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Agenda Item Details

Meeting Nov 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 16.03 Approve Minutes of September 17, 2015, Regular Board Meeting

Access Public

Type Action

Recommended Action It is recommended that the Board of Trustees approve the September 17, 2015, Regular Board Meeting minutes as presented.

Public Content

EAST SIDE UNION HIGH SCHOOL DISTRICT

Item: 16.03

TO: Board of Trustees

FROM: Chris D. Funk, Superintendent

SUBJECT: Approve Minutes of September 17, 2015, Regular Board Meeting

Attached are the minutes of the September 17, 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 September 17, 2015, Regular Board Meeting minutes as presented.

Executive Content

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

November 19, 2015



EAST SIDE UNION HIGH SCHOOL DISTRICT

REGULAR MEETING

OF THE

BOARD OF TRUSTEES

Meeting Held at

East Side Union High School District

Board Room

830 N. Capitol Avenue, San Jose, CA 95133

September 17, 2015

4:30 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 4:30 PM by President Van Le.

Present for roll call:

- *President Van Le*
- *Vice President Lan Nguyen*
- *Clerk Frank Biehl*
- *Member J. Manuel Herrera*
- *Member Pattie 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 6:30 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-B

Student A:

Motion by Vice President Lan Nguyen, second by Member J. Manuel Herrera, to approve the suspended expulsion of Student A.

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

Vote: 5/0; Motion Carries

Student B:

Motion by Member J. Manuel Herrera, second by Member Pattie Cortese, to approve the suspended expulsion of Student B.

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

Vote: 5/0; Motion Carries

2.02 Appeal of Denial Grade Change – Student A (Education Code sections 35146 and 49066)

Motion by Member J. Manuel Herrera, second by Member Pattie Cortese, to deny the appeal of denial of grade change based on lack of sufficiency of evidence to support clerical or mechanical mistakes, fraud, bad faith, or incompetency.

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

Vote: 5/0; Motion Carries

2.03 Public Employee Performance Evaluation (Government Code Section 54957)

- ***Superintendent***

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

On a vote of 5/0, the Board ratified the appointment of Edward McCrary as Transportation Operations Manager.

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

2.06 Conference with Labor Negotiators (Government Code Section 54957.6)

Agency Designated Representatives:

Chris D. Funk, Superintendent

Marcus Battle, Associate Superintendent of Business Services

Cari Vaeth, Associate Superintendent of Human Resources

Glenn Vander Zee, Assistant Superintendent of Educational Services

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

**2.07 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 E. Gomez;***
- ***Claim for Damages of M. Calderon, M. Calderon, O. Calderon
by their Parent M. Amayun; and***
- ***Two (2) Potential Cases***

Motion by Member J. Manuel Herrera, second by President Van Le, to reject the claim for damages of E. Gomez.

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

Vote: 5/0; Motion Carries

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

- ***Two (2) Potential Cases***

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

OPEN SESSION AT APPROXIMATELY 6:30 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 of 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 15.01 will be heard after item 8.06.

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

No Items on Calendar Under this Section

7. **STUDENT BOARD LIAISONS (5 MINUTES EACH)**

No Items on Calendar Under this Section

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

8.01 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.

8.02 Discussion and/or Action to Approve Request for a One-Time Waiver of Board Policy 5142.1 to Allow for a Fireworks Display at Piedmont Hills High School on October 2, 2015 - Marcus Battle, Associate Superintendent of Business Services, and Traci Williams, Principal, Piedmont Hills High School

Motion by Member J Manuel Herrera, second by Member Pattie Cortese, to approve the request for a one-time waiver of Board Policy 5142.1 to allow for a fireworks display at Piedmont Hills High School, subject to the conditions as presented and the approval from the San Jose Fire Marshall.

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

Vote: 5/0; Motion Carries

8.03 Discussion and/or Action to Approve Use of Carnival Equipment at Evergreen Valley High School for Homecoming Celebration and Multi-Cultural Winterfest - Marcus Battle, Associate Superintendent of Business Services, Lauren Kelly, Principal, and Virginia Yenter Yanowsky, Activities Director, Evergreen Valley High School

Motion by Clerk Frank Biehl, second by Member J Manuel Herrera, to approve the request for the use/rental of the requested carnival equipment subject to the conditions as presented.

