 700 – Statement of Economic Interests Due to Santa Clara County (filing)
Honor Nights
Migrant Education Awards Night
NSBA Annual Conference
Williams Quarterly Report

<b>May</b>
Board Self-Evaluation
Budget (Preliminary/Draft) Presentation
Employee Recognition Event
Graduations
Honor Nights
Last Day of School
Sports Recognitions (Winter/Spring)

<b>June</b>
Budget (Preliminary) with May Revisions Public Hearing (first June Board Meeting)
Budget Adoption (second June Board Meeting)
Budget Advisory Committee: Nominate and Appoint Board Representatives (2) and Alternative Board Representative (1) (2 year term, fiscal year)
Employee Retirement Celebration
ESTA Safety Survey
Master Contracts for Capital Projects
Plan for Expelled Youth (due every three years – 2015)
Program Improvement Update
Safety Plan Assessment for Each School
Single Plan for Student Achievement (SPSA) for Each School
Summer School Program (session begins)
Superintendent's Annual Evaluation

## **24. BOARD OF TRUSTEES/SUPERINTENDENT COMMUNICATIONS/COMMENTS**

### **24.01 Board of Trustees**

#### **Board Member J. Manuel Herrera**

*I would like us to adjourn in memory and honor of one of our first Hall of Famers of our District, Dr. Richard Ruiz. He was a consultant to foreign governments because of his fellowship and research in language planning and policy development. He was on the transition team for the Clinton Board administration when Clinton was first elected to the presidency. He is recognized nationally in a number of places because of his originality of his research and contributions. He is a graduation of the East Side Union High School District. A very untimely death.*

#### **Board Vice President Lan Nguyen**

*Just want to share that next Thursday is the Lunar New Year. For the Chinese community, it is the Year of the Ram. For the Vietnamese, it is the Year of the Goat.*

#### **Board Member Pattie Cortese**

*I am really honored to be part of this team. This was a great first meeting. Thank you.*

#### **Board Clerk Frank Biehl**

*I would like to welcome Pattie Cortese to our Board. She is already asking really great questions. She is going to make a really fine Board Member.*

*I would also like to thank Van Le for his fine work in putting together this evening's program. It was a very good representation of the fine community that work in the East Side Union High School District and a great recognition. There are a lot of people that work very, very hard. Thank you for that good work in pulling that all forward.*

#### **Board President Van Le**

*I would like to thank everyone, especially staff, ESTA and CSEA, who work really hard. This has all been a learning curve for me. I want to thank you all for your support in me.*

### **24.02 Chris D. Funk, Superintendent**

*Two comments, the first will be based on the speakers we had from Andrew Hill. Anytime when you have a leadership shift change, it creates an opportunity for dialogue. There will be an interview committee comprised of teachers, classified, parents and students. I will have Mr. Cruz work with the parent to schedule a meeting to meet with parents of Andrew Hill who have concerns about the transition and anything that is happening at Andrew Hill. The meeting scheduled will take place after winter break. Once that date is established, I will let the Board know.*

*Today was really a great morning. I went to Mt. Pleasant and observed a class that was given a case to research. It is like a CSI case. They are given a case about every six weeks. They participate in a trial. There are 3-4 students in each team. The teachers are the judges and they just grill them. The students explain their research. That was just fantastic!*



*At Independence High School's Teaching Academy, they had 22 different stations with a group of 3-4 individuals doing research that was tied to their particular topic. The type of research they did was phenomenal! I look forward to going back to their class to find out the results of their study.*

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

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

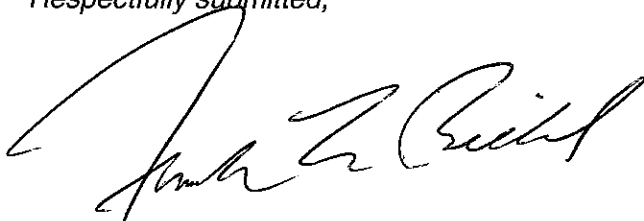
*See section 2.0 for reporting out of Closed Session items.*

**26. ADJOURNMENT**

**President adjourns the meeting.**

The meeting was adjourned at 9:34 PM in memory and honor of Dr. Richard Ruiz.

