

**Agenda Item Details**

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Meeting Sep 16, 2010 - ESUHSD REGULAR BOARD MEETING - 3:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category 15. ATTACHMENT A - CONSENT CALENDAR

Subject 15.10 Approve Minutes of July 28, 2010, Special Board Meeting

Access Public

Type Action (Consent)

Recommended Action It is recommended that the Board of Trustees approve the July 28, 2010, Board meeting minutes as presented.

**Public Content**

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**EAST SIDE UNION HIGH SCHOOL DISTRICT****Item: 15.10**

**TO:** Board of Trustees

**FROM:** Dan Moser, Interim Superintendent

**SUBJECT:** Approve Minutes of July 28, 2010, Special Board Meeting

Attached are the minutes of the July 28, 2010, Special 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 July 28, 2010, Board meeting minutes as presented.

**Administrative Content**

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**Executive Content**

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East Side Union High School District

**Approved**

**Board of Trustees**  
**September 16, 2010**





**EAST SIDE UNION HIGH SCHOOL DISTRICT  
SPECIAL MEETING  
OF THE  
BOARD OF TRUSTEES**  
Meeting Held at the Education Center -- Board Room  
July 28, 2010  
5:00 p.m.

*Board Clerk Patricia Martinez-Roach intends to participate in this Special Board Meeting by teleconference from the following location, which shall be freely accessible to the public:*

*Holiday Inn Express, Room #224  
LT 5 MZ 29 Fracc Playacar  
Playa del Carmen, 77713  
Mexico  
Telephone Number: 1 011 52 984 2063434*

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

**1.01 Roll Call**

*The Regular Meeting of the Board of Trustees was called to order at 5:10 p.m. by Vice President Nguyen. Member Biehl and Member Herrera were present. President Garcia was absent. Clerk Martinez-Roach was unable to participate due to Brown Act 24-hour notice requirements.*

*Rogelio Ruiz, Legal Counsel*

*For the record, this Special meeting notice and agenda was amended to include the opportunity to teleconference and Member Martinez-Roach, who is in Playa del Carmen, Mexico, however, unfortunately, were unable to verify or confirm that the 24-hour posting requirements under the Brown Act were met in that distant location. As a consequence, my advice and recommendation to the Board is to not allow the teleconference at this time.*

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

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

*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): Student A**

*Student A:*

*Motion by Member Herrera, second by Biehl, to approve the expulsion of Student A.*

*Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent.*

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

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

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

- *Associate Superintendent of Student Services and Facilities*
- *Associate Superintendent of Administration and Business Services*
- *Associate Superintendent of Human Resources and Instructional Services*
- *Superintendent*

**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, 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)*

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

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

- *Kinetics Mechanical Services, Inc. vs. East Side Union High School District, Santa Clara County Superior Court, Case No. 109CV141312*
- *Geraldine Forte vs. East Side Union High School District, U.S. District Court for the Northern District of California, San Jose Division, Case Number CV 10-01368 HRL*

**2.07 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*

**2.08 Conference with Real Property Negotiators**

<i>Property:</i>	<i>ESUHSD Educational Center, or portion thereof 830 N. Capitol Avenue San Jose, CA 95133</i>
<i>District Negotiators:</i>	<i>Dan Moser, 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 Development Company, and Other Parties To Be Determined</i>
<i>Under Negotiation:</i>	<i>Price and Terms</i>

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

**3. PLEDGE OF ALLEGIANCE**

**4. WELCOME AND EXPLANATION TO AUDIENCE**

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

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

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

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

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

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

*Speakers:*

- *Silvia Amico – May 26 Meeting & Benefits*
- *Steffanne Taylor – Introduction to New Parents Group*
- *Amy Wong; Amanda Schmitt; Chelsea Braza; Jim De Ocampo – Introduce ASB Officers of Silver Creek High School*

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

- 7.01 Hold Public Hearing at approximately 6:00 p.m. regarding Ordering an Election to be Held on Tuesday, November 2, 2010, for the Purpose of Submitting to the Qualified Electors of the District the Question of Levying a Qualified Special Tax upon Each Parcel in the District for Educational Purposes and Establishing the Specifications of the Election Order – Dan Moser, Interim Superintendent**

