

**15.08 Approve Minutes of February 18, 2010, Regular Board Meeting**

Meeting: 04/15/2010 ESUHSD REGULAR BOARD MEETING - 4:00 P.M.  
Category: 15. Consent Calendar Items - ATTACHMENT A  
Agenda Type: Action (Consent)  
Public Access: Yes

**Agenda Item Content**



## EAST SIDE UNION HIGH SCHOOL DISTRICT

**TO:** Board of Trustees  
**FROM:** Dan Moser, Interim Superintendent  
**SUBJECT:** Approve Minutes of February 18, 2010, Regular Board Meeting

Attached are the minutes of the February 18, 2010, 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 18, 2010, Board meeting minutes as presented.

**Additional Executive Content**

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

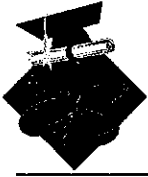
Created on 03/05/2010 at 02:41 PM by Mary Gillen - Last update on 04/08/2010 by Mary Gillen

East Side Union High School District

**Approved**

Board of Trustees

April 15, 2010



**EAST SIDE UNION HIGH SCHOOL DISTRICT  
REGULAR MEETING  
OF THE  
BOARD OF TRUSTEES  
Meeting Held at the Education Center -- Board Room  
February 18, 2010  
4:00 p.m.**

**1. CALL TO ORDER/ROLL CALL**

**1.01 Roll Call**

*The Regular Meeting of the Board of Trustees was called to order at 4:05 p.m. by President Garcia. Vice President Nguyen, Clerk Martinez-Roach, Member Biehl and Member Herrera were present.*

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

*President Garcia extended a welcome to everyone, explained the format of the meeting, noted that all Board Meetings are recorded and offered the public to comment on item(s) to be discussed in Closed Session.*

*There were no public speakers regarding Closed Session items.*

**1.03 Recess to Closed Session (Open Session will resume at the end of Closed Session in the Board Room at approximately 6:00 p.m.) See item 2 on agenda (Closed Session).**

*The Board of Trustees recessed to Closed Session.*

**2. CLOSED SESSION**

**2.01 Expulsion(s): None**

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

*Motion by Member Biehl, second by Vice President Nguyen, to adopt Resolution #2009/2010-26 authorizing the notice of non-reelection to twelve probationary certificated employees, including five mathematics teachers, three special education teachers, three English teachers, and one social science teacher and directed the District Superintendent to serve those employees with written notice of their non-reelection no later than March 15, 2010.*

*Vote 4/0, Member Herrera absent*

*The Board by a vote of 4/0 with Member Herrera absent adopted Resolution #2009/2010-27 authorizing the notice of non-reelection to one District Intern in special education teacher.*

*Vote 4/0, Member Herrera absent*

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

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

- *Interim Superintendent*
- *Interim Associate Superintendent of Instruction and Human Relations*
- *Interim Director 2 – Instructional Services*
- *Interim Principal (1)*
- *Interim Associate Superintendent Principal (1)*

*The Board by a vote of 4/0 with Member Martinez-Roach abstaining approved the appointment of Kirsten King as Interim Director 2 of Instructional Services.*

*The Board by a vote of 4/0 with Member Martinez-Roach abstaining approved the appointment of Jennifer Casel as Interim Associate Principal at Oak Grove High School.*

**2.05 Conference with Labor Negotiators (Government Code Section 54957.6)**

*Agency Designated Representatives:*

*Dan Moser, Interim Superintendent*

*Jerry Kurr, Associate Superintendent of Administration and Business Services*

*Cathy Giammona, Interim Associate Superintendent of Human Resources and Instruction*

*Vida Branner-Siders, Director of Compensation and Classified Employee Relations*

*Employee Organizations:*

*American Federation of Teachers (AFT)*

*California School Employees Association (CSEA)*

*East Side Teachers Association (ESTA)*

**2.06a Conference with Legal Counsel – Existing Litigation**

**Subdivision (a) of Section 54956.9 of the Government Code: Two (2) Cases**

- Office of Administrative Hearings Case No. 2009090441

*The Board by a vote of 4/0 with Member Herrera absent approved the settlement agreement with regard to Office of Administrative Hearings Case Number 2009090441. A copy of the settlement agreement is available at the District Office upon request to the Superintendent's Office.*

- Kinetics Mechanical Services, Inc. vs. East Side Union High School District, Santa Clara County Superior Court, Case No. 109CV141312

**2.06b Conference with Legal Counsel – Anticipated Litigation**  
**Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code: One (1) potential case**

**2.06c Conference with Legal Counsel – Anticipated Litigation**  
**Significant exposure to litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code: One (1) potential case**

**2.07 Conference with Real Property Negotiators**

<i>Property:</i>	<i>ESUHSD Educational Center, or portion thereof 830 N. Capitol Avenue San Jose, CA 95133</i>
<i>District Negotiators:</i>	<i>Dan Moser, Interim Superintendent Jerry Kurr, Associate Superintendent of Administration and Business Services Rogelio Ruiz, Legal Counsel Real Estate Representatives Sam Swan, Bob Hunt and Andre Hunt</i>
<i>Negotiating Parties:</i>	<i>ESUHSD, Santa Clara Valley Water District, and Other Parties To Be Determined</i>
<i>Under Negotiation:</i>	<i>Price and Terms</i>

