

**Agenda Item Details**

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Meeting Aug 30, 2011 - ESUHSD REGULAR BOARD MEETING - 4:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category 14. ATTACHMENT A - CONSENT CALENDAR

Subject 14.14 Approve Minutes of June 16, 2011, Regular Board Meeting

Access Public

Type Action (Consent)

Recommended Action It is recommended that the Board of Trustees approve the June 16, 2011, Regular Board Meeting minutes as presented.

**Public Content**

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**EAST SIDE UNION HIGH SCHOOL DISTRICT**

**Item: 14.14**

**TO:** Board of Trustees

**FROM:** Dan Moser, Superintendent

**SUBJECT:** Approve Minutes of June 16, 2011, Regular Board Meeting

Attached are the minutes of the June 16, 2011, 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 June 16, 2011, Regular Board Meeting minutes as presented.

**Administrative Content**

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**Executive Content**

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**EAST SIDE UNION HIGH SCHOOL DISTRICT**

**BOARD OF TRUSTEES**

**APPROVED August 30, 2011**



**EAST SIDE UNION HIGH SCHOOL DISTRICT  
REGULAR MEETING  
OF THE  
BOARD OF TRUSTEES  
Meeting Held at Education Center  
June 16, 2011  
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 Nguyen. Vice President Biehl, Clerk Le, Member Martinez-Roach and Member Herrera were present.*

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

*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 Superintendent's Conference Room at approximately 6:00 p.m.) See item 2 on agenda (Closed Session).**

*The Board of Trustees recessed to Closed Session in the Superintendent's Conference Room.*

**2. CLOSED SESSION**

**2.01 Expulsion(s): A-D**

Student A:

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

*Vote: 5/0*

Student B:

*Motion by Member Herrera, second by Clerk Le, to approve the expulsion of Student B.*

*Vote: 5/0*

Student C:

*Motion by Clerk Le, second by Member Martinez-Roach, to approve the expulsion of Student C.*

*Vote: 5/0*

Student D:

*Motion by Vice President Biehl, second by Member Herrera, to approve the expulsion of Student D.*

*Vote: 5/0*

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

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

- **Associate Superintendent of Business Services**
- **Principals (2)**
- **Temporary Director of Facilities**

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

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

Agency Designated Representatives:

*Dan Moser, Superintendent*

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

*Hardy Childers, Interim Associate Superintendent of Business Services*

*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 – Anticipated Litigation**

**Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code**

- **Two (2) Potential Cases**

**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, Superintendent Hardy Childers, Interim Associate Superintendent of 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 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.**

*Motion by Clerk Le, second by Member Martinez-Roach, to hear item 14.01 after item 9.05.*

*Vote: 5/0*

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

**6.01 Danae Stahlnecker, National Merit Scholarship Winner**

**6.02 Retiring Administrators**

- *Thelma Boac, Principal – Silver Creek High School*
- *John Duran, Principal – Santa Teresa High School*
- *Richard Esparza, Associate Principal – James Lick High School*
- *Chris Schroeder, Associate Principal – Mt. Pleasant High School*

7. **STUDENT BOARD LIAISONS**

No items on calendar under this section.

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.

*Speaker:*

- *Angie Nunn, CSEA President*

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

**9.01 Presentation on Achievement Gap for African American Students - Patricia Martinez-Roach, Board Member; Mulugeta Habtegabriel, Co-Chairperson of African American Student Advocates; and Sharon Jackson, Co-Chairperson of African American Student Advocates**

*Speakers:*

- *Socorro Reyes-McCord*
- *Barbara Applewhite*
- *Jeff Moore*

*Presentation by Mulugeta Habtegabriel and Sharon Jackson, Co-Chairpersons of African American Student Advocates.*

*Discussion by Board of Trustees; no action taken.*

**9.02 Hold Public Hearing at Approximately 6:30 p.m. Regarding the Proposed Budget Adoption for 2011/2012. The Proposed Budget is available for Inspection at the District Office (Business Services Dept.) - Hardy Childers, Interim Associate Superintendent of Business Services**

*Public hearing held. There were no public speakers.*

**9.03 Presentation of Proposed Budget Adoption for 2011/2012 - Hardy Childers, Interim Associate Superintendent of Business Services**

*Presentation by Hardy Childers, Interim Associate Superintendent of Superintendent of Business Services.*

*Discussion by Board of Trustees; no action taken.*

**9.04 Presentation and Discussion regarding Campus Safety Program – George Sanchez, Coordinator of Student Services, and Dan Moser, Superintendent**

*Speakers:*

- *Marisa Hanson, ESTA President*
- *Lloydrito Bartido*
- *Greg Duarte*
- *Julio Pardo*
- *Adriana Rangel*