*Public hearing held.*

*Speakers:*

- *Angie Nunn*
- *Roland Smith*
- *Alicia Gallegos*
- *Gricelda Heredia*
- *Gladys Palko*
- *Ricardo Reyes*
- *Josue Garcia*

- 7.02 Adopt Resolution #2010/2011-01 Ordering an Election to be Held on Tuesday, November 2, 2010, for the Purpose of Submitting to the Qualified Electors of the District the Question of Levying a Qualified Special Tax upon Each Parcel in the District for Educational Purposes and Establishing the Specifications of the Election Order – Dan Moser, Interim Superintendent**

*Speakers:*

- *Roland Smith*
- *Marisa Hanson*
- *Angie Nunn*
- *Julio Pardo*
- *Wendy Stegeman*
- *Rosalind Taylor*
- *Ricardo Reyes*

*Motion by Member Biehl, second by Member Herrera to adopt Resolution #2010-2011 Ordering an Election to be Held on Tuesday, November 2, 2010, for the Purpose of Submitting to the Qualified Electors of the District the Question of Levying a Qualified Special Tax upon Each Parcel in the District for Educational Purposes and Establishing the Specifications of the Election Order.*

*Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent*

**7.03 Approve Agreement for Exclusive Right to Negotiate possible Exchange of a Portion of the Education Center Property – Dan Moser, Interim Superintendent**

*Motion by Member Biehl, second by Member Herrera to approve the agreement for exclusive right to negotiate the possible exchange of a portion of the Education Center property.*

*Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent*

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

**8.01 Reauthorization of Board Resolution #2009/2010-46 regarding Authorizing a Lease Purchase Agreement for the Purpose of Financing the Energy Services Contract, Designating the Lease Purchase Agreement as a Tax Exempt Obligation, and Authorizing and Prescribing Other Matters related Thereto – Jerry Kurr, Associate Superintendent of Administration and Business Services and Rogelio Ruiz, Legal Counsel**

*Motion by Member Herrera, second by Vice President Nguyen to approve the reauthorization of Board Resolution #2009/2010-46 regarding Authorizing a Lease Purchasing Agreement for the Purpose of Financing the Energy Service Contract, Designating the Lease Purchase Agreement as a Tax Exempt Obligation, and Authorizing and Prescribing Other Matters related Thereto.*

*Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent*

**8.02 Adopt Resolution #2010/2011-02 an Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546 - Jerry Kurr, Associate Superintendent of Administration and Business Services**

*Motion by Member Herrera, second by Member Biehl to adopt Resolution #2010/2011-02 an Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546.*

*Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent*

**8.03 Approve Change Orders to Purchase Orders for Year End Reconciliation (Amended) - Jerry Kurr, Associate Superintendent of Administration and Business Services**

*Motion by Member Biehl, second by Member Herrera to approve the amended change orders to purchase orders for year end reconciliation.*

*Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent*

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

*Motion by Member Herrera, second by Member Biehl to approve the contracts for professional services at or below \$50,000 (attached).*

*Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent*

**8.05 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 \$50,000 (attached).*

*Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent*

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

*Motion by Member Biehl, second by Member Herrera, to approve the entire consent calendar.*

*Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent*

**9.01 Ratify/Approve Certificated Personnel Actions Presented June 17, 2010**

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

**10.01 Board of Trustees**

**10.02 Dan Moser, Interim Superintendent**

*Today at Santa Clara University, we had approximately 100 of our students, sophomores and juniors, participating in the first-ever Silicon Valley Youth Symposium. It is three nights, and four days. The funding for this particular event comes from the community through donations; in particular, Microsoft with a \$100,000 donation and other companies participated, Southwest Airlines, Union Bank.*

*I was there this afternoon to greet the students and they will be returning back to our District on Saturday.*