**OPEN SESSION AT APPROXIMATELY 6:00 P.M. – EDUCATION CENTER BOARD ROOM**

**3. PLEDGE OF ALLEGIANCE**

**4. WELCOME AND EXPLANATION TO AUDIENCE**

**Information explaining Board meeting procedures and how citizens can address the Board will be read. Written information is located near the entrance to the Board Room.**

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

**5. CONSIDERATION OF PROPOSED AMENDMENTS TO AGENDA**

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

*Interim Superintendent Moser requested that item 10.02 be heard after item 14.01 and item 10.14 be pulled from the agenda.*

*Motion by Clerk Martinez-Roach, second by Member Biehl to hear item 10.02 after item 14.01 and pull item 10.14 from the agenda.  
Vote: 5/0*

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

**6.01 Martin Luther King, Jr. Contest Grand Prize Winners**

- *Art: Melody Cao,*
- *Writing: Katherine Ja*
- *Multimedia: Gabriela Sosa-Nevarez*

**7. STUDENT BOARD LIAISONS**

*None*

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

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

*Speakers:*

- *Roland Smith – CSEA Paraeducator Conference, 3/25-3/27/10, Sacramento*
- *Sandy Silva (relinquished time to Roland Smith)*
- *Janice Mallard*

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

**9.01 Jose Valdes Presentation – The Jose Valdes Institute and Julio Pardo**

*Presentation item only.*

**9.02 International Baccalaureate (IB) Program Update - Lan Nguyen, Board Vice President, and Dan Moser, Interim Superintendent**

*Speakers:*

- *Mike Winsatt*
- *Wendy Stegeman (relinquished time to Mike Winsatt)*
- *Sherry Gilmore*

*Motion by Member Biehl, second by Vice President Nguyen, that the Board of Trustees receive a financial analysis of the IB Program, which will be made available to the Board before the next upcoming budget session, including the deadline date for the five-year review.*

*Vote: 4/0, Clerk Martinez-Roach abstained from vote*

- 9.03 Approval of Consolidated Program Application (Con App) Part II for 2009-2010 - Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction; and Tim Nguyen, Coordinator of English Language Learners Supplementary Education**

*Motion by Member Biehl, second by Member Herrera, to approve the Consolidated Program Application (Con App) Part II for 2009-2010.*

*Vote: 5/0*

- 9.04 Adopt Resolution #2009/2010-28 California Department of Education Child Development Division Grant for 2009 thru 2010 - Contract CIMS-9641 for Instructional Materials and Supplies - Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction and Deborah Barnes, Coordinator of Child Development**

*Motion by Member Herrera, second by Member Biehl, to adopt Resolution #2009/2010-28 California Department of Education Child Development Division Grant for 2009 thru 2010 – Contract CIMS-9641 for instructional materials and supplies.*

*Vote: 5/0*

- 9.05 Conduct Public Hearing on the Provisions of the Charter School Petition Submitted by Crosscultural Institute of Green Technology (CIGT) (Education Code Section 47605(b)) - Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction**

*There were no speakers on this item.*

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

- 10.01 Presentation/Discussion/Action regarding Fiscal Crisis and Management Assistance Team (FCMAT) Extraordinary Audit of the East Side Union High School District - Dr. Charles Weis, Santa Clara County Superintendent of Schools, Eddie Garcia, Board President and Moser, Interim Superintendent**

*Presentation on results of FCMAT audit by Dr. Charles Weis, Santa Clara County Superintendent of Schools.*

*Speaker:*

- *Bob Nuñez*

*Motion by Clerk Martinez-Roach, second by Member Biehl, to direct administration to take action to develop a plan for the immediate restoration of the Internal Auditor position, which will include the creation of a job description that will be brought back to the Board as soon as possible and that the response to the County Superintendent of Schools include the District's plan to restore the Internal Auditor position.*

*Vote: 5/0*

**10.02 Opening of Sealed Proposals Received by District for Proposed Cellular and Wireless Communication Antenna Sites at District Facilities per Board Resolution #2009/2010-25 - Dan Moser, Interim Superintendent**

*Speakers:*

- *Nick Leon*
- *Bill Hammett*
- *Rebekah Anderson (relinquished time to Bill Hammett)*
- *Jason Colon (relinquished time to Bill Hammett)*
- *Carol Byrne (relinquished time to Bill Hammett)*

*The sealed proposals were presented to Clerk Martinez-Roach for opening and announcement of received proposals.*

*Clerk Martinez-Roach*

*As Clerk of the Board, I am Patricia Martinez-Roach, and I am hereby announcing the opening of the submitted proposals.*

*Proposals received for cellular and wireless communication antennas at school sites are:*

- *Verizon Wireless*  
*Site: Santa Teresa High School*  
*Rent: \$2,000/month; \$24,000/year; to be escalated by 3% fixed per year; term five-years, plus three five-year automatic extension*
- *T-Mobile Wireless*  
*Site: Oak Gove High School*  
*Rent: \$2,000/month; to be escalated by no less than 3% per year*
- *Clearwire*  
*Site: Mt. Pleasant High School*  
*Rent: \$2,000/month*
- *Clearwire*  
*Site: Evergreen Valley High School*  
*Rent: \$2,000/month*
- *Clearwire*  
*Site: Oak Grove High School*  
*Rent: \$2,000/month*
- *Clearwire*  
*Site: Piedmont Hills High School*  
*Rent: \$2,000/month*
- *Clearwire*  
*Site: Andrew Hill High School*  
*Rent: \$2,000/month*

