

Agenda Item Details

Meeting Dec 16, 2010 - ESUHSD ANNUAL ORGANIZATIONAL & REGULAR BOARD MEETING - 3:15 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category 15. ATTACHMENT A - CONSENT CALENDAR

Subject 15.13 Approve Minutes of November 18, 2010, Regular Board Meeting

Access Public

Type Action (Consent)

Recommended Action It is recommended that the Board of Trustees approve the November 18, 2010, Board meeting minutes as presented.

Public Content

EAST SIDE UNION HIGH SCHOOL DISTRICT**Item: 15.13**

TO: Board of Trustees

FROM: Dan Moser, Superintendent

SUBJECT: Approve Minutes of November 18, 2010, Regular Board Meeting

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

Administrative Content

Executive Content

East Side Union High School District
Approved
Board of Trustees
December 16, 2010 



**EAST SIDE UNION HIGH SCHOOL DISTRICT
REGULAR MEETING
OF THE
BOARD OF TRUSTEES
Meeting Held at the Education Center -- Board Room
November 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 4:03 p.m. by President Garcia. Vice President Nguyen, Clerk Martinez-Roach and Member Biehl were present. Member Herrera arrived at 4:07 p.m.

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): A-C

Student A:

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

Vote: 5/0

Student B:

Motion by Clerk Martinez-Roach, second by Member Biehl to approve the expulsion of Student B.

Vote: 5/0

Student C:

Motion by Vice President Nguyen, second by Member Biehl, to approve the expulsion of Student C.

Vote: 5/0

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

- *Superintendent*
- *Interim Superintendent*
- *Associate Superintendent of Administration and Business Services*
- *Director of Information Technology Services*
- *Coordinator of Communications/Surveillance Systems*

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

2.04 Public Employee Performance Evaluation (Government Code Section 54957)

- *Interim 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, 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: Three (3) 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*
- *Tessa Cavazos v. East Side Union High School District, et al., Santa Clara County Superior Court Case No. 107CV085424*

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

- *Two (2) potential cases and Claim for Damages of J. K. Yao and R. Carrillo*

Motion by Clerk Martinez-Roach, second by Member Biehl, to reject the claim for damages of J. K. Yao.

Vote: 5/0

Motion by Clerk Martinez-Roach, second by Member Biehl, to reject the claim for damages of R. Carrillo.

Vote: 5/0

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.

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.

Request by Interim Superintendent Moser to pull items 9.07 and 9.08.

Request by Clerk Martinez-Roach to hear item 10.05 after item 9.04.

Motion by Clerk Martinez-Roach, second by Vice President Nguyen, to pull items 9.07 and 9.08 and for item 10.05 to be heard after item 9.04.

Vote: 5/0

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

6.01 **100 Black Men of Silicon Valley 2011 Scholarship Recipients**

- **Megan Gage, Evergreen Valley High School**
- **Artondra Gray - Mt. Pleasant High School**
- **Shaunita Hampton - Piedmont Hills High School**
- **Ilhan Ahmed - Oak Grove High School**
- **Sabrina Robleh - Oak Grove High School**
- **Samya Abdela - Silver Creek High School**

6.02 **Mary Metz, Appointment to California Community Colleges Statewide Health Workforce Initiative Advisory Committee**

6.03 **Eddie Garcia, Board President**

7. **STUDENT BOARD LIAISONS**

7.01 **Nhat Dang Do, ASB President – Evergreen Valley High School**

7.02 **MyMy Nguyen, ASB President – Piedmont Hills High School**

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 Board Room.

Speakers:

- *Dr. Michael Chang*
- *Angie Nunn, CSEA President*
- *Debra Watkins*

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

9.01 Adopt Resolution #2010/2011-17 College and Career Readiness for All - Dan Moser, Interim Superintendent, Manny Barbara, Vice President of Silicon Valley Education Foundation, and Rosa DeLeon, Californians for Justice

Speakers:

- *Dr. George Castro*
- *Fabiola Linares*
- *Rosalind Taylor*
- *Ana Karina*
- *Rey Llaban*
- *Ricardo Reyes*
- *Dennis Cima, Silicon Valley Leadership Group*
- *Lucila Ortiz*
- *Kathryn Hanson*
- *Julio Pardo*
- *Angie Nunn, CSEA President*
- *Najla Gomez*

Motion by Member Nguyen, second by Clerk Martinez-Roach, to adopt Resolution #2010/2011-17 College and Career Readiness for All

Vote: 5/0

9.02 Board Audit Committee Update - Frank Biehl, Audit Committee Chair and Lan Nguyen, Audit Committee Vice Chair

We have hired an Internal Auditor who will start on November 22. His name is Ian Marsh. Office space has been reserved for him. He will be in the former office of Alan Garofalo.