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

Vote: 5/0; Motion Carries

- 8.04 Presentation and Discussion Regarding the Results of the Sale of 2012 General Obligation Bonds and 2014 Ed-Tech Bonds - Marcus Battle, Associate Superintendent of Business Services, and Dale Scott, Financial Advisor, Dale Scott & Company**

Presentation item; no action taken

- 8.05 Presentation and Discussion Regarding the Results of the Sale of 2014 General Obligation Refunding Bonds - Marcus Battle, Associate Superintendent of Business Services, and Dale Scott, Financial Advisor, Dale Scott & Company**

Presentation item; no action taken

- 8.06 Presentation, Discussion and/or Action Regarding Proposed Ground Lease Agreement with KIPP Bay Area Schools for Prop. 39 - Marcus Battle, Associate Superintendent of Business Services, April Chou, Director of Operations, KIPP Bay Area Schools, and Adam Kaye, Director of Real Estate**

Presentation item only; no action taken

Public speakers:

- Lisa Sonsini, KIPP Board Member
- Chris Young, KIPP Board Member
- Jenny Risk, KIPP Board Member
- Tom Ryan, KIPP Principal

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

- 9.01 Hold Public Hearing at Approximately 6:35 p.m. for Resolution #2015/2016-05 Regarding the GANN Spending Limit - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance**

Public hearing held. There were no public speakers.

- 9.02 Discussion and/or Action to Adopt Resolution #2015/2016-05 Establishing Appropriations GANN Spending Limit - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance**

Motion by Clerk Frank Biehl, second by Member J Manuel Herrera, to adopt resolution #2015/2016-05 establishing appropriations for the GANN Spending Limit.

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

Vote: 5/0; Motion carries

- 9.03 Hold Public hearing at Approximately 6:40 p.m. for Resolution #2015/2016-06 Regarding the Sufficiency of Textbooks and Instructional Materials per Education Code 60119 - Glenn Vander Zee, Assistant Superintendent of Educational Services**

Public hearing held. There were no public speakers.

9.04 Discussion and/or Action to Adopt Resolution #2015/2016-06 Regarding the Sufficiency of Textbooks and Instructional Materials - Glenn Vander Zee, Assistant Superintendent of Educational Services

Motion by Clerk Frank Biehl, second by Member J Manuel Herrera, to adopt resolution #2015/2016-06 regarding the Sufficiency of Textbooks and Instructional Materials as amended.

Amendment includes: The sufficiency of materials have been cleared by the Santa Clara County Office of Education at five out of six Williams schools. The sixth school is in process of receiving textbooks. SCCOE will then issue a certification (sufficiency) letter for the sixth site.

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

Vote: 5/0; Motion carries

10. 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.

Any person may address the Board on any item on the meeting agenda. Persons wishing to address the Board must fill out a gold request form, which is located at the entrance of the Board Room. When your name is called, please come to the podium, state your name for the record, and limit your remarks to three (3) minutes.

Public speaker:

- Alondra Ayala - Budget and How Spent*
- Roxana Marachi - SBAC Testing*
- Perry Mistry - Develop USPTO/Patents - San Jose City Hall/Federal Office*
- Perry Mistry - Develop "Make it in America" Magnet Program re: Foreign Trade*

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

11.01 Presentation, Discussion and/or Action to Accept the Unaudited Actual Financial Report for Fiscal Year 2014/2015 - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance

Motion by Clerk Frank Biehl, second by Member J Manuel Herrera, to approve and accept the Unaudited Actual for 2014/2015 fiscal year report as presented with permission to proceed with any additional final year-end adjustments that may be necessary.

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

Vote: 5/0; Motion carries

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

12.01 Discussion and/or Action to Approve of District Representative and alternate to the South Bay Consortium for Adult Education (SBCAE), Steering Committee as per AB104 - Glenn Vander Zee, Assistant Superintendent of Educational Services, and Richard Uribe, Director Adult Education

Motion by Member J Manuel Herrera, second by Vice President Lan Nguyen, to appoint Richard Uribe, Director of Adult Education, as primary ESUHSD representative to the Steering Committee of South Bay Consortium for Adult Education (SBCAE), and Tatiana Roganova, Supervisor of Adult Education, as alternate.

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

Vote: 5/0; Motion Carries

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

13.01 Discussion and/or Action to Approve Emergency One-Day School Closure for Piedmont Hills High School on August 27, 2015, Due to Water Pipe Rupture - Marcus Battle, Associate Superintendent of Business Services, Karen Poon, Director of Finance

Motion by Vice President Lan Nguyen, second by Member Pattie Cortese, to approve submitting Form J-13A the attendance allowance waiver for the emergency "One Day" school closure for Piedmont Hills High School on August 27, 2015.