- Clearwire  
Site: Yerba Buena High School  
Rent: \$2,000/month

*This concludes all the proposals received.*

*Board President Garcia asked if there were any oral bids to be presented at the Board meeting; there were none.*

*The proposals were accepted by the Board.*

*Member Biehl recused himself from any discussion relating to this item due to owning Verizon stock. Member Biehl left the room during the discussion.*

**10.03 Award/Acceptance of Proposals to Lease District Sites for Cellular and Wireless Communication Antenna Purposes per Board Resolution #2009/2010-25 - Dan Moser, Interim Superintendent**

*Item heard after item 14.01.*

President Garcia

*When you were out of the room during the reading of the proposals Mr. Biehl, it came to my attention...you recused yourself from everything, but there's more than Verizon provider on there. So, I asked Counsel to provide an opinion on...and it is up to you, you can stay out of the whole item or just the Verizon item. Mr. Counsel...*

Legal Counsel Ruiz

*Since there were multiple proposals received. I believe there were three different carriers with Verizon being just one of them. You can vote and deliberate on the approvals of the other ones, just not the Verizon.*

Member Biehl

*Thank you and I did check with my wife and I did find that I do own stock in AT&T as well. As long as those other companies are not subsidiaries of AT&T, I would prefer to participate in the discussion, except the one I need to recuse myself.*

Legal Counsel Ruiz

*Not that I am aware of.*

Member Biehl

*Let me know when I need to leave the room and I will.*

Legal Counsel Ruiz

*Okay.*

Donna Bertrand, Contracts Administrator

*We reviewed each of the proposals and determined that they all meet the minimal rental cost and space requirements. There were some issues regarding the lease language, but nothing substantial.*



We recommend that the Board approve the following proposals:

- *Clearwire*  
*Proposal dated 02/16/2010*  
*Sites:*
  - ✓ *Mt. Pleasant High School*
  - ✓ *Yerba Buena High School*
  - ✓ *Evergreen Valley High School*
  - ✓ *Oak Grove High School*
  - ✓ *Andrew Hill High School*
  
- *T-Mobile*  
*Proposal dated 02/16/2010*  
*Site:*
  - ✓ *Oak Grove High School*
  
- *Verizon Wireless*  
*Proposal dated 02/17/2010*  
*Site:*
  - ✓ *Santa Teresa High School**Subject to further negotiation on size of the lease space they are requesting*

*Also, we recommend that the Board reject the Piedmont Hills High School proposal submitted by Clearwire because at this time it was not published on the original list.*

*Legal Counsel Ruiz*

*Given Mr. Biehl's situation, what I would recommend is that there be a motion on the Clearwire leases and the T-Mobile lease separate and apart; take action on that first and then follow-up with the Verizon lease, but can I add one other requirement here:*

- *It is that since this involves joint occupancy use at each of the school sites, the Board has to make a determination that the lease agreements as proposed will not interfere with the educational program or activities of any school or class conducted upon the real property or any building.*
- *The lease and the use won't unduly disrupt the residents in the surrounding neighborhood.*
- *The lease and the use won't jeopardize the safety of the children of the school.*

*President Garcia*

*We need a resolution first outlining what you just outlined.*

*Legal Counsel Ruiz*

*Correct.*

*President Garcia*

*Then we need approval of the Clearwire and T-Mobile proposals and then approval for Verizon.*

*Legal Counsel Ruiz*

*That's correct*

**Motion #1**

*Motion by Vice President Nguyen, second by Member Herrera, to adopt a resolution that the Board determines the following:*

- The leases and the use will not interfere with the educational programs or activities of the school or class conducted upon the school sites.*
- The leases and the use will not duly disrupt the residents in the surrounding neighborhood.*
- The leases and the use will not jeopardize the safety of the children at the schools.*

*Vote: 4/1*

*Clerk Martinez-Roach voted No for the health reasons. "I strongly feel that this is a mistake for the District. They are only going to get \$2,000 and they are going to make so much money. I feel that this is exploiting the children of the school in East Side."*

**Motion #2**

*Motion by Member Herrera, second by Vice President Nguyen, to approve the leases with Clearwire for Mt. Pleasant, Yerba Buena, Evergreen Valley, Oak Grove and Andrew Hill High Schools and with T-Mobile the lease for Oak Grove High School, subject to the District and those entities entering into a final lease agreement in firm satisfactory to the District with those final agreements to be presented for Board ratification on March 4, 2010.*

*Vote: 4/1, Clerk Martinez-Roach voted No for the same reasons noted in Motion #1.*

**Motion #3**

*Member Biehl recused himself from any discussion relating to Verizon due to owning Verizon stock. Member Biehl left the room during the discussion and vote on this item.*

*Motion by Member Herrera, second by Vice President Nguyen, to approve the lease with Verizon at Santa Teresa High School, subject to the District and those entities entering into a final lease agreement in firm satisfactory to the District with those final agreements to be presented for Board ratification on March 4, 2010.*

*Vote: 3/1*

*Clerk Martinez-Roach voted No for the same reasons noted in Motion #1  
Member Biehl recused himself from vote and is out of room.*

**10.04 Audit Committee Update - Frank Biehl, Audit Committee Chair & Lan Nguyen, Audit Committee Vice Chair**

**Member Biehl**

*I have a copy of the agenda, the Board Audit Committee, to give you a brief oral report on the meeting of last week. We were formed as a Board committee and, therefore, are subject to the Brown Act. The meeting was properly noticed. The first meeting was held on a Saturday morning. That is not going to be our normal practice. We did that because we wanted to be able to meet with the District's external auditor and get a detailed presentation of the District's external audit, which is going to be presented as a later item on this agenda.*