Our next Audit Committee meeting is scheduled for Saturday, December 11. We will move forward at that point there with the External Auditor, as well as the Internal Auditor will be there. We will move forward and I will have a full report in January with the minutes from that meeting.

9.03 Adopt Resolution #2010/2011-18 Intention to Lease District Property for Cellular and Wireless Communication Antenna Purposes - Dan Moser, Interim Superintendent, Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Herrera, second by Vice President Nguyen, to adopt Resolution #2010/2011-18 Intention to Lease Property for Cellular and Wireless Communication Antenna Purposes

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

Clerk Martinez-Roach

I am going to be voting no because I still don't know the health issues that these towers on our campuses will present for our students and community.

9.04 Approve Contract for Interim Superintendent/Superintendent - Eddie Garcia, Board President

Speaker:

- Marisa Hanson, ESTA President

Motion by Vice President Nguyen, second by Member Biehl, to approve the contract for Superintendent through June 2012.

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

Patricia Martinez-Roach, Board Clerk

I am going to be voting no because I do not approve the length of the term of the agreement.

9.05 Approve Board Members Attendance and Lawful Expenses to CSBA 2010 Delegate Assembly and Annual Education Conference and Trade Show - Dan Moser, Interim Superintendent

Motion by Clerk Martinez-Roach, second by Member Herrera, to approve Board Members Attendance and Lawful Expenses to CSBA 2010 Delegate Assembly and Annual Education Conference and Trade Show.

Vote: 4/0, President Garcia absent

9.06 CSBA 2011 Call for Nominations for Elected Members of the Delegate Assembly - Dan Moser, Interim Superintendent

Motion by Member Herrera, second by Member Biehl, to submit the nomination of Patricia Martinez-Roach to the CSBA 2011 Delegate Assembly.

Vote: 4/0, President Garcia absent

9.07 Adopt Resolution #2010/2011-18 of Intention to Exchange Real Property - Dan Moser, Interim Superintendent

Item pulled.

9.08 Approve Real Property Exchange Agreement – Dan Moser, Interim Superintendent

Item pulled.

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

10.01 Progress Update for the New Chinese Language Program - J. Manuel Herrera, Board Member

- *Yang Qu*
- *Stacey Huang*
- *Jason Luan*
- *Ryan Kuan*
- *Benjamin Mullen*
- *Mark Mao*
- *Thomas Wang*
- *Danielle Le*
- *Daniel Loy, Berryessa Chinese School*

Motion by Member Herrera, second by Vice President Nguyen, to designate Member Herrera as the Board liaison to the administration and the community on the Chinese Language Program and administration be directed to bring back in February an analysis of the Chinese language as a strategic initiative – a higher scope of implementation and what would it take. (motion modified – see below)

Modification of initial motion:

Motion by Member Herrera, second by Member Biehl, to designate Member Herrera as the Board liaison to the administration and the community on the Chinese Language Program.

Vote: 4/0, President Garcia absent

10.02 Career Technical Education Presentation - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Cari Vaeth, Director of Career Services and Adult Education

Presentation by Cari Vaeth, Director of Career Services and Adult Education.

10.03 Collaborative Tech Prep Grant Between Mission College and Andrew Hill Presentation - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Mary Metz, Medical/Health Professions Magnet Coordinator

Presentation by Mary Metz, Medical/Health Professions Magnet Coordinator.

10.04 Approve CAHSEE Local Waivers for Special Education Students - Cathy Giammona, Associate Superintendent, Human Resources and Instruction

Motion by Clerk Martinez-Roach, second by Member Biehl, to approve CAHSEE local waivers for Special Education students.