*Presentation by George Sanchez, Coordinator of Student Services.*

*Discussion by Board of Trustees; no action taken.*

**9.05 Discussion and/or Action regarding Budget Alternatives for Campus Safety Program – Dan Moser, Superintendent**

*Discussion item only; no action taken.*

**9.06 Discuss Legal Expenses for 2010/2011 – Van Le, Board Clerk**

*Discussion item only; no action taken.*

*A comparison of legal costs with other districts will be presented at a future Board Meeting.*

**9.07 Hold Public Hearing at Approximately 6:45 p.m. Regarding Intent to Lease District Property for Cellular and Wireless Communication Antennas - Hardy Childers, Interim Associate Superintendent of Business Services**

*Public hearing held. There were no public speakers.*

**9.08 Adopt Resolution #2010/2011-43 Intent to Lease District Property for Cellular and Wireless Communication Antenna Sites - Hardy Childers, Interim Associate Superintendent of Business Services**

*Motion by Member Herrera, second by Vice President Biehl, to adopt Resolution #2010/2011-43 Intent to Lease District Property for Cellular and Wireless Communication Antenna Sites.*

*Vote: 4/0, Member Martinez-Roach out of room*

**9.09 Hold Public Hearing at Approximately 7:00 p.m. regarding the Proposed Use of Tier III Categorical Program Funds as Unrestricted Funds (Education Code Section 42605(c2)) - Hardy Childers, Interim Associate Superintendent of Business Services**

*Public hearing held.*

*Speakers:*

- *Jennifer Lewis, AFT President*
- *Teresa Reen*
- *Richard Konda*
- *Nu Ding*
- *Jair Prieto*
- *Jeannette Bruntz*
- *Marie Rosland*
- *Carol Thompson*
- *Chris Davis*
- *Valli Sharpe-Geisler*
- *Neil Silverman*

**9.10 Approve Use of Tier III Categorical Program Funds as Unrestricted Funds (Education Code Section 42605(c2)) - Hardy Childers, Interim Associate Superintendent of Business Services**

*Motion by Member Herrera, second by Clerk Le, to approve as amended the use of Tier III categorical program funds as unrestricted funds (Education Code Section 42605(c2)), except adult education funds (not approved).*

*Vote: 5/0*

**9.11 Approve Employment Contract for Associate Superintendent of Business Services – Dan Moser, Superintendent**

*Motion by Member Herrera, second by Vice President Biehl, to approve the employment contract for the Associate Superintendent of Business Services, Marcus Battle, effective July 12, 2011, and an annual compensation of \$177,145, plus benefits.*

**9.12 Board Audit Committee Update, Discussion and/or Action and Receive Minutes of April 16, 2011, Board Audit Committee Meeting - Frank Biehl, Audit Committee Chair and Patricia Martinez-Roach, Audit Committee Vice Chair**

*Frank Biehl, Audit Committee Chair*

*We present to you the minutes of the April 16 Audit Committee Meeting.*

*In addition, we have a memo from Vice Chair Patricia Martinez-Roach and myself with some recommendations for more focus on the Internal Auditor's work plan. When the Internal Auditor came in, we had a whole list, a long litany of things we threw at him. Patricia Martinez-Roach and myself met with him on a couple of occasions and also our Audit Committee at our last meeting had a discussion that said we thought we had too many things on the plate and that we needed to focus.*

*What we are presenting in this memo is a recommendation that for the next three months that the Auditor's focus be, number one, on the FCMAT special audit and that we allocate 10% of his time to make sure that is completed and that is, we believe, completed. As a number two priority, we would like to see him focus on facilities development dealing with Measure G and Measure E Bond issues. I would like to see approximately 40% of his time spent on those issues over the next quarter. He had not had an opportunity to really address those issues at all and we think that those are important issues and there is a lot of money at stake and we would like to have him review those policies. As a third priority, school site cash handling, there have been some issues he has been investigating. We believe he has done some work on that already and we think approximately 20% of his time over the next quarter should be focused on that. We also, at his suggestion, included attendance reporting (10%). This is an area where the district could be at risk if we were not reporting our information correctly. There could be a potential from the State to come and ask us for money later if they believe we received money we were not supposed to and also, on the other hand, if we are reporting it correctly and not asking for money we are due, there would be a problem. So, we would like to have him take a quick look at our policies and procedures in that area. The fifth area for this quarter we would recommend is a 10% level of his time is a review of the policies and procedures that relate to legal expenses, how they are generated, who approves them, who approves their payment and how they are reviewed.*

*Essentially, the Internal Auditor's job is to look at the policies and procedures and the administrative regulations that are in place to make sure they meet all legal requirements and they are prudent with the best accounting practices.*