*Respectfully submitted,*



Board Clerk



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### Agenda Item Details

Meeting	Feb 12, 2015 - ESUHSD REGULAR BOARD MEETING - 3:30 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133
Category	14. BUSINESS SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION
Subject	14.01 Discussion and/or Action to Approve the Contract(s) for Professional Services Over \$25,000 - Marcus Battle, Associate Superintendent of Business Services, André Bell, Assistant Director of Capital Accounting and Purchasing, and Donna Bertrand, C.P.M., Contracts Administration Coordinator
Type	Action, Discussion
Recommended Action	It is recommended that the Board of Trustees approve the contract(s) for professional services over \$25,000 as recommended in the attachment and authorization is being requested for the Superintendent and/or designee to execute amendments to the Agreement that may be needed during the term, provided such amendments do not: (i) extend the term of the contract; (ii) increase the price of goods or services provided under the contract by greater than ten percent (10%) of the contract amount, but not to exceed \$25,000 exclusive of any approved amendments in the aggregate); or (iii) alter the quality or quantity of services or goods provided under the Board approved contract per Board Policy 3312.1.

## EAST SIDE UNION HIGH SCHOOL DISTRICT

**Item: 14.01**

**TO:** Board of Trustees

**FROM:** Chris D. Funk, Superintendent

**PREPARED BY:** Marcus Battle, Associate Superintendent of Business Services, André Bell, Assistant Director of Capital Accounting and Purchasing, and Donna Bertrand, C.P.M., Contracts Administration Coordinator

**SUBJECT:** Discussion and/or Action to Approve the Contract(s) for Professional Services Over \$25,000

The attached contract(s) for professional services over \$25,000 are being presented for Board review and approval and to authorize administration to amend said contracts in accordance with Board Policy 3312.1.

**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 contract(s) for professional services over \$25,000 as recommended in the attachment and authorization is being requested for the Superintendent and/or designee to execute amendments to the Agreement that may be needed during the term, provided such amendments do not: (i) extend the term of the contract; (ii) increase the price of goods or services provided under the contract by greater than ten percent (10%) of the contract amount, but not to exceed \$25,000 exclusive of any approved amendments in the aggregate); or (iii) alter the quality or quantity of services or goods provided under the Board approved contract per Board Policy 3312.1.

[2-12-2015 Contracts over \\$25k.pdf \(92 KB\)](#)

**Motion & Voting**

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It is recommended that the Board of Trustees approve the contract(s) for professional services over \$25,000 as presented and authorization for the Superintendent and/or designee to execute amendments to the Agreement that may be needed during the term, provided such amendments do not: (i) extend the term of the contract; (ii) increase the price of goods or services provided under the contract by greater than ten percent (10%) of the contract amount, but not to exceed \$25,000 exclusive of any approved amendments in the aggregate); or (iii) alter the quality or quantity of services or goods provided under the Board approved contract per Board Policy 3312.1.

Public speaker:

•Marisa Hanson

Motion by Clerk Frank Biehl, second by Vice President Lan Nguyen.

Final Resolution: Motion Carries

Yea: President Van Le, Vice President Lan Nguyen, Clerk Frank Biehl, Member J Manuel Herrera, Member Pattie Cortese

**EAST SIDE UNION HIGH SCHOOL DISTRICT**  
**Contract(s) for Professional Services Over \$25,000**  
 Board Meeting of February 12, 2015; Item 14.01

**1. BMR Health Services, Inc (Change Order)**

<b>Reviewed by:</b>	<b>Contract Period</b>	<b>Fiscal Impact/ Funding Source</b>	<b>School/Department/ Manager</b>
Toby Hopstone Juan Cruz Donna Bertrand	July 1, 2014 – June 30, 2015 <b>(unchanged)</b>	\$120,000 <b>(increased amount)</b>  Special Services	Special Services  Toby Hopstone, Director of Special Services

East Side Union High School District (ESUHSD) Administration is requesting that the Board of Trustees approve Amendment #1 to the Agreement (#500173) with BMR Health Services, Inc. for the continued provision of speech therapy services to ESUHSD special education students for the 2014-15 school year.

Amendment #1 is being requested to add funds to the contract to cover the costs for more hours needing to be used under this Agreement due ESUHSD's unsuccessful staffing search for a full-time Speech and Language Pathologist. This position was first posted on Ed-Join, and no qualified applicants applied to ESUHSD. Ms. Hopstone attended three (3) recruiting events last year and was unable to find any employees. These events were at California State University, East Bay; San Francisco State University; and Santa Clara County Office of Education. With this reduced staffing, ESUHSD must use outside contractors to support services to ESUHSD students who need to be served.

Original Contract Amount \$100,000 (5/15/14) + Amendment #1 for \$120,000 = a new contract total of \$220,000.

**Selection Process**

ESUHSD has been in contact with seven (7) agencies in an attempt to find qualified Speech and Language Pathologists (SLPs) who are available to work in our high schools: 360 Therapy, Progressus, ProCare, Nova, Presence Telecare, and Speech Pathology Group.

BMR was selected because of their competitive rates and quality personnel.