Vote: 4/0, President Garcia absent

10.05 Discussion regarding McKinney-Vento Homeless Assistance Act, Board Policy #5150 Education for Homeless Students - Patricia Martinez-Roach, Board Clerk

- *Stephanie Lam-Wong*

Administration to research issues related to McKinney-Vento Homeless Assistance Act and bring back item at a future Board meeting.

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

No items on calendar under this section.

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

12.01 Approve Staff Member Reimbursement for Direct Purchase of Equipment – Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Herrera, second by Member Biehl, to approve staff member reimbursement for direct purchase of equipment.

Vote: 3/1, Clerk Martinez-Roach voted No; President Garcia absent

Clerk Martinez-Roach voting no because the District is violating its own policy.

12.02 Approve Budget Transfers Presented November 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 November 18, 2010.

Vote: 4/0, President Garcia absent

12.03 Approve Purchase Orders Presented November 18, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Herrera, second by Member Biehl, to approve the purchase orders presented on November 18, 2010.

Vote: 3/0, Clerk Martinez-Roach abstained from vote; President Garcia absent

Statements for the record:

Frank Biehl, Board Member

For the record, I want to say (to Board Clerk Martinez-Roach) that some of the questions that you ask are done for political purposes and they serve no particular purpose for moving the Board forward. That you waste an incredible amount of time doing that and, out of the courtesy to the other members of the Board, you can simply contact the administration in advance. That is what I do and that is what I believe other members of the Board do. I don't think it is appropriate for you to make any reference to one's particular employment. I am not making that reference. I am just suggesting that a lot of time could be saved if you would take these questions, put them in an e-mail and send them to the administration. If

you are unsatisfied with the answers, then, by all means, bring them up for everyone else to view, but it gets late and it takes a lot of time.

I'd like to make a comment on abstaining because we all get elected to vote on these issues and to abstain is basically to not take the responsibility of being elected to the office seriously.

Patricia Martinez-Roach, Board Clerk

There have been people in the audience at the last probably three to four Board meetings who have come to watch Mr. Biehl verbally and disrespectfully attack me. There, it is on the record.

12.04 Approve Change Orders to Purchase Orders Presented November 18, 2010 – Jerry Kurr, Associate Superintendent of Administration and Business Services

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

Vote: 4/0, President Garcia absent

12.05 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 as presented (copy attached).

Vote: 4/0, President Garcia absent

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

- *Angie Nunn, CSEA President*

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

Vote: 4/0, President Garcia absent

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

Motion by Member Biehl, second by Member Herrera, to approve the memoranda of understanding as presented.

Vote: 4/0, President Garcia absent

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

13.01 Adopt Resolution #2010/2011-18 to Use School Facility Program Funding for Construction of a Multi-Purpose Room at Santa Teresa High School - Jerry Kurr, Associate Superintendent of Administration and Business Services and June Francis Rono, Ph.D., Director of Facilities and Planning

Motion by Member Herrera, second by Member Biehl, to adopt Resolution #2010//2011-18 to Use School Facility Program Funding for Construction of a Multi-Purpose Room at Santa Teresa High School.

Vote: 4/0, President Garcia absent

13.02 Approve Purchase of Ninety-Eight (98) Relocatable Classrooms from Mobile Modular, Inc. and Williams Scotsman, Inc. - Jerry Kurr, Associate Superintendent of Administration and Business Services and June Francis Rono, Ph.D., Director of Facilities and Planning

Motion by Member Herrera, second by Member Biehl, to approve the purchase of ninety-eight (98) relocatable classrooms from Mobile Modular, Inc., and Williams Scotsman, Inc.

Vote: 4/0, President Garcia absent

13.03 Approve the Lease of Relocatable Classrooms at Various School Sites - Jerry Kurr, Associate Superintendent of Administration and Business Services and June Francis Rono, Ph.D., Director of Facilities and Planning

Motion by Member Biehl, second by Member Herrera, to approve the lease of relocatable classrooms at various school sites.

Vote: 4/0, President Garcia absent

14. ATTACHMENT A – CONSENT CALENDAR ITEMS

Items 14.03, 14.04, 14.06 and 14.07 were pulled from the consent calendar for discussion. Motion by Member Herrera, second by Member Biehl, to approve the remainder of the consent calendar.