*What happens occasionally is that our External Auditor will identify issues and they will show up in our external audit report and then it becomes the responsibility of the Internal Auditor to fix the problems at a policy level.*

*The Vice Chair and myself worked on this list. We understand that the Internal Auditor, Ian Marsh, will be at our next meeting. He is currently in Australia visiting his mother, but he will return next Monday. He will be making a report at our meeting on the 28<sup>th</sup> that deals with the progress he has made since he has been on board with his plans. At that time, we will have a discussion and hopefully recommend this focus be placed on his work plan for the next quarter and that we as a Board review his work plan every quarter.*

*Patricia Martinez-Roach, Audit Committee Vice Chair*

*I concur with everything that Member Biehl has stated. We are asking for Board approval on the amended work plan. I just noticed tonight, Frank, that we are missing 10% of Ian's time. What are we intending to do with that? It adds to 90%.*

*Frank Biehl, Audit Committee Chair*

*I did that because there are always other little things that come up that he will have to respond to. I don't want that to be the major amount of his work.*

*Patricia Martinez-Roach, Audit Committee Vice Chair*

*Okay. I am suggesting that we put 10% for "other."*

*The purpose of this is for all of us to have a focus. I think we all know why we hired an Internal Auditor, which is to help us be more transparent and effective as a result of the*



*FCMAT investigation. This is a good thing that we are doing and I am really excited. We would really like to have your approval.*

*Motion by Member Herrera, second by Clerk Le, to approve the recommended six priorities, with the sixth being "other" and that the Board review quarterly the progress on these priorities. The five priorities are:*

- 1. FCMAT Special Audit (10%)*
- 2. Facilities Development - Measure G and Measure E Bonds (40%)*
- 3. School Site Cash Handling (20%)*
- 4. Attendance Reports (10%)*
- 5. Legal Expenses (10%)*
- 6. Other (10%)*

*Vote: 5/0*

**9.13 Discuss Board By Law #9320 Meetings and Notices and Board By Law #9322 Agenda/Meeting Materials - Dan Moser, Superintendent**

*Discussion by Board of Trustees; no action taken.*

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

**10.01 Discuss and/or Approve Program Improvement Year 4 School Alternative Governance Plans - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Kirsten King, Director of Instructional Services**

*Item carried to June 28, 2011, Board Meeting.*

**10.02 Approve the Appointment of Representatives to the South East Special Education Local Planning Areas Community Advisory Council Meetings - Cathy Giammona, Associate Superintendent, Human Resources and Instruction**

*Motion by Member Martinez-Roach, second by Member Herrera, to approve the appointment of representatives to the South East Special Education Local Planning Areas Community Advisory Council Meetings.*

*Vote: 5/0*

**10.03 Approve Carl D. Perkins 132 Grant 2011-12 Grant Application for East Side Union High School District - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Cari Vaeth, Director of Adult Education and Career Services**

*Motion by Member Herrera, second by Vice President Biehl, to approve the Carl D. Perkins 132 Grant 2011-2012 Application for East Side Union High School District.*

*Vote: 5/0*

- 10.04 Accept Safety Plan Goals Assessment for 2010-2011 - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and George Sanchez, Coordinator of Student Services**

*Motion by Member Herrera, second by President Nguyen, to accept the safety plan goals assessment for 2010-2011.*

*Vote: 5/0*

- 10.05 Approve Inter-District Attendance Agreements with Milpitas Unified School District and San Francisco Unified School District - Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and George Sanchez, Coordinator of Student Services**

*Motion by Vice President Biehl, second by Clerk Le, to approve the inter-district attendance agreements with Milpitas Unified School District and San Francisco Unified School District.*

*Vote: 5/0*

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

*No items on calendar under this section.*

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

- 12.01 Adopt Resolution #2010/2011-44 an Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546 - Hardy Childers, Interim Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator**

*Motion by Clerk Le, second by Member Herrera, to adopt Resolution #2010/2011-44 an Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546.*

*Vote: 5/0*

- 12.02 Approve Contracts for Professional Services over \$50,000 - Hardy Childers, Interim Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator**

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

*Vote: 5/0*

**12.03 Approve Delegation of Authority to Award Public Works Contract - Hardy Childers, Interim Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator**

*Motion by Member Martinez-Roach, second by Clerk Le, to approve the delegation of authority to award public works contract.*

*Vote: 5/0*

**12.04 Receive Second Reading and Adopt Board Policy #3350 Travel Expenses - Hardy Childers, Interim Associate Superintendent of Business Services**

*Motion by Member Martinez-Roach, second by Member Herrera, to receive the second reading of Board Policy #3350 Travel Expenses and to also adopt Board Policy #3350 Travel Expenses.*