**RECOMMENDATION**

It is recommended that the Board of Trustees approve Amendment #1 to Agreement (#500173) with BMR Health Services, Inc. for the continued provision of speech therapy services in an increased amount of \$120,000 for the term of July 1, 2014, through June 30, 2015, and authorize Administration to execute change orders in accordance with Board Policy 3312.1.

**2. Stanford University (Change Order)**

<b>Reviewed by:</b>	<b>Contract Period</b>	<b>Fiscal Impact/ Funding Source</b>	<b>School/Department/ Manager</b>
Juan Cruz Donna Bertrand	April 1, 2014 – September 30, 2015 <b>(extended)</b>	\$36,379 <b>(no change)</b>  Professional Development	Education Center/ Instruction  Juan Cruz, Associate Superintendent

East Side Union High School District (ESUHSD) Administration is requesting that the Board of Trustees approve Amendment #1 to the Agreement (#500137) with Stanford University, Office of Sponsored Research for the continued technical assistance related to the revision of East Side Union High School District's (ESUHSD's) Vietnamese Language and Culture Program.

Amendment #1 is being requested to extend the term of the Agreement to allow for more time for ESUHSD and Stanford to complete all of the tasks within the scope of services. The original term is set to expire on March 31, 2015 (Board approved on April 17, 2014). The new term being requested is through September 30, 2015. Both parties have agreed that the extension of time will not affect the costs previously negotiated. Therefore, no funding increase is being requested at this time. All other terms and conditions remain in effect.

**Selection Process**

None took place for this service.

**RECOMMENDATION**

It is recommended that the Board of Trustees approve Amendment #1 to Agreement (#500137) with Stanford University for the continued technical assistance related to the revision of East Side Union High School District's (ESUHSD) Vietnamese Language and Culture Program for the term of April 1, 2014, through September 30, 2015, and authorize Administration to execute change orders in accordance with Board Policy 3312.1.

**3. Teach for America (correction)**

<b>Reviewed by:</b>	<b>Contract Period</b>	<b>Fiscal Impact/ Funding Source</b>	<b>School/Department/ Manager</b>
Chris D. Funk Cari Vaeth Donna Bertrand	July 1, 2012 – June 30, 2017  (term corrected)	\$100,000.00 (not-to-exceed annual amount) (no change)  Human Resources	Human Resources  Cari Vaeth, Director of Human Resources

East Side Union High School District (ESUHSD) Administration is requesting that the Board of Trustees approve the Agreement with Teach for America for the recruitment and related services for the corrected contract term of July 1, 2012, through June 30, 2017. The contract shall not exceed \$100,000.00 per year.

The term was previously stated at July 1, 2012, through June 30, 2016, but should have read July 1, 2012, through June 30, 2017.

**Selection Process**

No solicitation process took place for this service.

**RECOMMENDATION**

It is recommended that the Board of Trustees approve the Agreement with Teach for America in an amount not-to-exceed \$100,000.00 per year for the corrected contract term of July 1, 2012, through and including June 30, 2017, and authorize Administration to execute change orders in accordance with Board Policy 3312.1.



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### Agenda Item Details

**Meeting** Feb 12, 2015 - ESUHSD REGULAR BOARD MEETING - 3:30 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

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

**Subject** 16.03 Discussion and/or Action to Approve the Bond/Capital Projects Contract(s) Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, André Bell, Assistant Director of Capital Accounting and Purchasing, and Janice Unger, Capital Projects Purchasing Manager

**Type** Action

**Recommended Action** It is recommended that the Board of Trustees approve the bond/capital projects contract(s) as presented; and to authorize the Superintendent and/or designee to execute amendments to the Agreement that may be needed during the term up to ten percent (10%) of the original Board-approved contract amount, but not to exceed \$175,000.00 in total and change orders to contracts for capital construction related professional services up to ten percent (10%) of the original contract value, but not to exceed \$50,000.00 as per Board Policy 3312.1.

## EAST SIDE UNION HIGH SCHOOL DISTRICT

**Item: 16.03**

**TO:** Board of Trustees

**FROM:** Chris D. Funk, Superintendent

**PREPARED BY:** Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, André Bell, Assistant Director of Capital Accounting and Purchasing, and Janice Unger, Capital Projects Purchasing Manager

**SUBJECT:** Discussion and/or Action to Approve the Bond/Capital Projects Contract(s) Over \$50,000

The attachment for the bond/capital projects contract(s) 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 contract(s) as presented; and to authorize the Superintendent and/or designee to execute amendments to the Agreement that may be needed during the term up to ten percent (10%) of the original Board-approved contract amount, but not to exceed \$175,000.00 in total and change orders to contracts for capital construction related professional services up to ten percent (10%) of the original contract value, but not to exceed \$50,000.00 as per Board Policy 3312.1.