Vote: 4/0, President Garcia absent

14.01 Ratify/Approve Classified Personnel Actions Presented November 18, 2010

14.02 Ratify/Approve Certificated Personnel Actions Presented November 18, 2010

14.05 Approve Award of Bid

Items pulled for discussion from the Consent Calendar for discussion/consideration.

14.03 Ratify/Approve Student Aide Personnel Actions Presented November 18, 2010

Motion by Member Herrera, second by Clerk Martinez-Roach, to ratify/approve the student aide personnel actions presented November 18, 2010, except the personnel action of Kevin Biehl. Legal Counsel Ruiz will review the employment of dependent children of board members. The personnel action of Kevin Biehl will be carried to the next meeting.

Vote: 4/0, President Garcia absent

14.04 Approve School Field Trips

Motion by Clerk Martinez-Roach, second by Member Herrera, to approve the school field trips as presented.

Vote: 4/0, President Garcia absent

14.06 Accept Warrant Register for the Month of September 2010

Motion by Member Biehl, second by Member Herrera, to accept the warrant register for the month of September 2010 as presented.

Vote: 4/0, President Garcia absent

14.07 Approve Minutes of October 21, 2010, Regular Board Meeting

Motion by Clerk Martinez-Roach, second by Member Herrera, to approve the minutes of October 21, 2010, with the following exception:

Board Clerk-Roach indicated that she made a comment for the record on the reason why she was voting No on item 12.05. The audio of the October 21, 2010, will be replayed to determine if a comment was made for the record. Once confirmed, the minutes will be amended to reflect such comment by Board Clerk Martinez-Roach.

Vote: 4/0, President Garcia absent

16. WRITTEN REPORTS/RECOMMENDATIONS

No items on calendar under this section

17. BOARD OF TRUSTEES/SUPERINTENDENT COMMUNICATIONS/COMMENTS

17.01 Board of Trustees

Patricia Martinez-Roach, Board Clerk

Van Le is in the audience. Welcome to the District. Congratulations! I want to say thank you to all the candidates who ran in the campaign. I know that it is hard to run a campaign.

Frank Biehl, Board Member

MetroED:

MetroED is in the process of doing its Superintendent's evaluation. It is going well. They have a very good system for doing that. Otherwise, things are going well there.

J. Manuel Herrera, Board Member

Mr. Kurr mentioned earlier the E-Rate, which covers a significant portion of our yearly cost for AT&T. I think the Board needs an update on that because if you take into account this year and last year, we are due \$2 million. I am not aware that we have that. The Board needs to understand what is going on with E-Rate. We are in the middle of implementing a complex upgrade that the Board authorized. I am concerned that this be managed in a way that gives us what we bought and not find out afterwards somehow the complexity of this thing has been fumbled and we find out after the fact. I think we need a report. This is an area with fiscal implications and service implications. It is huge and we have not heard what has been going on there. Administration needs to give a report that covers E-Rate, implementation of the upgrade, issues that are outstanding or arising.

Another comment has to do with students reps on the Board. There are different students at every meeting. I want to use student time better and Board time better. I think we ought to give more direction with content and time for what they do bring forward in these meetings.

One final comment, I have been here on the Board for a long time and I have seen agendas evolve. This segmenting of issues that puts it according to departments so that no matter how critical or timely an issue is, if it is in the Business Services Department it has to wait after Human Services, Instructional Services and Board of Trustees. We ought to have a segment on the Board agenda format that says priority items for discussion and/or action. Whatever department they come from, that's where that is where we place it – the first part of the Board meeting. That would be the criticalness of the issue, the reasonable anticipation of community interest, people to speak on it and other criteria, but put it right at the top priority items for discussion and/or action and then all the other ones that are not as critical or as priority for that meeting, they can be spread out according to departments in the way that the format currently does. It is just a suggestion for consideration of the Board.

17.02 Dan Moser, Interim Superintendent

I would like to compliment the Andrew Hill Army ROTC. They had a battalion formation where the entire groups of cadets were in formation – in excess of 200 youngsters. They were there to acknowledge the four cadets that traveled back east and competed in academic competition and, in their words, were victorious. They had presentation and commendations letters from Congressman Honda's office. It was a very nice event and uplifting for the youngsters.