*Vote: 5/0*

**12.05 Receive First Reading of Board Policy #3105 Fund Balance (GASB 54) - Hardy Childers, Interim Associate Superintendent of Business Services**

*Received first reading of Board Policy #3105 Fund Balance (GASB 54).*

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

**13.01 Review, Discuss and/or Action of Capital Fund Projects - Hardy Childers, Interim Associate Superintendent of Business Services and John Lawrence, Assistant Director of Maintenance and Operations**

*Speaker:*

- *Susan Williams*

*Discussion by Board of Trustees; no action taken.*

**13.02 Extension of Measure G Program Management Agreement - Dan Moser, Superintendent**

*Motion by Vice President Biehl, second by Member Herrera, to extend the Measure G Program Management Agreement with the Seville Group (SGI) through June 30, 2012.*

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

**13.03 Approve Form Professional Services Agreements for Architectural Services for Measure E and Measure G – Hardy Childers, Interim Associate Superintendent of Business Services**

*Speaker:*

- *Brent McClure*

*Item carried to June 28, 2011, Board Meeting.*

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

*Item 14.01 was pulled from the consent calendar. Motion by Vice President Biehl, second by Member Herrera, to approve the remainder of the consent calendar.*

*Vote: 5/0*

- 14.02 Ratify/Approve Certificated Personnel Actions Presented June 16, 2011**
- 14.03 Ratify/Approve Student Aide Personnel Actions Presented June 16, 2011**
- 14.04 Approve School Field Trips**
- 14.05 Approve Permanent Textbook Adoption for Careers in Focus and Energy, Power and Transportation**
- 14.06 Approve Permanent Course Adoption for Aerospace Engineering, Digital Electronics, Elements of Human/Family Service, Genres of Composition, Introduction to Energy Management and Environmental Careers, Introduction to Engineering Design, Manufacturing I & II and Principles of Engineering**
- 14.07 Approve Contracts for Professional Services at or Below \$50,000**
- 14.08 Approve Memoranda of Understanding**
- 14.09 Approve Budget Transfers Presented June 16, 2011**
- 14.10 Approve Purchase Orders Presented June 16, 2011**
- 14.11 Approve Change Orders to Purchase Orders Presented June 16, 2011**
- 14.12 Acceptance of Donations/Awards/Grants**
- 14.13 Approve Warrant Register for the Month of May 2011**

**Items pulled for discussion from the Consent Calendar for discussion, consideration and/or Action by the Board of Trustees.**

- 14.01 Ratify/Approve Classified Personnel Actions Presented June 16, 2011**

*Motion by Member Martinez-Roach, second by Clerk Le, to carry the classified personnel actions presented on June 16, 2011, to the June 28, 2011, Board Meeting.*

*Vote: 5/0*

15. **WRITTEN REPORTS/RECOMMENDATIONS**

15.01 **Correspondence from Glen Wetzel: Request to Place Matter on Board Agenda – Glen Wetzel, Parent/Community Member**

*Speaker:*

- *Glen Wetzel*

*Information received by the Board of Trustees.*

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

16.01 **Board of Trustees**

**Van Le, Board Clerk**

*In the last month, I finished visiting Yerba Buena, Santa Teresa, Oak Grove and Evergreen. In six months, I finished 12 schools.*

*I attended the Foothill graduation and that really touched me. It was very emotional and I was grateful for the invitation to attend the Foothill graduation.*

*I would like to invite the Board to the Moon Festival at Independence High School. It will be the first year that the Vietnamese community brings it to Independence High School. It will be on September 10. We have a lot of student volunteers from the East Side.*

*We asked before at the Board retreat that we want to graph chart for our goals. I would like to see that at a future meeting if we could – where we are with the goals.*

**Frank Biehl, Board Vice President**

*With the Board's permission, I will defer my report to the 28<sup>th</sup>.*

**Patricia Martinez-Roach, Board Member**

*Congratulations to all the schools for a beautiful graduation as always. Honor Night was awesome.*

*I forwarded a complaint on Job Corps and I would like to get some kind of response on that. I don't think the Board ever received the complaint, but I will be forwarding it to you.*

16.02 **Dan Moser, Superintendent**

*Two days ago we had the East Side Education Foundation kick-off event. We had well over 70 guests and our primary objective was to ask for money. I believe we were successful in that. The money will help us to launch our next activity, which is planning for mid to late October and that is our celebration of the Hall of Fame and the 60<sup>th</sup> birthday for James Lick.*

17. **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.*

18. **ADJOURNMENT**

**President adjourns the meeting.**

*President Nguyen adjourned the meeting at 11:59 p.m.*

*Respectfully submitted,*



Board Clerk

**Agenda Item Details**

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Meeting Jun 16, 2011 - 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 12.02 Approve Contracts for Professional Services over \$50,000 - Hardy Childers, Interim Associate Superintendent of Business Services

Access Public

Type Action, Discussion

Recommended Action It is recommended that the Board of Trustees approve the contracts for professional services as recommended on the attachment.