**11. 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.*

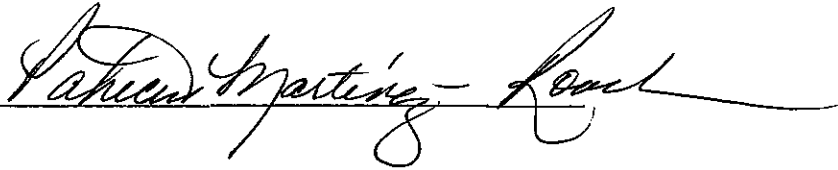
12. ADJOURNMENT

**President adjourns the meeting.**

*Vice President Nguyen adjourned the meeting at 9:22 p.m.*

*Respectfully submitted,*

Board Clerk

A handwritten signature in cursive script, reading "Patricia Martinez-Rodriguez", written over a horizontal line.





# EAST SIDE UNION HIGH SCHOOL DISTRICT

**Board Meeting of July 28, 2010**

**Item: 8.05**

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 over \$50,000

## 1. Riverside Publishing Company

Reviewed by:	Contract Period	Financial Impact/ Funding Source	School/Dept. Manager
Kirsten King Donna Bertrand	July 1, 2010, through and including June 30, 2011	\$70,014.70 AIE 33% Program Improvement 33% Title 1 33%	Kirsten King, Director of Instructional Services

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to approve Administration to enter into a License Agreement for Data and Assessment Management System with Riverside Publishing Company for the Term July 1, 2010, through and including June 30, 2011, and to delegate authority to the Interim Superintendent/Superintendent or designee to amend said contract on an as needed basis, including funding.

### Reason for Purchase of Outside Services

This is a data warehouse that stores student demographic data, state assessment data, and our benchmark assessments. It is the tool that is used to administer and scan our benchmark assessments allows both teachers and administrators to view the results or benchmark assessments correlated to the California State standards, and reports students' areas of weakness and strengths which allows for teacher intervention. This is a necessary component for Program Improvement.

### Selection Process

At the March 27, 2007, Board Meeting (Agenda Item 9.6) the Board approved ESUHSD's use of piggybacking off of the Redlands Unified School Districts' Bid #02-07 for the purchase of the Data and Assessment Management Software and the Data Director License through June 30, 2010. At that time, the vendor's name was Achieve Data Solutions, LLC who has since been bought out by Riverside Publishing Company, a subsidiary of Houghton Mifflin Harcourt. ESUHSD is requesting the continuation of the License Agreement for the above Data and Assessment Management Software system currently being used at ESUHSD. This is proprietary to this vendor, therefore, no solicitation process was conducted at this time.

East Side Union High School District

**Approved**

Board of Trustees

July 28, 2010

**RECOMMENDATION:**

It is recommended that the Board of Trustees approve the License Agreement for Data and Assessment Management System with Riverside Publishing Company for the Term July 1, 2010, through and including June 30, 2011, and to delegate authority to the Interim Superintendent/Superintendent or designee to amend said contract on an as needed basis, including funding.

**2. School Loop**

Reviewed By	Contract Period	Financial Impact/ Funding Source	School/Dept. Manager
Robert Ibarra Donna Bertrand	July 1, 2010, through and including June 30, 2013	\$33,500.00 NCLB/Title I  \$29,000.00 Enhancing Education Through Technology	Robert Ibarra, Coordinator of Professional Development

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to approve an agreement with School Loop for the Term July 1, 2010, through and including June 30, 2013, for Online Communication and Collaboration Tool and to delegate authority to the Interim Superintendent/Superintendent or designee to amend said contract on an as needed basis, including funding.

Reason for Purchase of Outside Services

School Loop will provide 24/7 access to its online communication and collaboration tool for teachers, students, parents, and administrators in the ESUHSD. Parents will be able to communicate directly with teachers, view assignments and grades, follow school and class news, and participate in discussion groups.

Selection Process

No solicitation process was done for this product/service. The ESUHSD is requesting the Board to Single Source this vendor since this tool was created for the ESUHSD and to try and bid out this product would not be in the best interest of the District as School Loop has agreed to continue to provide ESUHSD with this product at a significantly reduced cost.