[Contracts Over \\$50K.pdf \(159 KB\)](#)

[Attachment A.pdf \(149 KB\)](#)

[Attachment B.pdf \(168 KB\)](#)

[Attachment C.pdf \(254 KB\)](#)

[Attachment D.pdf \(104 KB\)](#)

[Attachment E.pdf \(576 KB\)](#)

[Attachment F.pdf \(166 KB\)](#)[Attachment G.pdf \(769 KB\)](#)[Attachment H.pdf \(195 KB\)](#)[Attachment I.pdf \(1,048 KB\)](#)[Attachment J.pdf \(132 KB\)](#)**Motion & Voting**

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It is recommended that the Board of Trustees approve the bond/capital projects contract(s) as presented; and to authorize the Superintendent and/or designee to execute amendments to the Agreement that may be needed during the term up to ten percent (10%) of the original Board-approved contract amount, but not to exceed \$175,000.00 in total and change orders to contracts for capital construction related professional services up to ten percent (10%) of the original contract value, but not to exceed \$50,000.00 as per Board Policy 3312.1.

Motion by Vice President Lan Nguyen, second by Clerk Frank Biehl.

Final Resolution: Motion Carries

Yea: President Van Le, Vice President Lan Nguyen, Clerk Frank Biehl, Member J Manuel Herrera, Member Pattie Cortese

**EAST SIDE UNION HIGH SCHOOL DISTRICT**  
**Bond/Capital Projects Contract(s) for Services over \$50,000**  
**Board Meeting of February 12, 2015 - Item 16.03**

**1. AEDIS Architecture & Planning**

<b>Reviewed by:</b>	<b>Contract Period</b>	<b>Fiscal Impact/ Funding Source</b>	<b>School/Department/ Manager</b>
Linda da Silva Janice Unger André Bell Marcus Battle	August 1, 2011 – December 31, 2012 (no change)	\$357.00 (not to exceed increased amount)  Measure E	Silver Creek High School/Facilities  Adolfo Laguna, Principal  Linda da Silva, Director of Construction, Maintenance & Facilities

East Side Union High School District (ESUHSD) Administration is requesting that the Board of Trustees approve Change Order No. 03 to Purchase Order #200655 and Amendment #3 to Work Authorization #3 for the Silver Creek High School Modernization and Add New Toilet Room Project (Project No.: E-055-004).

On May 31, 2011, the Board of Trustees awarded an architectural agreement with AEDIS Architecture & Planning in an amount of \$123,200.00 (Attachment A).

On February 16, 2012, the Board of Trustees approved Change Order No. 01 for additional services in an amount of \$13,254.00 (Attachment B).

On December 11, 2014, the Board of Trustees approved Change Order No. 02 for additional services in an amount of \$6,410.00 (Attachment C).

This Change Order No. 03 for Purchase Order #200655 is to cover all reimbursable expenses on the project.

Original Contract Amount	\$123,200.00
Previous Change Order Amounts	19,664.00
Contract Amount Prior to This Change Order	\$142,864.00
Change Order No. 3	357.00
Revised Contract Amount	\$143,221.00

**RECOMMENDATION**

It is recommended that the Board of Trustees approve Change Order No. 03 to Purchase Order #200655 and Amendment #3 to Work Authorization #3 with **AEDIS Architecture & Planning** increased amount of \$357.00 for the Silver Creek High School Modernization and Add New Toilet Room Project (Project No.: E-055-004).



**2. Van Pelt Construction Services (VPCS)**

<b>Reviewed by:</b>	<b>Contract Period</b>	<b>Fiscal Impact/ Funding Source</b>	<b>School/Department/ Manager</b>
Linda da Silva Janice Unger André Bell Marcus Battle	October 20, 2011, through project completion	\$ 78,400.00 (not to exceed increased amount)  Measure E	Independence High School/ Facilities  Grettel Castro-Stanley, Principal  Linda da Silva, Director of Construction, Maintenance & Facilities

East Side Union High School District (ESUHSD) Administration is requesting that the Board of Trustees ratify Change Order No. 04 to Purchase Order #201550 and Amendment #2 to increase the agreement due to an increased project scope, duration of individual design phases, and change in delivery method per the staff's request for the Independence High School Performing Arts Center – Building F Modernization Project (E-065-003).

On October 20, 2011, the Board of Trustees ratified a construction management services contract for the Independence Performing Arts Center – Building F Modernization Project with Van Pelt Construction Services (VPCS). (Attachment D)

On December 14, 2011, staff issued Change Order No. 01 to delete project No. E-065-004 (Building G) from Purchase Order #201550.

On July 10, 2013, staff issued Change Order No. 02 to transfer (\$13,165) of Building G funds from Purchase Order #201550 to #201551.