**Public Content**

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**EAST SIDE UNION HIGH SCHOOL DISTRICT****Item: 12.02**

TO: Board of Trustees

FROM: Dan Moser, Superintendent

PREPARED BY: Hardy Childers, Interim Associate Superintendent of Business Services

SUBJECT: Approve Contracts for Professional Services over \$50,000

The attached list of Contracts for Professional Services over \$50,000, are being presented for Board review and approval.

**FISCAL IMPACT:**  
As indicated in the attachment

**FUNDING SOURCE:**  
As indicated in the attachment

**RECOMMENDATION:**  
It is recommended that the Board of Trustees approve the contracts for professional services as recommended on the attachment.



[12.02 Contracts Over \\$50K.pdf \(49 KB\)](#)

**Administrative Content**

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**Executive Content**

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**EAST SIDE UNION HIGH SCHOOL DISTRICT**  
**BOARD OF TRUSTEES**  
**APPROVED June 16, 2011**  
  


**EAST SIDE UNION HIGH SCHOOL DISTRICT**  
**Contracts for Professional Services over \$50,000**  
**Board Meeting of June 16, 2011**

**1. City of San Jose**

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Dan Moser Donna Bertrand	June 13, 2011 through and including August 11, 2011	\$44,887.20 Pool Rental Fee \$6,000.00 Emergency/ Overtime Maintenance (if needed)  REVENUE	Santa Teresa High School John Duran, Principal  Silver Creek High School Thelma Boac, Principal

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to enter into a Grant Agreement with the City of San Jose for Summer Aquatic Services at Santa Teresa and Silver Creek High Schools for the period of June 13, 2001 through August 11, 2011. City will pay ESUHSD \$44,887.20 for the rental of the pool and will pay ESUHSD actual time should a technician be called out for emergency services after hours or on the weekends.

**Selection Process**

Not applicable. This is a revenue contract.

**RECOMMENDATION**

It is recommended that the Board of Trustees approve a Grant Agreement with the City of San Jose for the purchase of Summer Aquatic Services at Santa Teresa and Silver Creek High Schools for the period of June 13, 2011 through and including August 11, 2011 for a total not-to-exceed amount of \$50,887.20 and to delegate authority to the Superintendent or designee to amend said agreement as needed, including funding.

**2. Consolidated Engineering Laboratories, Inc.**

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
D. Moser D. Bertrand J. Unger	June 17, 2011 – July 31, 2012	\$68,014.00 (not to exceed)  Measure E	Silver Creek High School Facilities  Thelma Boac, Principal June Rono, PhD., Director

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to enter into a Contract Services Agreement with Consolidated Engineering Laboratories, Inc. for the provision of special inspections and material testing services required for the Silver Creek High School Multi-Purpose Building, Project # E-055-001.

**Selection Process**

BLACH Construction Company, the Construction Manager for the Silver Creek New-Multi-Purpose Building project solicited proposals from three vendors and the results are as follows:

Consolidated Engineering Laboratories, Inc.	HP Inspections	Smith Emery
\$68,014.00	\$69,200.00	\$74,339.00



Based on the above fees and the anticipated number of inspections and testing estimated for this project, the award is being recommended to Consolidated Engineering Laboratories, Inc. as being the lowest responsible proposer.

**RECOMMENDATION**

It is recommended that the Board of Trustees approve a Contract with Consolidated Engineering Laboratories, Inc. for the contract term June 17, 2011 through and including July 31, 2012 for the provision of special inspections and material testing services for the Silver Creek High School New Multi-Purpose Building Project # E-055-001 in an amount not-to-exceed \$68,014.00.

**3. Department of Rehabilitation**

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Carole Hersom Cathy Giammona Donna Bertrand	July 1, 2011 – June 30, 2014	\$409,968.00 (REVENUE)  Special Education	Special Education  Carole Hersom

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to approve Administration to enter into a Multi-Year Cooperative Contract with the Department of Rehabilitation (DOR) to assist the district in the transitional process of high school age/transitional youth with mental health disabilities who are to transition from youth to adult work environment. These are students from the eleven comprehensive high schools and one continuation high school who have a DSM IV diagnosis. Students are referred to this Mental Health Cooperative Program (MH OTAY) in their senior year or the end of their junior year. They are job ready and need support to be competitively employed. Usually they have had WorkAbility 1 (WA1) services which help to provide a seamless transition from the WA1 program to the MH OTAY. The final desired outcome is to move into the world of work and realize success in adult life.

