

Agenda Item Details

Meeting Oct 17, 2013 - ESUHSD REGULAR BOARD MEETING - 4:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category 16. BOARD OF TRUSTEES/SUPERINTENDENT - CONSENT/ACTION CALENDAR

Subject 16.01 Approve Minutes of September 19, 2013, Regular Board Meeting

Access Public

Type Action (Consent)

Recommended Action It is recommended that the Board of Trustees approve the September 19, 2013, Regular Board Meeting minutes as presented.

Public Content

EAST SIDE UNION HIGH SCHOOL DISTRICT**Item: 16.01**

TO: Board of Trustees

FROM: Chris D. Funk, Superintendent

SUBJECT: Approve Minutes of September 19, 2013, Regular Board Meeting

Attached are the minutes of the September 19, 2013, Regular Board Meeting for review and approval by the Board of Trustees.

FISCAL IMPACT:

None

FUNDING SOURCE:

None

RECOMMENDATION:

It is recommended that the Board of Trustees approve the September 19, 2013, Regular Board Meeting minutes as presented.

Executive Content**EAST SIDE UNION HIGH SCHOOL DISTRICT
BOARD OF TRUSTEES****APPROVED****October 17, 2013**

A handwritten signature in black ink, appearing to read "Chris D. Funk".

**EAST SIDE UNION HIGH SCHOOL DISTRICT
REGULAR MEETING
OF THE
BOARD OF TRUSTEES
Meeting Held at Education Center
September 19, 2013
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 4:04 p.m. by President Biehl. Vice President Herrera, Clerk Le, Member Carrasco and Member Nguyen were present.

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

President Biehl 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.

1.03 Recess to Closed Session in the Superintendent's Conference Room (Open Session will resume at the end of Closed Session at approximately 6:00 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

2.02 Public Employee Performance Evaluation (Government Code Section 54957)

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

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

Motion by Vice President Herrera, second by Member Nguyen, to approve the service of a notice of intention to dismiss and statement of charges pursuant to Education Code Section 44934 and 44936 on one permanent certificated teacher.

Vote: 5/0

2.05 Conference with Labor Negotiators (Government Code Section 54957.6)

Agency Designated Representatives:

Chris D. Funk, Superintendent

Marcus Battle, Associate Superintendent of Business Services

Juan Cruz, Assistant Superintendent of Instructional Services

Cari Vaeth, Director of Human Resources

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)

Unrepresented Organizations:

Administrators

Managers

Confidentials

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

- *Claim for Damages of S. Cruz*
- *Three (3) Potential Cases*

Motion by President Biehl, second by Clerk Le, to reject the claim for damages of S. Cruz.

Vote: 5/0

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

- *Two (2) Potential Cases*

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

5. **ADOPTION OF AGENDA**

For consideration by the Board of Trustees.

The agenda was adopted as presented.

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

6.01 **Goodwill of Silicon Valley**

- *Michael Fox, President & CEO*
- *Trish Dorsey, Managing Director of Mission Services & Supervisor of Youth Programs*

6.02 **Family Giving Tree**

7. **Student Board Liaisons**

No item(s) on calendar under this section.

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

8.01 **The Superintendent and/or Board Member(s) may request that items be considered, discussed, and acted on out of the order indicated on the agenda as per schedule.**

8.02 **Presentation, Discussion and/or Action to Adopt Resolution #2013/2014-05 Authorizing the Issuance and Sale of General Obligation Bonds, 2012 Election, Series A, in the Principal Amount of Not to Exceed \$20,000,000 - Marcus Battle, Associate Superintendent of Business Services, Dale Scott, Financial Advisor, Dale Scott & Company, and Charles Adams, Jones Hall**

Motion by Vice President Herrera, second by Clerk Le, to adopt Resolution #2013/2014-05 Authorizing the Issuance and Sale of General Obligation Bonds, 2012 Election, Series A, in the Principal Amount of Not to Exceed \$20,000,000.

Vote: 4/0, Member Carrasco out of room

8.03 **Presentation, Discussion and/or Action of Dependent Eligibility Audit Report - Marcus Battle, Associate Superintendent of Business Services, and Bruce Caldwell, Gallagher Benefits Services**

Presentation item; no action taken on this item

8.04 Presentation, Discussion and/or Receipt of Proposition 39 Bond Measures G & E Performance Audit Final Report from Total School Solutions - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Janice Unger, Capital Projects Purchasing Manager

Public speaker:

- *Lance Jackson*

Presentation by Vern Weber, Total School Solutions

Frank Biehl, Board President

What I am going to suggest is that we have two speakers here tonight from SGI.