The second comment is to thank the Board for the opportunity to serve you for another year and a half. I am looking forward to that.

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

Attorney will report on Closed Session action item(s).

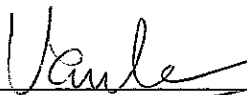
See section 2.0 for reporting out of Closed Session items.

19. **ADJOURNMENT**

President adjourns the meeting.

Vice President Nguyen adjourned the meeting at 10:50 p.m.

Respectfully submitted,



Board Clerk

Agenda Item Details

Meeting Nov 18, 2010 - ESUHSD REGULAR BOARD MEETING - 4:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category 12. BUSINESS SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

Subject 12.05 Approve Contracts for Professional Services at or below \$50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services

Access Public

Type Action

Recommended Action It is recommended that the Board of Trustees approve and ratify the contracts for professional services at or below \$50,00 and to delegate authority to the Interim Superintendent/Superintendent or designee to amend said contracts and purchase orders on an as needed basis, including funding

Public Content

EAST SIDE UNION HIGH SCHOOL DISTRICT**Item: 12.05**

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 at or below \$50,000

The attached list of Contracts for Professional Services at or below \$50,000, are being 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 basis, including funding.

FISCAL IMPACT:
Not Applicable

FUNDING SOURCE:
Not Applicable

RECOMMENDATION:
It is recommended that the Board of Trustees approve and ratify the contracts for professional services at or below \$50,00 and to delegate authority to the Interim Superintendent/Superintendent or designee to amend said contracts and purchase orders on an as needed basis, including funding.

[Under 50k Contracts.pdf \(35 KB\)](#)

Administrative Content

Executive Content

East Side Union High School District
Approved
Board of Trustees
November 18, 2010



Item: 12.05

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

Board Meeting of November 18, 2010

A. SCHOOL SITES/EDUCATION CENTER

	Contractor Name	Reviewed By	Contract Period	Cost/Funding	School/Dept. Manager	Purpose
1	Arriba Education	R. Ibarra C. Giammona D. Bertrand	November 19, 2010 – May 31, 2011	\$7,147.00 Title I	Education Center Staff Development Robert Ibarra	For the provision of supplemental educational Services to Title I Students at Program Improvement Year 2+ Schools
2	Ed Equity	B. Lopez C. Giammona D. Bertrand	November 19, 2010 – June 30, 2011	\$50,000.00 EPICS	Andrew Hill 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.
3	Intrepid Electronic Systems	D. Barbata M. Cage J. Kurr D. Bertrand	July 1, 2010 – January 31, 2011	\$15,000 (Increase amount) Operations/ Plant Security	Education Center/Information Technology Mac Cage	On June 22, 2010 the Board approved a contract with Intrepid for the maintenance of the fire alarm systems for all ESUHSD sites. Administration is requesting an extension to the term and increase in funds to cover the extension. ESUHSD Administration is currently working on a formal solicitation process. This extension is needed to continue with the services on an as needed basis.
4	Ohlone College	C. Vaeth C. Giammona D. Bertrand	July 1, 2010 – June 30, 2011	\$1,000.00 Not-to-Exceed Cisco Networking Academy Program	Adult Education Cari Vaeth	For the provision of resources, screening, training and support, and all other requirements to satisfy the requirements of the Cisco Networking Academy Program Requirements.
5	Ohlone College	C. Vaeth C. Giammona D. Bertrand	July 1, 2010 – June 30, 2011	\$1,000.00 Not-to-Exceed Cisco Networking Academy Program	Adult Education Cari Vaeth Silver Creek Thelma Boac	For the provision of resources, screening, training and support, and all other requirements to satisfy the requirements of the Cisco Networking Academy Program Requirements.