ESUHSD receives this funding which helps to supplement the Special Education Program.

This contract has been in existence since July 1, 2008, June 30, 2011 is the end date of the current three year contract which was a first of its kind. Great strides have been made in this past year meeting the projected contract numbers of consumers/students served.

**Selection Process**

Not applicable

**RECOMMENDATION**

It is recommended that the Board of Trustees approve a Cooperative Contract with the Department of Rehabilitation (DOR) for the contract term July 1, 2011 through and including June 30, 2014 for the provision of vocational rehabilitation services through the Mental Health Occupational Transition Age Youth (MH OTAY) Program and to delegate authority to the Superintendent or designee to amend said contract on an as needed basis, including funding.

**4. Keenan Associates**

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Dan Moser Hardy Childers Donna Bertrand	July 1, 2010 through June 30, 2011 and automatically extended until terminated.	\$3,500,000.00 (estimated annually)  Self Insurance Fund- Dental	Education Center Business Services  Hardy Childers, Interim Associate Superintendent of Business Services

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to enter into a renewal of the Dental Coalition Agreement with Keenan Associates for the continued participation in the California Schools Dental Coalition (CSDC).

This updated Agreement describes the obligations of Keenan, Delta Dental and CSDC members and provides for a more streamlined contracting process. It has been updated so that the billing and funding procedures described are consistent with those outlined in the Dental administrative guide; Exhibit C has been added to show the monthly and annual funding amounts for each program year. The Exhibit C is modified each year to show the applicable funding amounts for the new fiscal year.

The amounts are estimates only as the fees that are to be paid by ESUHSD depends on how many employees use dental services during any given fiscal year.

Selection Process

Not applicable.

**RECOMMENDATION**

It is recommended that the Board of Trustees approve a Dental Coalition Agreement with Keenan Associates for the continued participation in the California Schools Dental Coalition (CSDC) for the term of July 1, 2010 through and including June 30, 2011 and will be automatically renewed annually unless terminated in accordance with the agreement, and to delegate authority to the Superintendent or designee to amend said agreement as needed, including funding.

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**Agenda Item Details**

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Meeting Jun 16, 2011 - ESUHSD REGULAR BOARD MEETING - 4:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category 14. ATTACHMENT A - CONSENT CALENDAR

Subject 14.07 Approve Contracts for Professional Services at or Below \$50,000

Access Public

Type Action (Consent)

Recommended Action It is recommended that the Board of Trustees approve the contracts for professional services at or below \$50,000 as listed in the attachment and to delegate authority to the Superintendent or designee to amend said contracts and purchase orders on an as needed basis, including funding.

**Public Content**

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**EAST SIDE UNION HIGH SCHOOL DISTRICT****Item: 14.07**

TO: Board of Trustees

FROM: Dan Moser, Superintendent

PREPARED BY: Hardy Childers, Interim Associate Superintendent of 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, is being recommended for Board approval and to delegate authority to the Superintendent or designee to amend said contracts and purchase orders on an as needed basis, including funding.

**FISCAL IMPACT:**  
As indicated in the attachment

**FUNDING SOURCE:**  
As indicated in the attachment

**RECOMMENDATION:**  
It is recommended that the Board of Trustees approve the contracts for professional services at or below \$50,000 as listed in the attachment and to delegate authority to the Superintendent or designee to amend said contracts and purchase orders on an as needed basis, including funding.

[14.07 Contracts under \\$50k.pdf \(52 KB\)](#)

**Administrative Content**

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**EAST SIDE UNION HIGH SCHOOL DISTRICT****BOARD OF TRUSTEES****APPROVED June 16, 2011**

EAST SIDE UNION HIGH SCHOOL DISTRICT  
 PROFESSIONAL CONTRACT SERVICES at or Below \$50,000  
 Board Meeting of June 16, 2011