On November 20, 2014, the Board of Trustees approved Change Order No. 03 for an additional pre-construction phase services to Van Pelt Construction Services in the amount of \$16,500. (Attachment E)

This Change Order No. 04 for Purchase Order #201550 is for \$78,400.00 due to increased project scope, combining two phases into one and the addition of five months to the schedule.

Original Contract Amount	\$294,000.00
Previous Change Order Amounts	(\$13,165.00)
Contract Amount Prior to This Change Order	\$280,835.00
Previous Change Order No. 03 (Amendment No. 01)	\$16,500.00
Change Order No. 04 (Amendment No. 02)	\$78,400.00
Revised Contract Amount	\$375,735.00

**RECOMMENDATION**

It is recommended that the Board of Trustees approve Amendment #2 and Change Order No. 04 to Purchase Order #201550 with **Van Pelt Construction Services (VPCS)** for the additional construction management effort requested by staff for the Independence High School Performing Arts Center – Building F Modernization Project in the increased amount of \$78,400.

**3. Williams Scotsman – Purchase Agreement for Multiple Units**

<b>Reviewed by</b>	<b>Contract Period</b>	<b>Fiscal Impact/ Funding Source</b>	<b>School/Department/ Manager</b>
Linda da Silva Janice Unger André Bell Marcus Battle	N/A	\$201,977.58 (not to exceed)  Fund 25	Andrew Hill High School/Facilities  Bettina Lopez, Principal  Linda da Silva, Director of Construction, Maintenance & Facilities

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to purchase out right ten (10) relocatable classrooms at Andrew Hill High School that have previously been contracted on a month-to-month rental agreement.

When the District initially entered into a lease agreement with Williams Scotsman in 2013, the buildings were intended to be used as temporary housing while Building 100 was demolished and reconstructed. In the course of campus facilities planning that occurred in late 2013 and into 2014, it became evident that it was in the District's best interest to retain those newer 10 buildings where they are cited to the east of Building C, and instead remove older portable classrooms B1 through B7 and C4 through C7 - which are in disrepair and/or were poorly cited and are creating storm drainage impediments.

**Selection Process**

N/A

**RECOMMENDATION**

It is recommended that the Board of Trustees authorize staff to enter into a purchase agreement for ten (10) relocatable classrooms at Andrew Hill High School with **Williams Scotsman** for an amount not to exceed \$201,977.58.

**4. SHI – Adobe Systems Incorporated**

<b>Reviewed by</b>	<b>Contract Period</b>	<b>Fiscal Impact/ Funding Source</b>	<b>School/Department/ Manager</b>
Randy Phelps Janice Unger André Bell Marcus Battle	Three year license agreement	\$54,508.72 (not to exceed)  Measure I – Tech Bond	Instructional Technology/Technology Department  Randy Phelps, Director

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to purchase Creative Cloud ENT MLP Ed Subscriptions. Enterprise Term License Agreement Number: 00583818 is ESUHSD's agreement ID as a California Educational Technology Professionals Association Consortium Member and is eligible to purchase through SHI. This is a direct agreement with Adobe, and SHI is the partner facilitating the purchase order.

Under an Adobe Enterprise Term License Agreement, Adobe appoints a third party to serve as a fulfillment agent. The fulfillment agent is contractually obligated to quote and sell to the end user at the price agreed between the end user customer and Adobe. The fulfillment agent may not alter the pricing in any way. When Adobe uses a fulfillment partner to process payment and/or delivery on Adobe's behalf, the customer does not have the opportunity to negotiate pricing with the fulfillment agent.

To summarize, Adobe, as the supplier, specifies the end user pricing in its agreement with the fulfillment agent. Adobe's contract with the fulfillment agent permits no deviation or discounting from that pricing by the fulfillment agent.

**Selection Process**

N/A

**RECOMMENDATION**

It is recommended that the Board of Trustees authorize staff to enter into an Enterprise Term License Agreement for a three (3) annual year installment with **SHI** third party to **Adobe Systems Incorporated** for an amount not to exceed \$54,508.72.

**5. Bleyco Inc.**

<b>Reviewed by:</b>	<b>Contract Period</b>	<b>Fiscal Impact/ Funding Source</b>	<b>School/Department/ Manager</b>
Linda da Silva Janice Unger André Bell Marcus Battle	May 29, 2014 to August 8, 2014 (no change)	\$ -11,510.82 (deduct amount)  Measure G	Silver Creek School/ Facilities  Adolfo Laguna, Principal  Linda da Silva, Director of Construction, Maintenance & Facilities

East Side Union High School District (ESUHSD) Administration is requesting that the Board of Trustees ratify Change Order No. 01 to Purchase Order #403350 deducting funds from the agreement due to unused allowance for additional costs related to obstructions and/or re-routing of directional boring – not used for the Silver Creek HS Stadium Lighting Project (G-055-216).