**RECOMMENDATION:**

It is recommended that the Board of Trustees approve an Agreement with School Loop for the Term July 1, 2010, through and including June 30, 2013, for Online Communication and Collaboration Tool and to delegate authority to the Interim Superintendent/ Superintendent or designee to amend said contract on an as needed basis, including funding

**3. San Jose/Evergreen Community College District**

Reviewed By	Contract Period	Financial Impact/ Funding Source	School/Dept. Manager
Jerry Kurr Donna Bertrand	August 15, 2009, through and including August 14, 2010	\$219,726.00  Capital Facilities	Jerry Kurr, Associate Superintendent of Administration And Business Services

East Side Union High School District (ESUHSD) is requesting ratification from the Board of Trustees for a lease agreement with San Jose/Evergreen Community College District for the use of real property that ESUHSD occupied during the Term of August 15, 2009, through and including August 14, 2010. The programs housed there were Accel, Jose Valdez and Bio Tech Academy.



Reason for Purchase of Outside Services  
Not Applicable

Selection Process  
No solicitation process is needed for this contract.

RECOMMENDATION:  
It is recommended that the Board of Trustees approve ratification of a lease agreement with San Jose/Evergreen Community College District for the rental of real property for the Term of August 15, 2009, through and including August 14, 2010.

#### 4. San Jose State University

Reviewed By	Contract Period	Financial Impact/ Funding Source	School/Dept. Manager
Robert Ibarra Donna Bertrand	October 1, 2009, through and including August 31, 2012	\$99,154.00 (for the full-term of the contract)  Teaching American History	Robert Ibarra, Coordinator of Professional Development

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to approve Contract Services Agreement with San Jose State University for the term October 1, 2009, through and including August 31, 2012, to develop and provide four standards-based workshops/book talks to East Side Union High School District U.S. History Teachers during the fall and spring semesters and to delegate authority to the Interim Superintendent/Superintendent or designee to amend said contract on an as needed basis, including funding.

Reason for Purchase of Outside Services  
In 2009, ESUHSD submitted a competitive grant application in response to the Teaching American History Grant Program. The Teaching American History Grant Program is a discretionary grant program funded under Title II-C, Subpart 4 of the Elementary and Secondary Education Act. The goal of the program is to support programs that raise student achievement by improving teachers' knowledge, understanding, and appreciation of American history.

Grant awards will assist LEAs, in partnership with entities that have content expertise, to develop, document, evaluate, and disseminate innovative and cohesive models of professional development. By helping teachers to develop a deeper understanding and appreciation of U.S. history as a separate subject matter within the core curriculum, these programs will improve instruction and raise student achievement.

Selection Process  
Prior to submitting the competitive grant application, ESUHSD had contacted three universities; Santa Clara, Stanford and San Jose State. San Jose State was the only University who was interested in partnering with ESUHSD and in meeting our needs.

RECOMMENDATION:  
It is recommended that the Board of Trustees approve the Contract Services Agreement with San Jose State University for the term October 1, 2009, through and including August 31, 2012, to develop and provide four standards-based workshops/book talks to East Side Union High School District U.S. History Teachers during the fall and spring semesters and to delegate authority to the Interim Superintendent/Superintendent or designee to amend said contract on an as needed basis, including funding.



## EAST SIDE UNION HIGH SCHOOL DISTRICT

Board Meeting of July 28, 2010

**Item: 8.04**

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 attach list of contracts for professional services are recommended for approval and to delegate authority to the Interim Superintendent/Superintendent or designee to amend said contracts and purchase orders on an as needed bases, including funding.

FINANCIAL IMPACT:

See details on the attachment

FUNDING SOURCE:

See details on the attachment

RECOMMENDATION:

It is recommended that the Board of Trustees approve and ratify the contracts for professional services as listed in the attachment.