*We had extensive discussion about the one issue that was brought up in the external audit that deals with associated student body ticket sales and funds and how those are handled. We had a good discussion. The Audit Committee is prepared to monitor the administration's actions in terms of addressing that issue.*

*We also had extensive discussion on the FCMAT Report as well. The Committee, in general, supported the actions that were taken by the Board so far and is looking forward to reviewing the recommendations on the internal audit position, but I can tell you that they will be quite pleased with the action that was taken by the Board tonight to direct administration to reinstate that position.*

*There was an additional issue that was brought to our attention by this Board at the last meeting, which dealt with asking the Audit Committee to work with the administration to reformat the warrants report, which we received in our Board packet. We had good discussion on that and proposed some suggestions that we think will add to the transparency to that report and that shall be brought back to you either by the administration in the future or the Audit Committee, but we don't want to delay it. We think there are some simple solutions that can be brought forward to make sure that the information is presented in a very clear and understandable manner.*

*We've set up our next meeting to be April 22 at 6:00 p.m. That is a Thursday. We will duly notice that and we will follow through on these issues as set forth and anything else that the Board assigns us.*

**10.05 Discussion and/or Action regarding Request for Proposals from Search Firms for a District Superintendent - Dan Moser, Interim Superintendent and Jerry Kurr, Associate Superintendent of Administration and Business Services**

*Motion by Member Biehl, second by Vice President Nguyen, to approve administration's recommendation to release the RFP to invite submittals from persons or firms qualified to conduct searches for qualified persons to serve as superintendents of public school districts and that the RFP due date and timelines be built to correspond with the Board making a decision at the April 15 Board meeting.*

*Vote: 4/0, Member Herrera abstained from vote*

**10.06 Proposed Contract for Interim Associate Superintendent of Human Resources and Instruction Position - Eddie Garcia, Board President**

*Motion by Clerk Martinez-Roach, second by Member Herrera, to approve the contract and annual compensation in the amount of \$182,624 for Interim Associate Superintendent of Human Resources and Instruction.*

*Vote: 5/0*

**10.07 Adopt Resolution #2009/2010-29 Declaring March 7-13, 2010, as Week of the School Administrator - Dan Moser, Interim Superintendent**

*Motion by Clerk Martinez-Roach, second by Member Herrera, to adopt Resolution #2009/2010-29 declaring March 7-13, 2010, as Week of the School Administrator.*

*Vote: 5/0*

**10.08 Adopt Resolution #2009/2010-30 Participation in the Reform Immigration for America National Campaign - Patricia Martinez-Roach, Board Clerk**

*Speakers:*

- *Cesar Juarez*
- *Bianca Rivera*
- *Katia Lopez*

*Motion by Member Herrera, second by Clerk Martinez-Roach, to adopt Resolution #2009/2010-30 participating in the Reform for Immigration for America National Campaign.*

*Vote: 5/0*

**10.09 Adopt Resolution #2009/2010-31 Local Control of Local Classrooms Funding Act - Frank Biehl, Board Member**

*Motion by Member Herrera, second by Vice President Nguyen, to adopt Resolution #2009/2010-31 Local Control of Local Classrooms Funding Act.*

*Vote: 5/0*

**10.10 2010 CSBA Delegate Assembly Election - Dan Moser, Interim Superintendent**

*Speaker:*

- *Esau Herrera*

*Motion by Member Biehl, second by Clerk Martinez-Roach, to nominate and submit the following names to the 2010 CSBA Delegate Assembly Election:*

- *Frank Biehl*
- *Esau Herrera*
- *Patricia Martinez-Roach*
- *Buu Thai*

*Vote: 5/0*

**10.11 Discussion and/or Action regarding Possible Parcel Tax Measure, Eddie Garcia, Board President and Dan Moser, Interim Superintendent**

*Speakers:*

- *Roland Smith*
- *Esau Herrera*

Motion by Vice President Nguyen, second by Member Biehl, to authorize and direct administration to explore the feasibility of a parcel tax measure for the November 2010 General Election and that major stakeholders, which includes classified, certificated, parents, students and community representatives, be included in the process of developing the language and that administration work with stakeholders to help pass the parcel tax. Administration is to submit their recommendation to the Board of Trustees for consideration at the March 4, 2010, Regular Board Meeting.

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

**10.12 Approve Board Members Attendance and Lawful Expenses to the 33rd Annual EdSource Forum on California Education Policy; SCCSBA Legislative Brunch; SCCSBA Hoffman Awards Dinner - Dan Moser, Interim Superintendent**

*Speaker:*

- *Esau Herrera*

*Motion by Member Herrera, second by Vice President Nguyen, to approve Board Members attendance and lawful expenses to the 33<sup>rd</sup> Annual EdSource Forum on California Education Policy, SCCSBA Legislative Brunch, and SCCSBA Hoffman Awards Dinner.*

Vote: 5/0

**10.13 Report of Interim Superintendent's Conferences/Expenses from January 2010 to February 18, 2010 - Dan Moser, Interim Superintendent**

*Motion by Vice President Nguyen, second by Member Biehl, to accept the report of Interim Superintendent's Conferences/Expenses from January 2010 to February 18, 2010.*

**10.14 Extension of Contract for Associate Superintendent of Student Services and Facilities - Dan Moser, Interim Superintendent**