On May 15, 2014, the Board of Trustees approved a construction contract for the Silver Creek HS Stadium Lighting Project with Bleyco, Inc. (Attachment F).

This Change Order No. 01 for Purchase Order #403350 is for \$11,510.82 deduct from contract and the project is now completed. (Attachment G).

Original Contract Amount	\$882,299.00
Previous Change Order Amounts	0.00
Contract Amount Prior to This Change Order	\$882,299.00
Change Order No. 01	\$-11,510.82
Revised Contract Amount	\$870,788.18

**RECOMMENDATION**

It is recommended that the Board of Trustees ratify Change Order No. 01 to Purchase Order #403350 with **Bleyco, Inc.** for the deduct amount of \$11,510.82 for the Silver Creek HS Stadium Lighting Project.

**6. Cal-State Construction, Inc.**

<b>Reviewed by:</b>	<b>Contract Period</b>	<b>Fiscal Impact/ Funding Source</b>	<b>School/Department/ Manager</b>
Linda da Silva Janice Unger André Bell Marcus Battle	August 25, 2014 to September 25, 2014 (no change)	\$ 28,985.71 (Increased amount)  Measure I	Mt. Pleasant School/ Facilities  Teresa Marquez, Principal  Linda da Silva, Director of Construction, Maintenance & Facilities

East Side Union High School District (ESUHSD) Administration is requesting that the Board of Trustees ratify Change Order No. 01 to Purchase Order #500793 to increase the agreement, which includes PCO 1,2,3,4,6,8,9 and 10 for additional construction costs for the Mt. Pleasant HS Buildings 1201-1223 Mini Campus Modernization Project, (I-089-009). Administration was granted delegation of authority on June 19, 2014.

On September 18, 2014, the Board of Trustees ratified a construction contract for the Mt. Pleasant HS Buildings 1201-1223 Mini Campus Modernization Project with Cal-State Construction, Inc. (Attachment H).

This Change Order No. 01 for Purchase Order #500793 is for a \$28,985.71 increase to the construction contract. The project is now completed. (Attachment I).

Original Contract Amount	\$318,000.00
Previous Change Order Amounts	0.00
Contract Amount Prior to This Change Order	\$318,000.00
Change Order No. 01	\$28,985.71
Revised Contract Amount	\$346,985.71

**RECOMMENDATION**

It is recommended that the Board of Trustees ratify Change Order No. 01 to Purchase Order #500793 with **Cal-State Construction Inc.**, for the increased amount of \$28,985.71 for the Mt. Pleasant HS Buildings 1201-1223 Mini Campus Modernization Project.

**7. William Scotsman, Inc. – Piggyback bid Lease Agreement**

<b>Reviewed by:</b>	<b>Contract Period</b>	<b>Fiscal Impact/ Funding Source</b>	<b>School/Department/ Manager</b>
Linda da Silva Janice Unger André Bell Marcus Battle	No change	\$ 23,058.00 (Increased amount)  Measure E	Andrew Hill School/ Facilities  Bettina Lopez, Principal  Linda da Silva, Director of Construction, Maintenance & Facilities

East Side Union High School District (ESUHSD) Administration is requesting that the Board of Trustees approve Change Order No. 01 to Purchase Order #302711 to increase the agreement with William Scotsman, Inc. for additional months required and charges for five (5) special ramps for the Andrew Hill HS Building 100 Modernization Project,  
Project No.: E-025-003.

On February 14, 2013, the Board of Trustees approved the use of piggyback bid from Los Alamitos Unified School District, Bid No. 2010-002, to lease ten (10) DSA classroom (40X24) for interim housing during construction at Andrew Hill High School with William Scotsman, Inc. (Attachment J).

This Change Order No. 01 for Purchase Order #302711 is for \$25,020.00 to increase the lease agreement due to additional monthly rental of these portables were required while construction continued on the building.

Original Contract Amount	\$111,630.00
Previous Change Order Amounts	0.00
Contract Amount Prior to This Change Order	\$111,630.00
Change Order No. 01	\$23,058.00
Revised Contract Amount	\$134,688.00

**RECOMMENDATION**

It is recommended that the Board of Trustees approve Change Order No. 1 to Purchase Order #302711 with **William Scotsman, Inc.** for the increased amount of \$23,058.00 to continue the lease agreement for the Andrew Hill High School Building 100 Modernization Project.