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

Vote: 5/0; Motion Carries

13.02 Discussion and/or Action to Approve the Contract(s) for Professional Services Over \$25,000 - Marcus Battle, Associate Superintendent of Business Services, André Bell, Director of Purchasing and Capital Accounting, and Francine Brissey, General Purchasing Manager

Motion by Member J Manuel Herrera, second by Vice President Lan Nguyen, to approve the contract(s) for professional services over \$25,000 as recommended 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.

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

Vote: 5/0; Motion Carries

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

14.01 Discussion and/or Action to Approve Provisional Internship Permit Requests for Certificated Employees - Cari Vaeth, Associate Superintendent of Human Resources

Motion by Vice President Lan Nguyen, second by Member J Manuel Herrera, to approve the provisional internship permit requests for certificated employees as specified.

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

Vote: 5/0; Motion Carries

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

15.01 Presentation, Discussion and/or Action of Measure E Board/Cabinet Contingency Distribution - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Farshid Samsami, Program Manager, SGI

Public speakers:

- Tom Nguyen, Councilmember - City of San Jose
- Neil Kozuma
- Cassandra Felix
- Tommy Heng
- Esmeralda Garcia Diaz
- Evelyn Rojas
- Armando Martinez
- Yaira Cortez
- Katherine Mondragon
- Jose Betancourt
- Marissa Brown
- Van Nguyen
- Sonia Garcia
- Julia Wheatley
- Mike Gomez
- Jacob Headley
- Carolyn Nguyen
- Isabelle Wu
- Sabrina Chau
- Ivon Rodriguez
- William Butchko
- Ngoc Tran
- Huyen Pham
- Ro Vu
- Lam Hoang
- Maria Le
- Adolfo DeLuna
- Nancy Lang
- Shawnica Vut
- Jeff Love
- Nguyen Nguyen

- Dennis J. Fernandes, Sr.
- Sandra Fernandez
- Angelika Mabala
- Susan Williams

Motion by Clerk Frank Biehl, second by Vice President Nguyen, to adopt scenario 1 with the following modification to the original scenario 1 allocation:

Scenario 1

Funds allocated to cover specific unmet needs:

This allocation was modified – see below (original text black – modification in red).

(original text) Replacement of football field synthetic turf carpet (\$4 million): Typically, synthetic turf carpet has a service life of ten years, depending on use. Six out of eleven synthetic turf football fields were installed in 2004/2005 (Andrew P. Hill, James Lick, Oak Grove, Piedmont Hills, Santa Teresa, Yerba Buena High Schools). This funding would allow for replacement of synthetic turf carpet at these six schools.

(modification) Instead of replacing the football field synthetic turf carpet (\$4 million), move the dollars into Yerba Buena High School’s student union project. That, along, with the construction cost escalation, Yerba Buena will be allocated \$2.7 million. The Yerba Buena allocation of \$4 million will be paid back from a future allocation. All the other schools will receive an allocation out of the construction cost contingency. That will ensure that every commitment the Board has made is funded.

- **Construction Cost Escalation contingency (\$13 million):** Each of the schools is proceeding with their projects that were Board approved in 2014. Due to current construction market conditions, costs are escalating at a rate reminiscent of the early 21st Century during the dot-com boom. In order to preserve the base scope of each school’s projects, this contingency set-aside would mitigate extraordinary construction cost escalation. The monies would be pro-rated to each project’s construction cost and time schedule, the factors impacting cost escalation. The alternative to providing a cost escalation contingency would be to de-scope projects to stay within budget.
- **Replacement Music, Art and Administration Building & Central Quad Modernization at W.C. Overfelt High School (\$19 million):** W.C. Overfelt is one of Santa Clara County’s underperforming schools. This improved “front of campus” facility, with next generation learning facilities, will help to retain enrollment and improve student outcomes. This funding would be an advance to W.C. Overfelt against future bond allocations.
- **Roofs, Heating/Ventilating/Air Conditioning (HVAC), Electrical Infrastructure (\$11.75 million):** There are 48 critical roofs at or beyond their service lives, and current funding for only 7 replacements. There are over 600 HVAC units at or beyond their service lives, and current funding for only 100. Of the 13 school sites with aged electrical distribution infrastructure, 5 sites have current funding for total and/or partial replacement. Replacing roofs, mechanical and electrical infrastructure will ensure the reliability of facilities, increase classroom comfort, and reduce operating costs. This proposed \$11.75 million will not fund all these needs, but will allow replacement of the most critical of these items.