*Item pulled.*

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

**None**

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

**12.01 Approve Provisional Internship Permit Requests for Certificated Employee - Dan Moser, Interim Superintendent; and Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction**

*Motion by Member Biehl, second by Member Herrera, to approve the Provisional Internship Permit request for certificated employee.*

*Vote: 5/0*

**12.02 Approve Request for Use of Education Code Section 44258.3 - Teacher on Special Assignment Authorization for the 2009-2010 School Year - Dan Moser, Interim Superintendent; and Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction**

*Motion by Member Herrera, second by Member Biehl, to approve the request for use of Education Code Section 44258.3 – Teacher on Special Assignment authorizations for the 2009-2010 school year.*

*Vote: 5/0*

**12.03 Approve Student/Certificated Calendar for the 2010-2011 School Year - Dan Moser, Interim Superintendent; and Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction**

*Speaker:*

- *Marisa Hanson*

*Motion by Member Biehl, second by Member Herrera, to approve the student/certificated calendar for the 2010-2011 school year.*

*Vote: 5/0*

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

**13.01 Accept Audit Report for 2008-2009 - Jerry Kurr, Associate Superintendent of Administration and Business Services**

*Motion by Clerk Martinez-Roach, second by Member Herrera, to accept the Audit Report for 2008-2009.*

*Vote: 5/0*

*Clerk Martinez-Roach*

*I just wanted to comment that we seem to always have the same problem with the recommendations in the student body receipts. It is important to put that on the record and I hope that, hopefully, we when get our Internal Auditor that this might be able to be addressed.*

**13.02 Acceptance of Donations, Grants and Awards - Jerry Kurr, Associate Superintendent of Administration and Business Services**

*Motion by Member Biehl, second by Member Herrera, to accept the donations, grants and awards.*

*Vote: 5/0*

**13.03 Accept Warrant Register for the Month of January 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services**

*Motion by Member Herrera, second by Vice President Nguyen, to accept the warrant register for the month of January 2010.*

*Vote: 4/0, Clerk Martinez-Roach abstained from vote*

**13.04 Approve Budget Transfers Presented February 18, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services**

*Motion by Member Biehl, second by Member Herrera, to approve the budget transfers presented on February 18, 2010.*

*Vote: 5/0*

**13.05 Approve Purchase Orders Presented on February 18, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services**

*Motion by Member Herrera, second by Vice President Nguyen, to approve the purchase orders presented on February 18, 2010.*

*Vote: 5/0*

**13.06 Approve Contracts for Professional Services at or below \$50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services**

*Motion by Clerk Member Biehl, second by Vice President Nguyen, to approve the Contracts for Professional Services at or below \$50,000. (Copy attached – Attachment A)*

*Vote: 5/0*

**13.07 Approve Contracts for Professional Services over \$50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services**

*Motion by Member Herrera, second by Vice President Nguyen, to approve the Contracts for Professional Services over \$50,001. (Copy attached – Attachment B)*

*Vote: 4/1, Clerk Martinez-Roach voted No*

**13.08 Approve Memoranda of Understanding - Jerry Kurr, Associate Superintendent of Administration and Business Services**

*Motion by Member Herrera, second by Member Biehl, to approve the Memoranda of Understanding.*

*Vote: 5/0*

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

**14.01 Approve the Update to the District Facility Design Guidelines - Alan Garofalo, Associate Superintendent of Student Services and Facilities, and June Francis Rono, Ph.D., Director of Facilities and Planning**

*Motion by Clerk Martinez-Roach, second by Member Biehl, to approve the update to the District Facility Design Guidelines.*

*Vote: 5/0*

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

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

*Vote: 5/0*

**15.01 Ratify/Approve Classified Personnel Actions Presented February 18, 2010**

**15.02 Ratify/Approve Certificated Personnel Actions Presented February 18, 2010**

**15.03 Ratify/Approve Student Aide Personnel Actions Presented February 18, 2010**

**15.04 Approve Field Trips**

**15.05 Award of Bids**

**15.06 Approve Change Order #1 for Andrew Hill High School, Electronic Marquee Sign and Streetscape Project (Calstate Construction, Inc.)**

**15.07 Approve Change Order #1 for Silver Creek High School, New School Sign Project (Joseph J. Albanese, Inc.)**

**15.08 Approve Notice of Completion for Andrew Hill High School, Electronic Marquee Sign and Streetscape Project (Calstate Construction, Inc.)**

**15.09 Approve Notice of Completion for Foothill High School, Science Building Project (Dolan Concrete)**

**15.10 Approve Notice of Completion for Foothill High School, Science Building Project (El Camino Paving)**



- 15.11 Approve Notice of Completion for Foothill High School, Science Building Project (Environmental Systems, Inc.)
- 15.12 Approve Notice of Completion for Foothill High School, Science Building Project (Gonsalves & Stronck)
- 15.13 Approve Notice of Completion for Foothill High School, Science Building Project (Lonestar Landscaping)
- 15.14 Approve Notice of Completion for Foothill High School, Science Building Project (Mastria Painting)
- 15.15 Approve Notice of Completion for Foothill High School, Science Building Project (Radiant Electric Inc.)
- 15.16 Approve Notice of Completion for Santa Teresa High School, Modernization of Auditorium and Music Labs Project (Cal Pacific Construction, Inc.)
- 15.17 Approve Minutes of December 10, 2009, Annual Organizational Meeting and Regular Board Meeting
- 15.18 Approve Minutes of January 14, 2010, Special Board Meeting