SGI did not have an opportunity to review the audit before it was published and they have a statement they want placed in the record, as well as some comments. I would like to have them do that and then I would like to entertain the Board the opportunity to ask questions of any three of you and just kind of get everything out on the table. Okay? Is that all right? Thank you for your presentation. Lance, are you the first here?

Lance Jackson, SGI Senior Vice President of Operations

Yes, I might be the first and the only.

Frank Biehl, Board President

Do you have a time do you think here...

Lance Jackson, SGI Senior Vice President of Operations

No sir. President Biehl and other members of the Board, Superintendent Funk, again, for the record, my name is Lance Jackson. I am Chief Operating Officer for SGI. My comments will be brief. We forwarded a letter that we felt we needed to forward just because, if you read the data, it could have been taken somewhat out of context. As Vern has presented it here tonight I think it is inline with our thinking. It spoke to several areas of concern for us. One of them being staffing. The others being, he spoke to some missing data. I have clarification from our staff because we were concerned and I think we could have allayed those concerns of Total School Solutions had we been given a draft copy. Any related to the actual keeping of data that was transferred from an older system back in, up 'til 2010, it was keep in one sort of system and then at the request of the Board, excuse me not the Board, but the District who was responding to the Oversight Committee, we went to a new system called Primavera, but because of efficiency purposes and not to overspend the money since G was pretty much finished, they decided to just archive it electronically. It is not lost, it is just archived electronically and not available in Primavera. In concurrent with that finding and given, you know, the kind of shockwave it sent through our company when we first heard that data was lost, we are already in the process of figuring out how to electronically transfer that data into Primavera so we won't have to explain that ever again. I would also like to speak to our staffing. Yes, it is correct that SGI's staffing what somewhat influx; kind of similar to the fact that the District had been going through a transition and hired a new Director and we had to wait and make certain that the type of staff that we would bring on would be in line with the vision that the new Director, but SGI will always bring you the best possible professional forward because it is in our best interest to have someone here that is competent. So, I just wanted to get on the record that Mr. Ken Kirch that we brought here to be our Program Manager is a 30 year

veteran, registered Architect who has done nothing in the State of California, but school construction. As well, we have backed him up with the Deputy who does the same thing, but just in construction, who spent a great deal of his career at San Francisco Unified fighting to build the schools there. We wanted to bring that same fighting spirit and his contractor's eyes to this district. So, we beefed up the staff. Yes, there was a time when we did not have adequate staff perhaps, but I would also like to point out, and finally, there was a misnomer about whether or not our system could report to a date in time. So, if you said, "Lance Jackson, I need a report from today looking back three years, we can do that. If you wanted me to go back three years on a certain date, we can do that in our system. Somehow, that was lost in translation. It just felt like to me some clarification needed to happen and I am sorry to do the housekeeping in public, but that was the only way I thought we could get on the record since we did not get the draft. We don't really take any exception. I think Total School Solutions does an amazing job to get so much information in such a succinct amount of time. We are accustomed to the sort of challenges they present and we had another veteran from our office, one of our Vice Presidents, Rafael, he's been resident here making sure we had all the processes in place to answer the questions necessary and that moving forward we have a great team to continue to protect the public's trust as we have done for the past decade plus.

I appreciate the time given us tonight to explain that and, again, sorry for the late notice on the letter, but it was the only option I had available.

Frank Biehl, Board President

So, hang loose, have a seat, and Mr. Flores do you have something you would like to add at this time?

Rene Flores, SGI President

It was covered.

Frank Biehl, Board President

Okay, it was covered. So then what I would like to ask is if Board Members have any questions of either one of you that need to be answered here. I have some comments, but I would like to give the Board the opportunity to do that first.
Mr. Herrera?

J. Manuel Herrera, Board Vice President

Don't know that I have questions right at this point because I know we have a discussion on our next agenda item. I just want to be sure that I am capturing the essence of the Total School Solutions presentation and some of the highlights for me were that in a program of this size, and it is a pretty, you know, substantial program, there's always room for improvement. You listed a couple of examples where we might strengthen it in terms of roles being clearly defined and job descriptions being updated in a sense or reclarified and shifting from an allowances approach to a contingency approach that sets, gives an authorization to the administration and lets the Board ratify subsequent and similar type of suggestions. What I am picking up from the tone of your public presentation is that, overall, in the period that was examined, we have a fairly well functioning Bond Program overall with room for improvements.