6	Silicon Valley FACES	M. Brazil C. Giammona D. Bertrand	August 2, 2010 – August 5, 2010	\$4,500.00 MAA	Oak Grove Martha Brazil	To implement the Common Ground program at Oak Grove High School.
7	The Learning Curve	R. Ibarra C. Giammona D. Bertrand	November 19, 2010 – May 31, 2011	\$2,042.00 Title I	Education Center Staff Development Robert Ibarra	For the provision of supplemental educational Services to Title I Students at Program Improvement Year 2+ Schools
8	Total Education Services	R. Ibarra C. Giammona D. Bertrand	November 19, 2010 – May 31, 2011	\$5,105.00 Title I	Education Center Staff Development Robert Ibarra	For the provision of supplemental educational Services to Title I Students at Program Improvement Year 2+ Schools
9	U.S. Security Associates, Inc. (previously known as Acufacts)	D. Barbata M. Cage J. Kurr D. Bertrand	July 1, 2010 – January 31, 2011	\$40,000.00 (Increase amount) Operations/ Plant Security	Education Center Information Technology Mac Cage	On June 22, 2010 the Board approved a contract with Acufacts (now known as US Securities) for the provision of security services for all ESUHSD sites. Administration is requesting an extension to the term and increase in funds to cover the extension. ESUHSD Administration is currently working on a formal solicitation process. This extension is needed to continue with the services on an as needed basis.
10	Unity Care Group	A. Lomas D. Bertrand J. Kurr	September 21, 2010 – May 30, 2011	\$5,500.00 MAA	Evergreen Valley Ana Lomas	Provide youth a creative outlet; to encourage cooperative learning through group projects; to build self-confidence. The site signed the Vendor's Memorandum of Understanding form and allowed the services to begin prior to taking the agreement to the Board. Also, this service should have been placed on a standard Contract Services Agreement and since the services have been provided, Administration is recommending that the Board authorized the use of the vendor's MOU for this service, this time only.
11	XCEL	R. Ibarra C. Giammona D. Bertrand	November 19, 2010 – May 31, 2011	\$1,020.00 Title I	Education Center Staff Development Robert Ibarra	For the provision of supplemental educational Services to Title I Students at Program Improvement Year 2+ Schools

B. FACILITIES

	Contractor Name	Reviewed By	Contract Period	Cost/ Funding	School/Dept Manager	Purpose
2	Cleary Consultants	J. Kurr J. Rono D. Bertrand	November 19, 2010 – June 30, 2013	\$12,600.00 Measure G	James Lick Glenn VanderZee Facilities June Rono, Ph.D.	To provide DSA required special inspection services for James Lick High School Fire Service Center. Project No.: G-030-026 Contract/Purchase Order contingent approval based on the award of the bid under the “Consent” Calendar. Proposals were solicited from three vendors and two responded. Cleary Consultants provided a complete response and was selected based on their proposed fee and scope.
2	HAZMAT DOC	J. Kurr J. Rono D. Bertrand	October 22, 2010 – June 30, 2013	\$20,324.00 Measure E	Education Center Calero High School June Rono, Ph.D.	To provide DSA required hazardous materials testing and inspection services for Calero High School Modernization Project.

Agenda Item Details

Meeting Nov 18, 2010 - ESUHSD REGULAR BOARD MEETING - 4:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category 12. BUSINESS SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

Subject 12.06 Approve Contracts for Professional Services over \$50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services

Access Public

Type Action

Recommended Action It is recommended that the Board of Trustees approve the contracts for professional services as listed in the attachment and to delegate authority to the Interim Superintendent/Superintendent or designee to amend said contracts and purchase orders on an as needed basis, including funding.

Public Content

EAST SIDE UNION HIGH SCHOOL DISTRICT**Item: 12.06**

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

The attached list of Contracts for Professional Services over \$50,000, are being recommended for Board approval and to delegate authority to the Interim Superintendent/Superintendent or designee to amend said contracts and purchase orders on an as needed basis, including funding.

FISCAL IMPACT:
Not Applicable

FUNDING SOURCE:
Not Applicable

RECOMMENDATION:
It is recommended that the Board of Trustees approve the contracts for professional services as listed in the attachment and to delegate authority to the Interim Superintendent/Superintendent or designee to amend said contracts and purchase orders on an as needed basis, including funding.