16. WRITTEN REPORTS/RECOMMENDATIONS

None

17. BOARD OF TRUSTEES/SUPERINTENDENT COMMUNICATIONS/COMMENTS

17.01 Board of Trustees

**Lan Nguyen, Vice President**

*We had the first Audit Committee meeting last Saturday. It was a very productive meeting. I have to commend Mr. Biehl for his leadership as the Chair to lead the meeting and chair the meeting in a way that is was very effective. There were not only attendants from the Committee, but several from the community as well. I am looking forward to working more on that Committee and with direction from the Board.*

*I would like to invite the Board to a celebration the Vietnamese students are having regarding student achievement. It is going to be held on March 20 at Yerba Buena High School at 10 a.m.*

**Patricia Martinez- Roach, Clerk**

*I had the pleasure of meeting with the Latino parents, the African American parents and the Vietnamese parents. Mr. Moser has been very supportive and these have been very productive meetings.*

*I was invited to participate as the co-chair for the Cancer Association for a fundraiser that they are going to be having at Mt. Pleasant High School. They are trying to raise more*

awareness for Latinas for screening, especially in our community. We need a little more outreach and I am happy to co-chair. I will bring more information as it becomes available.

I received an invitation from the American Red Cross to submit nominations for heroes in categories of Animal Rescue Hero, Good Samaritan, Professional Rescue, Workplace Hero, Most Preferred, Prepared City and Most Prepared Company. I thought it was appropriate to pass this onto Mr. Moser to send this information to our schools and our students so that they can select someone. I thought it was something really worthwhile.

**Frank Biehl, Member**

MetroED is going to be receiving some excess property tax money. I don't exactly understand how this works, but I can tell you that our Board has voted to refund it back to the respective districts and there is a formula that is going to be used that has been proved by the financial people from all of the districts that are involved. It could potentially amount to a couple of hundred thousand dollars to our District. In theory, that money would arrive sometime in the month of March.

I would like to thank Lan Nguyen for his participation and assistance in the Audit Committee, as well as the staff on the work they went through to make sure the meeting was properly noticed. I was really pleased that everyone was there and I think we have a good start.

**Eddie Garcia, President**

One of the things I talked about last month was this District celebrating our 60th anniversary. We put together a committee of all alumni. Marisa Hanson is on the committee. The committee comes out with a general concept of resurrecting the East Side Hall of Fame and having a Hall of Fame Weekend later this Fall, hopefully in October. They have met twice already. They are going to meet again soon to plan a series of events on a weekend in October called the East Side Union High School District Hall of Fame Weekend. It will be our 60<sup>th</sup> anniversary, but we also hope it will be the first step in creating an annual gala for a Hall of Fame induction. The Foundation will get involved to help implement it and monies raised will be by the Foundation. It is coming along really good, really quickly and it looks like there is a lot of momentum out in the community for this.

**17.02 Dan Moser, Interim Superintendent**

It is an honor to compliment the staff and the students for the overwhelming participation in the California High School Exit Exam. Several of the schools were at 98% or 99% participation. Schools need to have a 95% threshold and we met that very easily. Congratulations to everyone because it takes a whole lot of effort to get every youngster to take that exam. Thank you.

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

**Attorney will report on closed session action item(s).**

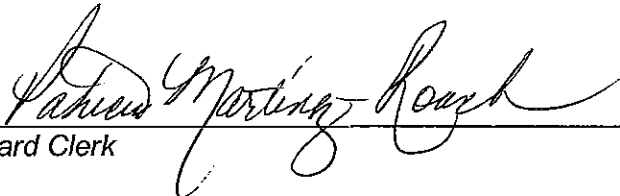
See section 2.0 for reporting out of Closed Session items.

19. **ADJOURNMENT**

**President adjourns the meeting.**

*Motion by Member Biehl, second by Vice President Nguyen, the meeting was adjourned at 10:12 p.m. by President Garcia.*

*Respectfully submitted,*

  
\_\_\_\_\_  
Board Clerk

**Agenda Item**

**13.06 Approve Contracts for Professional Services at or below \$50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services**

Meeting: 02/18/2010 ESUHSD REGULAR BOARD MEETING - 4:00 P.M.  
 Category: 13. Business Services - Operational Items/Board Discussion and/or Action  
 Agenda Type: Action  
 Public Access: Yes

**Agenda Item Content**



**EAST SIDE UNION HIGH SCHOOL DISTRICT**

**AMENDED**

**TO:** Board of Trustees

**FROM:** Dan Moser, Interim Superintendent

**PREPARED BY:** Jerry Kurr, Associate Superintendent of Administration and Business Services

**SUBJECT:** Approve Contracts for Professional Services at or below \$50,000

The following Contracts for Professional Services are recommended for Board approval.

**A. Education Center/School Sites**

#	Contractor Name	Reviewed by	Contract Period	Cost/Funding Source	School/ Dept. Manager	Purpose
1	Meteora Technologies Group – Pyrate Techs	C. Vaeth D. Bertrand	July 1, 2009 – June 30, 2010 (No Change)	\$4,800.00 Adult Education	Adult Education Cari Vaeth	Change Order #1 to Purchase Order #001017. The original Purchase Order was for the production of the Schedule of Classes for promotion of adult education classes for the 2009-10 school year. Due to some significant changes made by ESUHSD layout of the schedule the vendor incurred additional charges. The original Purchase Order was \$4,800.00.
2	EDEquity, Inc.	B. Lopez D. Moser D. Bertrand	January 22, 2010 – June 10, 2010	\$37,500 Small Learning Community	Andrew Hill High School Bettina Lopez	To provide comprehensive staff development model for administrators that will address key principles of Equity Awareness, Attitude, Action, and Accountability for Closing the Equity Gap. ED Equity will also provide a clear and focused support plan to create and foster strategies to provide increase student achievement.