Vern Weber, Total School Solutions

We did a management review back here in 2008 and I have to say that the staff you have now put together over the last year or so has truly been a significant progress, very

positive. You have a strong staff now. There just needs to be a little clarification of the lines of authority and responsibility and the job descriptions to make sure that everything meshes. We believe there is an opportunity for some cost savings if things are put together in more streamlined fashion so that you remove some of the duplication services. I gave one example in there and that is that, currently, your construction managers are involved at the very beginning of a project, including some of the construction managers apparently even direct the design team effort, which is quite unusual in the industry because usually the lead person is the architect of record, which you have under contract and the program manager, often is involved in that phase as well. But, you have the Program Manager, you have the District Architect, the District Engineer, the Architect of record, the Construction Manager all involved from day one on the design process, which seems to be a little bit excessive.

J. Manuel Herrera, Board Vice President

So, thank you for that example too because that is the framework I am holding all that in, is that we have a substantial, positive program moving forward.

Vern Weber, Total School Solutions

You certainly do. As I said, you have done an exemplary job of providing quality facilities for all of the students in the District. Every school has been identified and you have identified, as near as we can tell, the comprehensive list of projects at every school to be accomplished with the funds. You passed Measure I, which enabled you to continue on and complete the Measure E Program. You have taken all the steps from a revenue standpoint and a management standpoint; you have everything in place. Know, it is a matter of streamlining it and, as we say, tweaking it to make it more better and cost effective.

J. Manuel Herrera, Board Vice President

I really love hearing the comments. In terms of issues on the two tracking systems, QSS now known as QCC versus the Primavera, and so on, I am understanding with some late information from SGI that, you know, when all is said and done, the discrepancy is not what initially seemed to be and the reconciliation is entirely doable or possible here.

Vern Weber, Total School Solutions

It appears there was a time lag between the information that we were provided at the time we provided the performance audit and the closing of the books. The District is the official repository of the records and they closed their books effective June 30 and it takes time because that information from their accounting system has to be downloaded and it turns out it had been downloaded in a manual process and then manually reentered into the Program Manager's software and there was a time lag so that all the information had not been transferred down and entered into their system. So, the two systems had not been reconciled at the time we did our report. Now, that being said, we do feel that the school district itself being the responsible agent for the official records should develop and maintain from this day forward all cost data by site and by project; whereas, in the past, they only made the cost data by site. The deficiencies we noted apparently are on track now to being resolved, including the deviations between the Program Manager's software and the District's software.

J. Manuel Herrera, Board Vice President

Thank you and in terms of any data that may have seemed initially to have been lost seems that, and again, I am reading from SGI's printed statement, that it is not lost.

Vern Weber, Total School Solutions

It was available apparently in hard copy format and from the hard copy it can be entered into the electronic system. So, it can be recovered. It was not lost. It was simply lost in the transfer of the software from their earlier software package to the new software package, but it has not actually been lost in that it still exists in hard copy format.

J. Manuel Herrera, Board Vice President

Well, my understanding... I'll have to ready everything a little more slowly, my understanding is that it is actually even available in electronic data and, again I will have to... that it is archived using Microsoft Access database software and they can readily be made available and migrated.

Vern Weber, Total School Solutions

We have not received confirmation of that.

J. Manuel Herrera, Board Vice President

I am reading that right here.

Vern Weber, Total School Solutions

That could be true, but we have not received confirmation that that is the case.

J. Manuel Herrera, Board Vice President

That begins to address what had seemed to be some pretty serious concerns surfaced by the audit and I am just reconciling in my own mind, as part of a Board oversight or policy maker role, that these issues have evolved to another level of understanding. We have a lot of complexity going here.

Vern Weber, Total School Solutions

It is possible there was some misunderstanding on our part because I think, as Mr. Jackson just pointed out, we apparently were not provided with all of the data that they had available.

J. Manuel Herrera, Board Vice President

So, I'll hold other questions for the moment. Thank you very much.

Frank Biehl, Board President

Other members of the Board? Lan.

Lan Nguyen, Board Member

Yes, just two comments. It is positive to see that findings and recommendations that you have for the District seems to be that the findings are positive and also the recommendations for improvement are somewhat minor. I am also glad to see the responses from SGI addressing the concern or recommendation you make in the fairly, timely manner and also address a lot of the concerns. I am happy to see that, for example, the staffing seems like... I remember at some point of time where in our facilities side or business side we did not have a leadership there for some time and that is probably one of the reasons why that SGI provided more staffing than they usually would have if we had a Facilities Director there and so on. For some time we didn't have and now we have one and, so, I am just trying to reconcile and think back for reasons why there were more staffing at some time than at others and so on and it seems like they provided some reason

and justification for that and also about issues with software program not talking to each other or communicating with each other seems like it is addressing that as well, but, really, my interest in what is coming out of this is how we move forward based on your recommendation. It seems like we are starting to get closer to that and I don't know if that is how you feels as well. Tell us is that your understanding as well or it feels that we are just...