[Over 50k Contracts.pdf \(57 KB\)](#)

Administrative Content

Executive Content

East Side Union High School District
Approved
Board of Trustees
November 18, 2010 

**EAST SIDE UNION HIGH SCHOOL DISTRICT
Contracts for Professional Services over \$50,000
Board Meeting of November 18, 2010**

1. Extreme Learning

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Cathy Giammona Robert Ibarra Donna Bertrand	November 19, 2010 through and including May 31, 2011	\$549,976.00 Title 1	Robert Ibarra, Coordinator of Professional Development

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to approve a Contract Services Agreement with Extreme Learning for the contract term November 19, 2010 through and including May 31, 2011 for the provision of supplemental educational services to Title I Students at Program Improvement Year 2+ Schools and to delegate authority to the Interim Superintendent/Superintendent or designee to amend the term and/or funding of said contract as needed during the term of the Agreement. Educational services shall be consistent with the students Individual Education Program (IEP) plan.

Supplemental educational services (SES) are additional academic instruction designed to increase the academic achievement of students in schools in the second year of improvement, corrective action, or restructuring. These services, which are in addition to instruction provided during the school day, may include academic assistance such as tutoring, remediation and other supplemental academic enrichment services that are consistent with the content and instruction used by the local educational agency (LEA) and are aligned with the State's academic content and achievement standards. SES must be high quality, research-based, and specifically designed to increase student academic achievement [Section 1116(e)(12)(C); 34 §C.F.R. 200.45(a)].

Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA), as reauthorized by the No Child Left Behind Act of 2001 (NCLB), calls for parents of eligible students attending Title I schools that have not made adequate yearly progress (AYP) in increasing student academic achievement for three years to be provided with opportunities and choices to help ensure that their children achieve at high levels. SES provides extra academic assistance for eligible children. Students from low-income families who are attending Title I schools that are in their second year of school improvement (i.e., have not made AYP for three years), in corrective action, or in restructuring status are eligible to receive these services.

ESUHSD is required to spend 20 percent of our Title I, Part A allocation on SES services, choice-related transportation, or a combination of both.

Selection Process

Our district follows the Department of Education's Guidance to publicize SES services to parents in multiple languages, contact and invite State-approved SES providers to complete the required contract and insurance paper work, and schedule recruitment fairs at all eligible school sites (Andrew Hill, Independence, James Lick, Oak Grove, and WC Overfelt) at which parents can interview and choose the SES provider they feel best meets their child's academic needs.

Since 20% of our district's Title I is not sufficient to fund SES services for all eligible Title I students, school sites have the option (as per DOE guidelines) to target students who have been identified as failing or most at risk of failing to meet the State's challenging academic content and students academic achievement standards.

Once parents choose an SES provider for their child, our district contracts with said provider on an hourly basis up to the maximum per- pupil expenditure allowed by the State (both the SES hourly rate range and the per-pupil amount for 2010-11 is regulated by the State).

Invitations were sent out to all State approved providers and six (6) choose to attend the fairs at the school sites.

RECOMMENDATION

It is recommended that the Board of Trustees approve a Contract Services Agreement with Extreme Learning for the contract term November 19, 2010 through and including May 31, 2011 for the provision of Supplemental Educational Services to Title I Students at Program Improvement Year 2+ Schools and to delegate authority to the Interim Superintendent/Superintendent or designee to amend the term and/or funding of said contract as needed during the term of the Agreement.

2. Leader Services

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Dan Moser Donna Bertrand	July 1, 2010 through and including June 30, 2011	\$217,780.00 (estimated annual expenditure) Medi-Cal Administrative Activities	Student Services

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to enter into a Contract Services Agreement with Leader Services, LDP Inc. for the purchase of Medi-Cal Administrative Activities (MAA) claim services to ESUHSD at a maximum cost of \$500 per participant. This fee will not exceed 9% of all MAA recovered funds.

Selection Process

No solicitation took place for this service at this time. This will be competitively bid in the upcoming spring for the subsequent school year.

RECOMMENDATION

It is recommended that the Board of Trustees approve a Contract Services Agreement with Leader Services, LDP Inc. for the purchase of Medi-Cal Administrative Activities (MAA) claim services to ESUHSD at a maximum cost of \$500 per participant for the term of July 1, 2010 through and including June 30, 2011 and to delegate authority to the Interim Superintendent/Superintendent or designee to amend said contract as needed.