- **Gymnasium Windows Replacement at Andrew P. Hill High School (\$1 million):** *Windows in gyms are rare. The windows at Andrew Hill's gym lead to increased solar (heat) gain, increasing ventilation costs and thermal discomfort. The windows are subject to vandalism. The sun's ultraviolet rays prematurely degrade the sacrificial finish on the wood floors. Replacement of the glazing with a fiberglass-based translucent material would mitigate or resolve these issues.*

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

Vote: 5/0; Motion Carries

15.02 Discussion and/or Action to Award a Site and Facilities Lease Agreements for Independence High School Building B Commons (Project NO. Z-065-601) Lease Leaseback Construction Project with McCarthy Building Companies, Inc. - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, André Bell, Assistant Director of Capital Accounting, and Janice Unger, Capital Projects Purchasing Manager

Motion by Member J Manuel Herrera, second by Clerk Frank Biehl, to award Site and Facilities Lease Agreements with McCarthy Building Companies, Inc., for the Building B (Project No. Z-065-601) Lease Leaseback GMP (Construction) Project, in an amount not to exceed \$3,263,650.00 and authorize Administration to execute change orders in accordance with Board Policy 3312.1.

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

Vote: 5/0; Motion Carries

15.03 Discussion and/or Action to Approve Qualified Professional Service Providers - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance, and Facilities, André Bell, Director of Purchasing and Capital Accounting, and Janice Unger, Capital Projects Purchasing Manager

Motion by Clerk Frank Biehl, second by Vice President Lan Nguyen, to approve the addition of Chipman Relocation & Logistics to the pool of firms qualified to provide moving and relocation services.

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

Vote: 5/0; Motion Carries

15.04 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, Director of Purchasing and Capital Accounting, and Janice Unger, Capital Projects Purchasing Manager

Motion by Vice President Lan Nguyen, second by Member J Manuel Herrera, to ratify the CUPCCAA informal project(s) as presented.

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

Vote: 5/0; Motion Carries

15.05 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 Janice Unger, Capital Projects Purchasing Manager

Motion by Clerk Frank Biehl, second by Member J Manuel Herrera, to approve the bond/capital projects contract(s) as presented and 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.

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

Vote: 5/0; Motion Carries

Consent / Action Calendar Sections 16-20

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 Clerk Frank Biehl, to approve the entire consent/action calendar as presented.

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

Vote: 5/0 Motion Carries

16. Board of Trustees / Superintendent - Consent / Action Calendar

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

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

16.03 Approve Minutes of June 20, 2015, Board Retreat

16.04 Approve Minutes of June 20, 2015, Special Board Meeting

17. Educational Services / Student Services - Consent / Action Calendar

17.01 Ratify/Approve School Field Trips

17.02 Approve the Amendment to Title III Plan and Budget for English Learners and Immigrant Students for the 2015-2016 School Year

18. Business Services - Consent / Action Calendar

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

18.02 Approve Purchase Orders

18.03 Accept Report of Credit Card Purchases for Statements Dated June 22 and July 22, 2015

18.04 Approve Memoranda of Understanding

- 18.05 Approve Facilities Use Agreements
- 18.06 Approve Change Orders to Purchase Orders
- 18.07 Approve Budget Transfers for the Month of August, 2015
- 18.08 Accept Warrant Register for the Month of August, 2015

19. Human Resources - Consent / Action Calendar

- 19.01 Ratify/Approve Classified Personnel Actions Presented September 17, 2015
- 19.02 Ratify/Approve Certificated Personnel Actions Presented September 17, 2015
- 19.03 Ratify/Approve Student Aide Personnel Actions Presented September 17, 2015

20. Facilities/Bond - Consent / Action Calendar

- 20.01 Ratification of Bond/Capital Projects Contract(s) for Professional Services At or Below \$50,000
- 20.02 Approve Award of Bids and Request for Proposals for Bond/Capital Projects

21. Written Reports/Recommendation

Items under section 21 are written reports that are received into the public record. No action is taken by the Board. A Board Member or the Superintendent may request an item to be placed on the agenda for discussion and/or action at a future meeting.