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### Agenda Item Details

Meeting	Feb 12, 2015 - ESUHS REGULAR BOARD MEETING - 3:30 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133
Category	19. BUSINESS SERVICES - CONSENT/ACTION CALENDAR
Subject	19.01 Ratification of Contract(s) for Professional Services At or Below \$25,000
Type	Action
Recommended Action	It is recommended that the Board of Trustees ratify the projects contract(s) for professional services at or below \$25,000 as recommended in the attachment and authorization is being requested for the Superintendent and/or designee to execute amendments to the Agreement that may be needed during the term, provided such amendments do not: (i) extend the term of the contract; (ii) increase the price of goods or services provided under the contract by the greater of ten percent (10%) of the contract amount (based on the original contract amount exclusive of any approved amendments in the aggregate); or (iii) alter the quality or quantity of services or goods provided under the Board-approved contract per Board Policy 3312.1.

## EAST SIDE UNION HIGH SCHOOL DISTRICT

**Item: 19.01**

**TO:** Board of Trustees

**FROM:** Chris D. Funk, Superintendent

**PREPARED BY:** Marcus Battle, Associate Superintendent of Business Services, André Bell, Assistant Director of Capital Accounting and Purchasing, and Donna Bertrand, C.P.M., Contracts Administration Coordinator

**SUBJECT:** Ratification of Contract(s) for Professional Services At or Below \$25,000

The attached lists the General Purchasing Contracts for Professional Services at or below \$25,000 being recommended for Board ratification.

**Fiscal Impact:**  
As presented in the attachment

**Funding Source:**  
As presented in the attachment

**Recommendation:**  
It is recommended that the Board of Trustees ratify the projects contract(s) for professional services at or below \$25,000 as recommended in the attachment and authorization is being requested for the Superintendent and/or designee to execute amendments to the Agreement that may be needed during the term, provided such amendments do not: (i) extend the term of the contract; (ii) increase the price of goods or services provided under the contract by the greater of ten percent (10%) of the contract amount (based on the original contract amount exclusive of any approved amendments in the aggregate); or (iii) alter the quality or quantity of services or goods provided under the Board-approved contract per Board Policy 3312.1.

[2-12-15\\_Prof Serv Contract under \\$25K.pdf \(77 KB\)](#)

**Motion & Voting**

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It is recommended that the Board of Trustees ratify the projects contract(s) for professional services at or below \$25,000 as presented and authorization for the Superintendent and/or designee to execute amendments to the Agreement that may be needed during the term, provided such amendments do not: (i) extend the term of the contract; (ii) increase the price of goods or services provided under the contract by the greater of ten percent (10%) of the contract amount (based on the original contract amount exclusive of any approved amendments in the aggregate); or (iii) alter the quality or quantity of services or goods provided under the Board-approved contract per Board Policy 3312.1.

Motion by Vice President Lan Nguyen, second by Member J Manuel Herrera.

Final Resolution: Motion Carries

Yea: President Van Le, Vice President Lan Nguyen, Clerk Frank Biehl, Member J Manuel Herrera, Member Pattie Cortese



**EAST SIDE UNION HIGH SCHOOL DISTRICT**  
**Contract(s) for Professional Services Under \$25,000**  
 Board Meeting of February 12, 2015 - Item 19.01

<b>Consultant</b>	<b>Contract Period</b>	<b>Contract Amount</b>	<b>Contract Number</b>	<b>Location of Services</b>	<b>Description of Services</b>	<b>Date Contract Assigned</b>
WestEd	January 30, 2015 - December 31, 2016	No Cost	Not Applicable	District Wide	Data Sharing Agreement regarding the Regional Educational Laboratory, West (REL West) study of Algebra I Repeating Patterns in High School among English Learners. This Agreement sets forth the parameters for the collection of education record data in the ESUHSD. The study will provide analyses on the Algebra I repeating patterns of short and long-term English Learner students. The analyses will help inform policy on math placement and acceleration. The cohort will include students that were in grade 7 in school year 2006/07 and follow them through out grade 12. ESUHSD agrees to share student data with WestEd for the duration of this Agreement.	January 30, 2015
Eastridge Shopping Center, L.L.C.	April 16, 2015 - April 20, 2015	No Cost	Not Applicable	District Wide	Eastridge Shopping Center will provide space within the shopping center so ESUHSD Art Students are able to display their art in a public environment. Eastridge has agreed to provide this space to ESUHSD at no cost.	January 26, 2015

**EAST SIDE UNION HIGH SCHOOL DISTRICT**  
**Contract(s) for Professional Services Under \$25,000**  
 Board Meeting of February 12, 2015 - Item 19.01

<b>Consultant</b>	<b>Contract Period</b>	<b>Contract Amount</b>	<b>Contract Number</b>	<b>Location of Services</b>	<b>Description of Services</b>	<b>Date Contract Assigned</b>
Total School Solutions	February 9, 2015 - May 29, 2015	\$24,950.00	502261	Child Nutrition	To conduct a review of specific components of ESUHSD's Child Nutrition Department. Specific components include: meal participation, cafeteria revenue/expense analysis/recommendations, food services school site operations, staffing, organizational structure, and menu planning.	February 3, 2015