3. RMA Group of Northern California

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Jerry Kurr Donna Bertrand	July 1, 2010 through and including June 30, 2011	\$62,108.00 School Facilities Fund	Independence Adult Center, James Lick, Mt. Pleasant, Oak Grove, Piedmont Hills, Silver Creek, and Yerba Buena

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to enter into a Contract Services Agreement with RMA Group of Northern California for the provision of special inspection and materials testing services related to the installation of Photovoltaic Systems and other related services as needed for the sever remaining highs schools and to delegate authority to the Interim Superintendent/Superintendent or designee to amend the term and/or funding of said contract as needed during the term of the Agreement.

Selection Process

Three vendors were sent request for quotes and the results are as follows:

	Kleinfelder	RMA	Earth Systems
Est. Total	\$87,845	\$62,108	\$78,028
Rates Group 1 & 2	\$83	\$74	\$85
Rates Group 1 & 2	\$83	\$83	\$79

Based on the above rates and the anticipated number of inspections and testing estimated for this second phase, the award is being recommended to RMA as being the lowest responsible proposer.

RECOMMENDATION

It is recommended that the Board of Trustees approve a Contract with RMA Group of Northern California for the contract term June 1, 2010 through and including June 30, 2011 for the provision of special inspection and materials testing services related to the installation of Photovoltaic Systems and other related services and to delegate authority to the Interim Superintendent/Superintendent or designee to amend said contract as needed.

4. Richard Gonzalez & Associates, Inc.

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
June Rono Jerry Kurr	December 1, 2010 through and including November 30, 2013	\$714,951.60 School Facilities Fund	Facilities June Rono, Ph.D. Director

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to approve a Contract Services Agreement with Richard Gonzalez & Associates, Inc. (RGA) for the contract term December 1, 2010 through and including November 30, 2013 for the provision of Facilities Planning Services for measure G & E and coordinate services with OPSC and other governmental agencies in the amount of \$714,951.60 which includes 10% allocation for reimbursable expenses (\$64,995.60).

Selection Process

Facilities contacted four (4) firms to respond to a request for pricing; HMC, WLC, School Advisors and RGA. Only two (2) firms responded by the due date. The proposals were evaluated based on the firms' ability to provide the services required specific to ESUHSD and the submitted price proposal.

RECOMMENDATION

It is recommended that the Board of Trustees approve a Contract Services Agreement with Richard Gonzalez & Associates, Inc. (RGA) for the contract term December 1, 2010 through and including November 30, 2013 for the provision of Facilities Planning Services for measure G & E and coordinate services with OPSC and other governmental agencies in the amount of \$714,951.60.

5. SafeTrans Transportation, Inc.

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Jerry Kurr Julie Kasberger Donna Bertrand	Extend through and including January 31, 2011	\$407,080.00 (Increase Amount) Transportation	Transportation Julie Kasberger, Director

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to issued Change Order #2 to Purchase Order #000657 with SafeTrans Transportation, Inc. for the provision of Transportation Services for ESUHSD's Special Education Students.

At the June 22, 2010 board meeting the Board approved ESUHSD Administration to extend the purchase order through September 30, 2010 and to increase the purchase order by \$276,474.31 so that the Transportation Department could get the new buses and drivers certified. That has taken place but the need has increased. There are currently 64 routes needed to transport 543 ESUHSD special education students to and from 38 schools. The district maintains 43 special education pupil buses, two passenger vans and 3 cars. There are 38 ESUHSD certified school bus drivers, seven certified substitute drivers and five van drivers that transport students. The district does not have the equipment or drivers to cover 17 routes making it necessary to contract services.

The total purchase order amount if the Board of Trustee approves this change order will be as \$1,128,998.94 (Original purchase order \$445,444.63 + change order #1 \$276,474.31 + change order #2 \$407,080.00)

Selection Process

The selection process was completed by previous leadership and was intended to go out to bid this last summer 2010. However, due to other priorities the bidding was not able to take place at this time. It is the intention of the ESUHSD to do a formal solicitation process prior to coming back to the Board for further approvals for this service.

RECOMMENDATION

It is recommended that the Board of Trustees approve Change Order #2 to Purchase Order #000657 with SafeTrans Transportation, Inc. for the provision of Transportation Services for ESUHSD's Special Education Students.