No Items on Calendar Under this Section

22. FUTURE AGENDA ITEMS

22.01 Opportunity for Board of Trustees to Request Items on Future Agendas

Board President Van Le

Item	Type
English Language Learners (ELL) Update	Presentation/Discussion

Board Clerk Frank Biehl

Item	Type
Consideration and Steps to Place Bond on 2016 Ballot	Presentation/Discussion

22.02 Future Items

Board President Van Le

Item	Date (tentative)	Type
Failed Courses	Twice a Year: October & March	Report
Construction Projects Update	October 15, 2015	Presentation/Discussion
Vietnamese & Chinese Language Classes Update	November 19, 2015	Presentation/Discussion

Board Vice President Lan Nguyen

Item	Date (tentative)	Type
Anti-Bullying Efforts	TBD	Presentation/Discussion
International Baccalaureate Program (IB) Plan for Recruitment and Expansion	April 21, 2016	Presentation/Discussion

Board Clerk Frank Biehl

Item	Date (tentative)	Type
Charter Schools - Protocol	October 15, 2015	Presentation/Discussion
Livestream	October 15, 2015	Presentation/Discussion

Board Member J. Manuel Herrera

Item	Date (tentative)	Type
Convert to All Electric Bus Fleet	October 15, 2015	Presentation/Discussion
Broadcast Board Meetings	October 15, 2015	Presentation/Discussion

Board Member Pattie Cortese

Item	Date (tentative)	Type
Restorative Justice	September 24, 2015	Presentation/Discussion
School Involvement in the Participatory Budgeting Process	September 24, 2015	Presentation/Discussion
Schedule of LCAP Presentations/Timeline	September 24, 2015	Presentation/Discussion
Plan to Bring Back Expelled Students	September 24, 2015	Presentation/Discussion
Early Alert/Warning System	April 21, 2016	Presentation/Discussion

22.03 Annual Governance Calendar

July
Summer School Program (concludes session)
Summer School Graduation

August
Expulsion Hearing Panel Committee
First Day of School
Superintendent's Annual Evaluation
Williams Quarterly Report

September
Board Retreat
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

October
Bond Program Presentation
Solar Energy Presentation
Student Achievement Presentation
Williams Quarterly Report

November
Board Study Session/Workshop
Election Orientation for New Board Members

December
Annual Organizational Board Meeting
CSBA Annual Conference
Election Orientation for New Board Members
End of First Semester
First Interim Report

January
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

February
African American Students Achievement Awards
Audit Committee Charter Amendment(s)
CSBA Delegate Assembly Election
Non-Re-Elects
Safety Plan Goals for Each Site
State of the District

March
Cesar Chavez Writing, Art & Multi-Media Awards Luncheon
Latino Student Awards Recognition Ceremony
March 15 Notices
NSBA Annual Conference
Second Interim Report
SJPD Secondary Employment Application
Superintendent's Mid-Year Evaluation
Vietnamese Students Achievement Awards

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

May
Asian American/Pacific Islander History Month: Poster & Essay Contest Awards/Celebration
Board Self-Evaluation
Budget (Preliminary/Draft) Presentation
Employee Recognition Event
Graduations
Honor Nights
Last Day of School
Sports Recognitions (Winter/Spring)

June
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 – 2018)
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

23. BOARD OF TRUSTEES/SUPERINTENDENT COMMUNICATIONS/COMMENTS

23.01 Board of Trustees

Board Member Pattie Cortese

I am happy that we were able to support our schools in most need tonight.

Board Clerk Frank Biehl

I want to personally thank Linda da Silva for placing the options in such a manner so that the Board could have an honest discussion about where we wanted to go in terms of policy. It was very helpful and very much appreciated by me and the entire Board.

I also want to thank the entire Board for the direction they went and it is the right thing to do.

Board Member J. Manuel Herrera (no comments made)

Board Vice President Lan Nguyen

I concur with Member Cortese and Member Biehl.

Board President Van Le

I want to thank the staff for their great work. I would also like to thank Superintendent Chris Funk for attending the Moon Festival at Yerba Buena.

I attended back to school night at Andrew Hill, Independence and Evergreen Valley High Schools. I was great to see parents come to the schools and speak with their child's teachers.

23.02 Chris D. Funk, Superintendent

We accomplished something great last Friday. We have a tentative agreement between the East Side Teachers Association and the District for a three-year contract, pending approval by the ESTA membership and Board ratification. We are very excited and very appreciative of the teams that came together at mediation to find a resolution. Congratulations to all!

24. REPORT CLOSED SESSION ACTION(S)

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

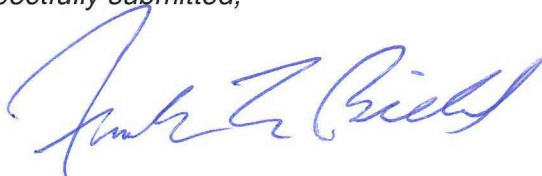
See section 2.0 for reporting out of Closed Session items.