East Side Union High School District

**Approved**

Board of Trustees

July 28, 2010

## CONTRACTS FOR PROFESSIONAL SERVICES AT OR BELOW \$50,000

### A. SCHOOL SITES/EDUCATION CENTER

**Item: 8.04**

	Contractor Name	Reviewed By	Contract Period	Financial Impact/ Funding Source	School/Dept. Manager	Purpose
1	Nick Franceschine F.S.A.	J. Kurr D. Bertrand	July 1, 2010 – December 31, 2010	\$3,000.00  Business Administration	Education Center/ Business Services  Jerry Kurr	Consultant to provide services in completing the GASB 45 Report-Actuarial Study for the calculation of the liabilities of the Retiree Health Benefits Program.
2	William Lazo	D. Bertrand J. Kurr	August 1, 2010 – June 30, 2011	\$15,000.00  EIA	Education Center/ Supplementary Education  Tim Nguyen	Contractor will provide English to Spanish translations both written and verbal.  Three (3) written proposals were obtained and evaluated based on price, timeliness, experience, and knowledge/expertise.
3	City of San Jose	D. Bertrand J. Kurr D. Moser	July 7, 2010 – August 13, 2010	\$14,094.00  (Revenue Contract)	Silver Creek High School  Thelma Boac	The grant will reimburse ESUHSD for its daily pool use fees that will accrue by allowing West Coast Aquatics use of Silver Creek High School's Pool to provide Aquatic Services during the contract period. No solicitation process required.
4	Plato Learning	C. Vaeth C. Giammona D. Bertrand	July 29, 2010 – June 30, 2011	\$21,057.94  WIA-ASE	Independence Adult Education Center  Cari Vaeth	For the procurement of 40 PLATO Web Learning Network Licenses; 4 PLATO Learning Paths; and 2 days of on-site professional development.  Three (3) written proposals were obtained and evaluated based on price.
5	Perseus Associates	J. Kasberger J. Kurr D. Bertrand	July 1, 2010 – June 30, 2011	\$33,000.00  Transportation	Education Center/ Transportation  Jerry Kurr	For the provision of non-exclusive right and license under the Proprietary Rights of PERSEUS ASSOCIATES and its licensors (if any) to: (1) Access and use the TransTraks Hosted System on PERSEUS ASSOCIATES' Application Server only with a Terminal Services Client through the Internet, and; (2) To transmit DISTRICT Data from the TransTraks Hosted System to DISTRICT only with a Terminal Services Client through the through the internet. No solicitation process was conducted as this is a proprietary



						system to Perseus.
6	Shelley Davis	R. Uribe C. Hersom C. Giammona D. Bertrand	August 1, 2010 – June 30, 2011	\$1,800.00  Special Day Class (L/H)	Education Center/ Special Services  Carole Hersom	Consultant to provide specific Social Skills Training for one Special Education Student as per IEP agreement.
7	San Jose/ Evergreen Community College Dist.	K. Poon J. Kurr D. Bertrand	July 1, 2009 – June 15, 2010	\$32,137.00  (Revenue Contract)	Yerba Buena High School  Juan Cruz	For the provision of curriculum development for the College Connection Academy Grant. No solicitation process was conducted for this contract.
8	ABTECH Support	D. Barbata J. Kurr D. Bertrand	July 1, 2010 – June 30, 2011	\$2,871.09  Data Processing	Education Center/ Information Technologies  Dennis Barbata Jerry Kurr	For the provision of remedial and preventive hardware maintenance support services for HP3000 equipment.  Three (3) written proposals were obtained and evaluated based on price and ability to provide the services required. (IDEAL \$440.25 month; ABTECH \$219 month; Systems Maintenance Services \$340 month)

## B. FACILITIES

	Contractor Name	Reviewed By	Contract Period	Financial Impact/ Funding Source	School/Dept Manager	Purpose
1	Richard Gonzales & Associates, Inc.	K. Lanford J. Rono D. Bertrand	August 1, 2010 – November 30, 2010	\$48,000.00  Developer Fees	Education Center/ Facilities  June Rono, Ph.D., Director	Consultant will provide facilities planning services for Measures G & E and will coordinate services with OPSC and other governmental agencies.  Three (3) written proposals were solicited from three known consultants. RGA provided a complete response for the lowest price.