A. SCHOOL SITES/EDUCATION CENTER

	Contractor Name	Reviewed By	Contract Period	Cost/ Funding	School/Dept. Manager	Purpose
1	California Department of Education	C. Herson D. Bertrand D. Moser	July 1, 2011 – June 30, 2013	(\$45,000.00) (REVENUE)  State Performance Plan Facilitated Review Grant	Education Center Special Services  Carole Herson, Coordinator	The State Performance Plan Technical Assistance (SPP-TA) System is coordinated by the CDE and is designed to assist local educational agencies (LEAs) to: (1) improve educational results and functional outcomes for all children with disabilities; and (2) ensure that LEAs meet compliance and performance SPP program requirements. The SPP-TA System is operationalized through a partnership with the CDE, the Napa County Office of Education (NCOE), and participating LEAs. CDE provides the NCOE (hereafter named the SPP-TA Project) with a grant to assist LEAs in accessing technical assistance (TA) and support specific to an SPP Indicator in which the LEA has been found noncompliant. LEAs identified as "in need" are eligible to receive a grant directly from the CDE to perform service which will benefit the LEA specific to the noncompliant SPP indicator.
2	City of San Jose	J. Cruz D. Moser D. Bertrand	June 15, 2011 – September 30, 2011	(\$8,000.00) (REVENUE)  R.O.A.R.	Yerba Buena High School  Juan Cruz, Principal	The SPP-TA Project provides TA consisting of training, coaching, information dissemination, and referrals of best practices.  ESUISD will provide a structured summer bridge program for incoming freshman for both male and female students ages 13-16. Grant covers a maximum of 30 students in the program and includes a field trip to Great America.
3	City of San Jose	V. Chiala D. Moser D. Bertrand	June 15, 2011 – September 30, 2011	(\$8,000.00) (REVENUE)  R.O.A.R.	W.C. Overfelt High School  Vito Chiala, Principal	ESUISD will provide a structured summer bridge program for incoming freshman for both male and female students ages 13-16. Grant covers a maximum of 30 students in the program and includes a field trip to Great America.
4	City of San Jose	J. Klassen D. Moser D. Bertrand	June 15, 2011 – September 30, 2011	(\$8,000.00) (REVENUE)  R.O.A.R.	Education Center  Jennifer Klassen	ESUISD will provide a structured summer bridge program for incoming freshman for both male and female students ages 13-16. Grant covers a maximum of 30 students in the program and includes a field trip to Great America.
5	County of Santa Clara, Office of the District Attorney	H. Childers D. Bertrand	July 1, 2010 - June 30, 2011	\$50,000.00  SARB	Education Center Student Services  George Sanchez, Coordinator	To provide Truancy Abatement Services (SARB) for the 2010-11 school year.

6	Educational Empowerment	B. Lopez C. Giammona D. Bertrand	June 17, 2011 – December 1, 2011	\$45,000.00 Small Learning Community	Andrew Hill High School Betina Lopez, Principal	To provide professional development training for Administration, Teacher Leaders, and Instructional Coaching. Consultant will provide all curriculum development and materials for a total of 15 days.
7	Family Life Center/Larry M. Simmons High School	C. Herson C. Giammona D. Bertrand	May 3, 2010 – August 31, 2010 (ratification)	\$12,940.46 Tuition	Education Center Special Services Carole Herson, Coordinator	Administration is requesting ratification from the Board of Trustees for an Agreement with Family Life Center/Larry M. Simmons High School for the provision of non-public school services for a special education student. Educational services were consistent with the master SELPHIA contract and specified services per the student's Individual Education Plan (IEP).  No solicitation process took place for this service nor can it take place. ESUIISD does not have singular control over the placement and is responsible for specified educational costs for identified ESUIISD students.
8	Napa County Office of Education (NCOE)	C. Herson D. Moser D. Bertrand	January 10, 2011 – June 30, 2011	\$0.00 (no cost)	Education Center Special Services Carole Herson, Coordinator	The purpose of the agreement is to establish a framework for the use of the State Performance Plan Technical Assistance Project Facilitator (SPTAP Facilitator) in implementing reforms designed to address disproportionality. The facilitator helps the ESUIISD leadership in identifying and engaging key internal and external stakeholders; working with district leadership team to facilitate focused conversations and an in-depth self-assessment process; identify and access targeted professional development and technical assistance resources; providing customized technical assistance and staff development, as appropriate; and supporting the implementation and assessment of progress towards improvement.
9	PD 360	B. Lopez C. Giammona D. Bertrand	June 3, 2011 – June 2, 2014	\$10,595.00 (estimated annual expenditure) Small Learning Community	Andrew Hill High School Betina Lopez, Principal	To provide ESUIISD with a One-Year Site License, One-Year Subscription and two 3-hour on-site training sessions for the implementation of their PD 360 Professional Learning Subscription and Observation 360 program.
10	The Regents of the University of California/Puente Project	K. King C. Giammona D. Bertrand	July 1, 2010 – June 30, 2011	(\$16,800.00) REVENUE	Andrew Hill, Mt. Pleasant, W.C. Overfelt High Schools  Betina Lopez, Principal Teresa Marquez, Principal Vito Chiaia, Principal	ESUIISD and Puente shall work together to provide a program at each for educationally disadvantaged students at each of the 3 schools through the use of the Puente High School Program offered by The Regents of the University of California.