25. ADJOURNMENT

President adjourns the meeting.

President Van Le adjourned the meeting at 10:30 PM.

Respectfully submitted,



Board Clerk

EAST SIDE UNION HIGH SCHOOL DISTRICT

Contract(s) for Professional Services Over \$25,000
Board Meeting of September 17, 2015 – Item 13.02

1. NEW DIRECTION SOLUTIONS LLC DBA PROCARE THERAPY - RATIFICATION

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Chris Funk André Bell Barbara Moore	September 8, 2015- June 30, 2016	\$100,000 General Fund – Special Ed	Special Services Barbara Moore, Director of Special Services

CONTRACT REQUEST

East Side Union High School District (ESUHSD) Administration is requesting the Board of Trustees to ratify the Contract with New Directions Solutions LLC dba PROCARE Therapy for the provision of Behavioral Therapy assistance to special needs students throughout ESUHSD in accordance with their IEP's.

SELECTION PROCESS

No Solicitation took place for this service.

RECOMMENDATION

It is recommended that the Board of Trustees ratify the contract with New Direction Solutions LLC dba ProCare Therapy for the term of September 8, 2015 – June 30, 2016, in the total estimated amount of \$100,000, and authorize Administration to execute change orders in accordance with Board Policy 3312.1.

2. FACILITRON, INC.

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Marcus Battle André Bell	August 21, 2015 – August 21, 2016	5% per Transaction for Facilities Transaction	Business Services Marcus Battle

CONTRACT REQUEST

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to approve the agreement between Facilitron and ESUHSD. This agreement enables ESUHSD to operate on the Facilitron online storefront.

SELECTION PROCESS

No Solicitation took place for this service.

RECOMMENDATION

It is recommended that the Board of Trustees approve the Online Facilities Rental Storefront Agreement with Facilitron, Inc. during the contracted term of August 21, 2015 – August 21, 2016, for the accumulation of revenues, and request that the Board of Trustees authorize the Administration to execute change orders in accordance with Board Policy 3312.1.

3. Agape Foundation - 180° LLC

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Glenn Vander Zee André Bell	7/1/2015 - 7/31/2016	\$247,675.00 (\$195,175 Revenue from the Agape Foundation) \$52,500 ESUHSD's contribution to the program per semester Various	Andrew Hill High School Calero High School Silver Creek High School Santa Teresa High School

CONTRACT REQUEST

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to approve the acceptance of grant funds from Agape Foundation and approve the ratification of the Agreement with 180 Degrees Program LLC for the first semester of the 2015 – 16 school year.

180 Degree's continued mission is to passionately help youth enhance their lives by accepting personal accountability and to continuously strive toward the goal of achieving their full potential, "one degree" at a time. They utilize comprehensive, research-based and measurable approaches of intense instructional, participatory and interactive character and life skills education that is based upon 180 Degree's "Core Values." They will always deliver these services in the most professional, innovative, and highly effective manner.

SELECTION PROCESS

No Solicitation took place for this service.

RECOMMENDATION

It is recommended that the Board of Trustees accept the grant from Agape Foundation and ratify the agreement with 180 Degrees Program LLC, for the first semester of the 2015/2016 school year in the amount of \$195,175.

EAST SIDE UNION HIGH SCHOOL DISTRICT
Bond/Capital Projects Contract(s) for Services over \$50,000
Board Meeting of September 17, 2015 - Item 15.05

1. BLACH Construction Company

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Linda da Silva Marcus Battle Andre Bell Janice Unger	N/A	\$90,000.00 (not to exceed increased amount) Measure E	Andrew Hill/Facilities Jose Hernandez, Principal Linda da Silva, Director of Construction, Maintenance & Facilities

East Side Union High School District (ESUHSD) Administration is requesting that the Board approve Amendment No. 02 and Change Order #3 to Purchase Order #202183 to increase contract for the Andrew Hill High School Building 100 Project, (E-025-003).

On February 16, 2012, the Board of Trustees approved Change Order #1 to contract agreement to decrease amount of **[\$21,128.00]** due to combining two separate projects into one project.

On June 11, 2013, the Board of Trustees approved Change Order #2 to increase contract agreement to change the delivery method to a multiple prime for this project.