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### Agenda Item Details

Meeting	Feb 12, 2015 - ESUHS REGULAR BOARD MEETING - 3:30 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133
Category	21. FACILITIES/BOND - CONSENT/ACTION CALENDAR
Subject	21.01 Ratification of Bond/Capital Projects Contract(s) for Professional Services At or Below \$50,000
Type	Action
Recommended Action	It is recommended that the Board of Trustees ratify the bond/capital projects contract(s) for professional services at or below \$50,000 as recommended in the attachment and authorization is being requested for the Superintendent and/or designee to execute amendments to the Agreement that may be needed during the term, provided such amendments do not: (i) extend the term of the contract; (ii) increase the price of goods or services provided under the contract by the greater of ten percent (10%) of the contract amount (based on the original contract amount exclusive of any approved amendments in the aggregate); or (iii) alter the quality or quantity of services or goods provided under the Board-approved contract per Board Policy 3312.1.

## EAST SIDE UNION HIGH SCHOOL DISTRICT

**Item: 21.01**

**TO:** Board of Trustees

**FROM:** Chris D. Funk, Superintendent

**PREPARED BY:** Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Janice Unger, Capital Projects Purchasing Manager

**SUBJECT:** Ratification of Bond/Capital Projects Contract(s) for Professional Services At or Below \$50,000

The attached lists the Bond/Capital Projects Contracts for Professional Services at or below \$50,000 being recommended for Board ratification.

**Fiscal Impact:**

As indicated in the attachment

**Funding Source:**

As indicated in the attachment

**Recommendation:**

It is recommended that the Board of Trustees ratify the Bond/Capital Projects Contract(s) for Professional Services at or below \$50,000 as recommended in the attachment and authorization is being requested for the Superintendent and/or designee to execute amendments to the Agreement that may be needed during the term, provided such amendments do not: (i) extend the term of the contract; (ii) increase the price of goods or services provided under the contract by the greater of ten percent (10%) of the contract amount (based on the original contract amount exclusive of any approved amendments in the aggregate); or (iii) alter the quality or quantity of services or goods provided under the Board-approved contract per Board Policy 3312.1.

[Prof Serv Contract under \\$50K -Ratified-eg.pdf \(102 KB\)](#)

**Motion & Voting**

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It is recommended that the Board of Trustees ratify the bond/capital projects contract(s) for professional services at or below \$50,000 as recommended in the attachment and authorization is being requested for the Superintendent and/or designee to execute amendments to the Agreement that may be needed during the term, provided such amendments do not: (i) extend the term of the contract; (ii) increase the price of goods or services provided under the contract by the greater of ten percent (10%) of the contract amount (based on the original contract amount exclusive of any approved amendments in the aggregate); or (iii) alter the quality or quantity of services or goods provided under the Board-approved contract per Board Policy 3312.1.

Motion by Vice President Lan Nguyen, second by Member J Manuel Herrera.

Final Resolution: Motion Carries

Yea: President Van Le, Vice President Lan Nguyen, Clerk Frank Biehl, Member J Manuel Herrera, Member Pattie Cortese

**East Side Union High School District  
Construction Related Professional Services Contracts under \$50,000 for Ratification  
Board Meeting of February 12, 2015 - Item 21.01**

Project Number & Name	Project Description	Contract Number	Contract Period	Consultant	Contract Amount	Date Purchase Order Assigned
I-013-001 - IT Computer System Upgrade Project	Renewal of SmartNet Equipment Licenses	502083	December 29, 2014 - December 28, 2015	Nexus IS, Inc.	\$26,672.10	1/20/2015
E-025-003 - Andrew Hill HS New Classroom Building	Provide Recycled water cross connection shutdown and testing	502084	December 12, 2014 to February 12, 2015	Backflow Prevention Specialist	\$8,200.00	1/20/2015
E-025-003 - Andrew Hill HS New Classroom Building	Provide watering testing for windows and as need consultation construction consulting services	501999	November, 2014 to completion of services	Alfana Buick & Bers, Inc.	\$7,480.00	1/6/2015
I-013-001 - IT Computer System Upgrade Project	Renewal of SmartNet Software Licenses	502085	January 15, 2015 - January 16, 2016	Nexus IS, Inc.	\$1,291.55	1/20/2015
Capital/General Accounting District Program Cost	EchoSign Enterprise Software/License for uploading and routing documentation for signatures and approvals	502187	February 15, 2015 - February 14, 2016	Adobe EchoSign	\$5,040.00	1/28/2015