East Side Union High School District

**Approved**

**Board of Trustees**

**February 18, 2010** *M. Moser*

3	University of California at Santa Cruz-Educational Partnership Center (CAL-SOAP)	B. Lopez D. Moser D. Bertrand	July 1, 2009 – June 30, 2010	\$16,000  Title I	Andrew Hill High School  Bettina Lopez	Contractor will provide academic support and to increase student achievement and prepare students to pursue and succeed in post-secondary education. Contractor will provide the following minimum efforts to support the above outcomes: provide high quality outreach services to AHHS and leverage all funding and program opportunities; integrate direct service programs with school wide efforts and align with the school objectives; assign one trained outreach counselor to provide direct services to students and school staff; provide trained undergraduate academic interns to provide direct services to AHHS students; and provide a high school appropriate college awareness program to AHHS students through multiple formats.
4	University of California at Santa Cruz-Educational Partnership Center (CAL-SOAP)	G. VanderZee D. Moser D. Bertrand	July 1, 2009 – June 30, 2010	\$18,500  Title I	James Lick High School  Glenn VanderZee	Contractor will provide academic support and to increase student achievement and prepare students to pursue and succeed in post-secondary education. Contractor will provide the following minimum efforts to support the above outcomes: provide high quality outreach services to AHHS and leverage all funding and program opportunities; integrate direct service programs with school wide efforts and align with the school objectives; assign one trained outreach counselor to provide direct services to students and school staff; provide trained undergraduate academic interns to provide direct services to AHHS students; and provide a high school appropriate college awareness program to AHHS students through multiple formats.

5	University of California at Santa Cruz-Educational Partnership Center (CAL-SOAP)	J. Cruz D. Moser D. Bertrand	July 1, 2009 – June 30, 2010	\$14,500 Title I	Yerba Buena High School  Juan Cruz	Contractor will provide academic support and to increase student achievement and prepare students to pursue and succeed in post-secondary education. Contractor will provide the following minimum efforts to support the above outcomes: provide high quality outreach services to AHHS and leverage all funding and program opportunities; integrate direct service programs with school wide efforts and align with the school objectives; assign one trained outreach counselor to provide direct services to students and school staff; provide trained undergraduate academic interns to provide direct services to AHHS students; and provide a high school appropriate college awareness program to AHHS students through multiple formats.
6	University of California at Santa Cruz-Educational Partnership Center (CAL-SOAP)	V. Chiala D. Moser D. Bertrand	July 1, 2009 – June 30, 2010	\$11,500 Title I	W. C. Overfelt High School  Vito Chiala	Contractor will provide academic support and to increase student achievement and prepare students to pursue and succeed in post-secondary education. Contractor will provide the following minimum efforts to support the above outcomes: provide high quality outreach services to AHHS and leverage all funding and program opportunities; integrate direct service programs with school wide efforts and align with the school objectives; assign one trained outreach counselor to provide direct services to students and school staff; provide trained undergraduate academic interns to provide direct services to AHHS students; and provide a high school appropriate college awareness program to AHHS students through multiple formats.

**B. FACILITIES**

1	HP Inspectors	D. Bertrand A. Garofalo	February 19, 2010 – December 31, 2011	\$31,790  Measure G	Education Center/Facilities/ James Lick High School Child Development Center  Glenn VanderZee Alan Garofalo	Contractor will provide Construction Materials Testing/Special Inspection Services during the construction of the James Lick High School Child Development Center. ESUHSD sought 3 valid quotes; extensively reviewed those quotes; and is making the recommendation to move forward with HP Inspectors. (the other two quotes are as follows: RMA Group \$99,924; Testing Engineers, Inc. \$43,181)
2	Cody Anderson Wasney Architects	D. Bertrand A. Garofalo	January 1, 2010 – June 30, 2011	\$34,16.09  Measure G	James Lick High School Child Development Center  Glenn VanderZee Alan Garofalo	Issue a new Contract and Purchase Order for the continued reimbursable expenses for Architectural and Engineering services for the new child care center at James Lick High School. The existing contract and purchase order 806825 expired December 31, 2009. The amount listed includes the remaining balance on the reference purchase order (\$4,160.90) and includes additional monies to cover reimbursable expenses in accordance with their Master Agreement.
3	NTD Architects	D. Bertrand A. Garofalo	April 10, 2009 – October 31, 2012 (no change)	\$9,734.00) (Increase amount)  Measure E	Santa Teresa High School  John Duran Alan Garofalo	Change Order #1 to Purchase Order #905109 is issued to add additional costs due to the restructuring of the project into workable phases to minimize disruptions during the school year.

FISCAL IMPACT: As listed above

FUNDING SOURCE: As listed above

RECOMMENDATION: Recommend approval and ratification of contract for professional services as listed above.