This Change Order #3 is being recommended to the Board of Trustees for approval for an increase contract total amount of (\$90,000.00) for construction management services for (12) twelve week delay in construction schedule due to additional scope that resulted in a more satisfying building and landscape outcome.

Original Contract Amount	\$662,554.00
Change Order #1 (BoT 2/16/12)	[\$-21,128.00]
Change Order #2 (Change delivery method)	\$473,869.00
Contract Amount Prior to This Change Order	\$1,115,295.00
Change Order #3 (Increase contract)	\$90,000.00
Revised Contract Amount	\$1,205,295.00

RECOMMENDATION

It is recommended that the Board of Trustees approve Amendment No. 02 and Change Order #3 to Purchase Order #202183 with **BLACH Construction Company** for the Andrew Hill High School Building 100 Project (E-025-003) in the increased amount not to exceed \$90,000.00.

2. Capital Advisors Group, LLC

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Linda da Silva Marcus Battle Andre Bell Janice Unger	November 01, 2015 – October 31, 2017	\$100,000.00 (not to exceed) Fund 35 - Capital Facilities	District Wide /Facilities Linda da Silva, Director of Construction, Maintenance & Facilities

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to award a new agreement for the continued SAB support, other facilities funding development and overall legislative consulting and advocacy with Capital Advisors Group, LLC.

Administration is requesting approval of a new contract with Capital Advisors Group, LLC. The scope includes continued services with SAB facilities funding development, assistance as needed with grant applications for the Proposition 39 California Clean Energy Jobs Act program, and overall legislative consulting and advocacy on an as-needed basis.

Selection Process

This is a continuation of an existing successful relationship with a professional service provider. The assigned team members are highly familiar with and fully immersed in ESUHSD’s SAB applications and the status of application approvals, expenditure reports, and compilation of auditable expenditure documentation.

RECOMMENDATION

It is recommended that the Board of Trustees approve the new (2) year agreement with **Capital Advisors Group, LLC**, for an amount not to exceed **\$100,000.00 for the period starting November 01, 2015, through October 31, 2017**. Administration to execute change orders in accordance with Board Policy 3312.1.

3. IT Computer Systems Upgrade Project (Project # I-013-001) – Nexus IS, Inc.

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Randy Phelps Marcus Battle Andre Bell Janice Unger	November 21, 2015 through project completion	\$20,000.00 (increase amount, not to exceed) Measure I	District Wide/ Information Technology Services Randy Phelps, Director of IT 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 #501815 and Amendment #1 to increase the contract service agreement for the IT Computer System Upgrade Project # (I-013-001).

On November 20, 2014, the Board of Trustees approved a contract service agreement for the IT Computer System Upgrade Project with Nexus IS, Inc. (Attachment A).

This Change Order #1 for Purchase Order #501815 is for Nexus Care support plan services to cover additional managed services will be billed at time & materials rate.

Original Contract Amount	\$1,331,202.00
Previous Change Order Amounts	00.00
Contract Amount Prior to This Change Order	\$1,331,202.00
Change Order No. 01	\$20,000.00
Revised Contract Amount	\$1,351,202.00

RECOMMENDATION

It is recommended that the Board of Trustees ratify Change Order No. 01 to Purchase Order #501815 with **Nexus IS, Inc.**, for the increase amount of \$20,000.00 for the IT Computer System Upgrade Project (I-013-001).

4. McCarthy Building Companies, Inc.

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Linda da Silva Marcus Battle Andre Bell Janice Unger	September 19, 2014, through project completion	\$61,034.00 (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 approve Change Order #8 to Purchase Order #501337 for the Independence High School Modernization Performing Arts Center – Building F (Project No.: E-065-003).

On September 18, 2014, (Item 15.04) the Board of Trustees awarded site and facilities lease agreements for the Independence High School Performing Arts Center – Building F Lease Leaseback project with McCarthy Building Companies, Inc., in the amount of \$9,461,006.00. (Attachment B)

On June 18, 2015, Item 20.03, the Board of Trustees ratified Change Order Nos 01, 02, 03 and 04 in the amount that totals \$168,420.00. Per the Board’s instructions and following Board Policy 3312.1, change orders for construction projects that exceed in total of \$175,000.00 will be bought back to the Board for approval. (Attachment C)

On June 18, 2015, (Item 15.01), the Board of Trustees approved Change Order No.05 for an increase to the contract and purchase order in the amount of \$49,239.00. (Attachment D)

On August 20, 2015, (Item 15.01), the Board of Trustees approved Change Order Nos. 06 and 07 for an increase to the contract and purchase order in the amount of \$185,053.00. (Attachment E)

This Change Order #8 is being recommended to the Board of Trustees for approval for an increase total amount of 61,034.00. Change Order #8 (Attachment F) is for PCO #'s 22R3, 26R3, 35, 80, 81, 93, 97R2, 100, 101, 109, 110R1, 113, 114 and 115. To date total change order percentage = 4.9%.