11	School Services of California, Inc.	H. Childers D. Bertrand	July 1, 2011 – June 30, 2012	\$2,820.00 (estimated)  Business Administration	Education Center Business Services  Hardy Childers, Interim Associate Superintendent of Business Services	Contractor will provide consultant services and assistance regarding issues of school finance, legislation, school budgeting, general fiscal issues, and miscellaneous expenses as indicate in contract. Consultant will also provide 2 copies of the CADFF and SABRE Reports.
12	William Lazo	T. Nguyen C. Giannona D. Bertrand	July 1, 2011 – June 30, 2012	\$25,000.00  EIA	Education Center  Tim Nguyen, Coordinator	Provide written and oral translation services including translations services at community events such as board meetings. (Spanish Translation)

**B. FACILITIES**

	Contractor Name	Reviewed By	Contract Period	Cost/ Funding	School/Dept. Manager	Purpose
1	Cleary Consultants, Inc.	D. Moser D. Bertrand J. Unger	June 17, 2011 – July 12, 2012	\$13,500.00 (not to exceed)  Measure E	Silver Creek High School/Facilities  Thelma Boac, Principal  June Rono, PhD., Director	Provide soil engineering observation and testing services during the construction of the new Multi-Purpose Classroom Building project at Silver Creek High School, Project No.: EE-055-001.  BLACH Construction, the Construction Manager of the Silver Creek High School Multi-Purpose Classroom Building Project solicited proposals from three vendors and Cleary Consultants, Inc. was selected based on them being the lowest responsible proposal. Cleary Consultants, Inc. performed the geotechnical investigation report for this project.
2	Cleary Consultants, Inc.	D. Moser D. Bertrand J. Unger	June 10, 2011 – July 29, 2011	\$ 2,800.00 (not to exceed)  Measure E	W. C. Overfelt High School/Facilities  Chiala Vito, Principal  June Rono, PhD., Director	<b>Request for Ratification</b>  Perform an environmental screening study of the on-site soils located at the classroom buildings wings C and E at W.C. Overfelt High School, Project No.: E-040-001.  Due to the need to meet established timelines, and the necessity to test before soils can be off-hauled to a dump location site, there was not sufficient time for Purchasing to go to the Board prior to the date the services needed to be performed. Based on the information provided, the Business office granted this request and is asking the Board ratify this decision by approving this contract. Cleary Consultants, Inc. is the current testing inspector assigned to the project; therefore it is recommended that Cleary Consultants, Inc. continue with performing the service on this project.

3	Environmental Remediation Technologies, Inc. (ERT)	D. Moser D. Bertrand J. Unger	June 17, 2011 – October 31, 2011	\$12,650.00 (not to exceed)  Measure E	Yerba Buena High School/Facilities  Juan Cruz, Principal  June Rono, PhD., Director	Perform consultation, project management/oversight hazard inspection services for the Yerba Buena High School Title IX Interior Modernization Project No. E-060-003.  Due to the need to meet established timelines, there was not sufficient time for Purchasing Department to perform the solicitation process. ERT has performed the preliminary survey work on this project; therefore its recommended that ERT continue with performing the remaining services on this project.
4	Environmental Remediation Technologies, Inc. (ERT)	D. Moser D. Bertrand J. Unger	June 17, 2011 – February 24, 2012	\$25,940.00 (not to exceed)  Measure E	W.C. Overfelt High School/Facilities  Chiala Vito, Principal  June Rono, PhD., Director	Perform consultation, project management/oversight hazard inspection services for the W.C. Overfelt High School Modernization Bldg. C & E Wings Project No. E-040-001.  Due to the need to meet established timelines, there was not sufficient time for Purchasing Department to perform the solicitation process. ERT has performed the preliminary survey work on this project; therefore it's recommended that ERT continue with performing the remaining services on this project.
5	Michael Henley & Company	D. Moser D. Bertrand J. Unger	June 17, 2011 – August 30, 2011	\$2,250.00 (not to exceed)  Measure E	Santa Teresa High School/Facilities  John Duran, Principal  June Rono, PhD., Director	To provide DSA Project Inspection services for the Santa Teresa locker room HIVAC unit upgrade. Project No. E-070-002.  No solicitation process took place for this project. Michael Henley & Company was the original Inspector on the project and now that DSA is requiring this modification to be completed prior to close out, it is Administration's recommendation to continue the services with the original Inspector to maintain consistency on the project.
6	Salas O'Brien	K. Lanford J. Rono D. Moser D. Bertrand	June 1, 2011 – May 31, 2012	\$9,500.00 (not-to-exceed)  Measure G	Santa Teresa High School/Facilities  John Duran, Principal  June Rono, PhD., Director	NOTE: This was approved at the 5/31/11 Board Meeting with the wrong Vendor Name. This recommendation corrects the 5/31/11 action to make the agreement to Salas O'Brien not Bruce Flynn and Associates.