**Additional Executive Content**

**Action/Agenda Details**

### Agenda Item

#### 13.07 Approve Contract for Professional Services over \$50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services

Meeting: 02/18/2010 ESUHSD REGULAR BOARD MEETING - 4:00 P.M.  
 Category: 13. Business Services - Operational Items/Board Discussion and/or Action  
 Agenda Type: Action  
 Public Access: Yes

#### Agenda Item Content:



### EAST SIDE UNION HIGH SCHOOL DISTRICT

### AMENDED

**TO:** Board of Trustees  
**FROM:** Dan Moser, Acting Superintendent  
**PREPARED BY:** Jerry Kurr, Associate Superintendent of Administration and Business Services  
**SUBJECT:** Approve Contract for Professional Services over \$50,000

The following Contract for Professional Services over \$50,000 is being recommended for Board approval.

#### 1. Cody Anderson Wasney Architect

Reviewed by:	Contract Period	Cost/Fund Source	School/Dept. Manager
A. Garofalo D. Bertrand	January 1, 2010 through and including June 30, 2011	\$144,593.47  Measure G	James Lick High School Child Development Center Alan Garofalo Glenn VanderZee

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to enter into a Contract Services Agreement with Cody Anderson Wasney for Architectural and Engineering Services for the new James Lick High School Child Development Center..

#### Reason for the Amendment.

The District needs to issue a new Contract and Purchase Order for the continued Architectural and Engineering services for the new child care center at James Lick High School. The existing contract and purchase order 806824 expired December 31, 2009. The amount listed includes the remaining balance on the reference purchase order (\$109,097.47) and includes additional monies to cover expenses that occurred to develop the storm drain construction documents (\$5,646) and an increase in scope due to changes made by the District with regards to modifications to District Standards that occurred during the design of this project (\$29,850).

#### Selection Process

The selection process was completed when the original contract was done in June 2008 and was submitted to the Board of Trustees and approved at the June 19, 2008 Board Meeting.

East Side Union High School District

**Approved** *4/1 P. Martinez-Roach*

**Board of Trustees**

**February 18, 2010**

*Voting Not* page 1



**RECOMMENDATION:** It is recommended that the Board of Trustees a Contract Services Agreement with Cody Anderson Wasney for the Contract Term January 1, 2010 through and including June 30, 2011 for the Provision of Continued Architectural and Engineering Services for the new James Lick High School Child Development Center.

**2. Santa Clara Office of Education for the Provision of Community School Services**

Reviewed by:	Contract Period	Cost/Fund Source	School/Dept. Manager
A. Garofalo D. Moser D. Bertrand	July 1, 2009 through and including June 30, 2011	\$400,800.00 (estimated annual expenditure)  General Fund	Education Center Student Services George Sanchez

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to enter into a Contract Services Agreement with the Santa Clara County Office of Education for the provision of community school services.

**Reason for the Purchase of Outside Services.**

Due to the SCCOE's lack of sufficient resources, the ESUHSD must contribute to the per allotment amount of \$3,340 per student in attendance for 180 days. For the 2010-2011 school year, ESUHSD will be designated 120 allotments.

**Selection Process**

There was no competitive solicitation done for this service.

The Santa Clara County Office of Education operates community schools which provide services for students of school districts throughout Santa Clara County.

**RECOMMENDATION:** It is recommended that the Board of Trustees approve a Contract Services Agreement with the Santa Clara County Office of Education for the contract term July 1, 2010 through and including June 30, 2011 for the provision of Community School Services for East Side Union High School District.

**3. Amendment #1 to Contract Services Agreement with Extreme**

Reviewed by:	Contract Period	Cost/Fund Source	School/Dept. Manager
D. Moser J. Kurr D. Bertrand	November 20, 2009 - August 31, 2010	\$423,000.00 (increase amount)  Title I	Tim Nguyen

The District is requesting authorization from the Board of Trustees to issue Amendment #1 to Contract Services Agreement with Extreme Learning for the contract term November 20, 2009 through and including August 31, 2010 for the provision of supplemental educational Services to Title I Students at Program Improvement Year 2+ Schools; Andrew Hill, Independence, James Lick High Schools W.C. Overfelt, and Oak Grove High Schools.

**Reason for the Amendment.**

Title I requires that the parents are to decide which Supplementary Educational Service (SES) providers they want for their children. Title I requires ESUHSD to use their State approved SES providers list to select the providers to

be used at ESUHSD along with the help of the parents. These contracts are paid for out of Title I funds. Some of these providers are a 1 to 1, some are 5 to 1. The State allows home, off site, or on site services.

The original Contract Services Agreement was approved by the Board of Trustees at the November 19, 2009 Board meeting in the amount of \$92,300. The original Contract was based on the first enrollment window which took place in October 2009. Since that time two additional schools entered Program Improvement Year II status (W.C. Overfelt and Oak Grove High Schools) thereby making their Title I students eligible for SES services.

Due to the open enrollment process for these two new schools, the law requires that the enrollment period be reopened to the first three schools.

Therefore, due to the fact that 353 new parent requests for SES services came out of the second enrollment period and that each student will receive a free Netbook cost for this contract has increased significantly.

**Selection Process**

N/A

**RECOMMENDATION:** It is recommended that the Board of Trustees approve Amendment #1 with Extreme Learning for the contract term July 1, 2009 through and including June 30, 2010 for the provision of supplemental educational services to Title I students at Program Improvement year 2+ schools.

**Additional Executive Content**

**Action/Agenda Details**

**Motion:**

Created on 01/19/2010 at 09:20 AM by Betty Banderas. Last update on 02/18/2010 by Betty Banderas.