Original Contract Amount	\$9,461,006.00
Previous Change Order Amounts	\$402,712.00
Contract Amount Prior to these Change Orders	\$9,863,718.00
Total Amount of Change Orders (cumulative) to date	\$463,746.00
Revised Contract Amount	\$9,924,752.00

RECOMMENDATION

It is recommended that the Board of Trustees approve Change Order No. 08 to Purchase Order #501337 with **McCarthy Building Companies, Inc., for an increased amount of \$61,034.00** for the Independence High School Performing Arts Center - Building F (Project No.: E-065-003).

5. ELECTORIC TEXTBOOK SOFTWARE: CENGAGE LEARNING

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Randy Phelps Andre Bell	March 11, 2015 - March 10, 2016	\$53,950.00 Measure I	District Wide/ Information Technology Services Randy Phelps, Director of IT

East Side Union High School District (ESUHSD) Administration is requesting that the Board of Trustees approve the request to Cengage Learning for a subscription for electronic textbooks with Cengage Learning. This subscription will allow students to use these textbooks with any computer, tablet or other device currently used in classroom.

RECOMMENDATION

It is recommended that the Board of Trustees approve the new one year agreement with **Cengage Learning** for an amount not to exceed **\$53,950.00 for the period starting March 11, 2015, through March 10, 2016.** Administration to execute change orders in accordance with Board Policy 3312.1.

EAST SIDE UNION HIGH SCHOOL DISTRICT
Contract(s) for Professional Services At or Below \$25,000
Board Meeting of September 17, 2015 – Item 18.01

Consultant	Contract Period	Contract Amount	PO Number	Location of Services	Description of Services	Date Contract Assigned
Buck Institute for Education	July 1, 2015 – August 31, 2015	\$10,500.00	600971	W.C. Overfelt	Provide a three-day Project Based Learning (PBL) 101 workshop for students	August 25, 2015
Follett School Solutions	July 1, 2015 - June 30, 2016	\$24,067.35	600850	Education Center	Annual licensing renewal of the Service and Software Agreement with Follett for the continued use of their software, which is used at all ESUHSD sites to keep track of textbooks	August 14, 2015
Gray Step Software Inc.	July 21, 2015	\$750.00	600984	Education Center	Provide a one-day training on ASBWorks software for staff	August 27, 2015
Laurie Boswell	September 14, 2015 - June 30, 2016	\$4,050.00	601077	Piedmont Hills	Provide water safety instructions and certification for no more than 45 physical education teachers	September 1, 2015
National CineMedia (NCM)	October 30, 2015 – January 7, 2016	\$4,500.00	600970	Education Center	Provide in-theatre cinema advertising on 15 screens at Eastridge Mall 15 AMC theatre	August 27, 2015
New Hope for Youth	July 1, 2015 - June 30, 2016	\$24,000.00	600989	Oak Grove	Provide intervention services and educational programs to all gang impacted and at-risk young adults two times a week	August 27, 2015
San Bernardino County Superintendent of Schools	July 1, 2015 – June 30, 2016	\$2,000.00	600831	Education Center	To provide the on-going hosting of the ESUHSD's Organizational Management System (OMS), which provides online professional development registration for all ESUHSD employees. Services include data management, Title II Federal reporting functions, server maintenance, security back-ups, upgrades, and technical support for the ESUHSD system administrator	August 12, 2015

East Side Union High School District
Construction-Related Professional Services Contracts under \$50,000 for Ratification
Board Meeting of September 17, 2015 - Item 20.01

Project Number & Name	Project Description	Contract Number	Contract Period	Consultant	Contract Amount	Date Purchase Order Assigned
E-040-009 / WCO Bld N Child Care Shade Canopy	DSA Inspector of Record services	600851	N/A	Structure Consultants Group	\$4,365.00	8/17/2015
I-XXX-810 / DW Fire Alarm Modernization (Independence)	Fire alarm system consulting services related to the Independence High School Emergency Fire Alarm Control Panel (FACP) retrofit work	601009	August 10, 2015, thru project completion	Interface Engineering, Inc.	\$8,975.00	8/28/2015