Vern Weber, Total School Solutions

All I can say is that I concur with everything that you just said. Now, you have made significant progress and you are on track to continuing to make progress. Things are looking very positive and we hope the next time we or somebody else reviews your program, we will have seen the recommendations and findings in place.

Lan Nguyen, Board Member

Thank you sir.

Frank Biehl, Board President

Van Le?

Van Le, Board Clerk

I think it is a very comprehensive report. It is a very long report. In looking to that, there is a lot of recommendations and I noticed that for SGI, you know, has sent us the letter and talked about staffing, talked about the program, the QSS with Primavera. It still is a lot of findings, but [inaudible] come to the conclusion the system has been provided in a timely fashion for you to come with those findings. So, are we going to really look into how we are going to work into the next level or what are we accomplishing today?

Vern Weber, Total School Solutions

I have been a Business Manager. I have run a facilities program for a school district. I've seen hundreds, literally hundreds of facilities programs run. One of the frustrating things about California school district accounting is that there is no standard cost accounting system. Every school district that needs to do cost accounting, and they must provide their own system to do that, and every school district approaches it differently. It would certainly be much more efficient if there could be a statewide cost accounting software package available, but that has not happened and it does not appear that it is going to be happening. This is always a frustrating area. The ultimate responsibility, as I've said does rests with the District. That either requires that you develop or purchase or rely on consultants to provide the detailed software accounting that is necessary to track all the bond expenditures and, in this case, it fell by default onto the Program Manager to provide their software because the District did not have a software package in place that could do the tracking by project until now. Now the District does have that system and I am sure that, after the reconciliation, the Program Manager and District's system is accomplished, from that point forward everything will be fully accounted for and all of the necessary reports and State Allocation Board reimbursement reports will all be in place.

Van Le, Board Clerk

I think that the recommendation is very good. We take a look at our District's program and how we [inaudible] in the next Measure bond and all of those programs. I think it is very good to open up a lot of questions. It is a good lesson in the program and when I look into it, I can understand how is the function of each department, what are all of those programs we have right now with all of those projects with the Measure Bond. I appreciate your work.

Frank Biehl, Board President

A couple of questions, no, we are not done. These guys are easy. So, first of all, how often are we supposed to do this?

Vern Weber, Total School Solutions

Well, the law says every year until all bond funds have been expended, all Proposition 39 bond funds have been expended.

Frank Biehl, Board President

So, we are a little bit behind here having done this since 2008.

Vern Weber, Total School Solutions

Well, technically you did comply with the law because you had your CPA firm for a number of years did what they call an agreed upon procedures report, which by the way the California Controller's Office said did not meet the requirements of a performance audit and then a new law came into effect about a year and a half ago that mandates that performance audits be done in compliance with the United States Controller's Office Government Auditing Standards, called the Yellow Book, and that has been in effect. With that action, your CPA still did the performance audit, but basically all they did was change the name agreed upon procedures to performance audit. In our opinion, that performance audit which meets... There is no definition of performance audit in the law. It is very loose. Except for the Yellow Book standards of saying that it is supposed to evaluate effectiveness, efficiency and the economy. We don't believe that the performance audits that were provided by your CPA meet that definition of the Yellow Book. So, we would encourage you at least going forward to have a more comprehensive performance audit done. It doesn't have to necessarily be to the same level as the one we just did, but it should be comprehensive enough. By the way, there is a new law that has just gone into effect that won't take effect until January 1st of 2015, I believe, that mandates school districts to provide written responses to findings and recommendations in performance audits and that they have to submit the document as well to the State Allocation Board if you are receiving State funds. There are some new regulations coming down that are going to make it a little more stringent for school districts to meet than has typically been the case in the past.

Frank Biehl, Board President

Well, I hope that both our Business Manager and our Attorney were listening to all of that to make sure that we comply with the law, but I also think even without the law there is value in doing this in a more frequent manner. I read the 2008 audit, performance audit, and I was surprised to see that there were a number of recommendations in there that had not been fully followed through on. On the other hand, there were plenty of recommendations in there that had been implemented. At the conclusion today, I am going to recommend that this report be referred to our Audit Committee and that would serve as a mechanism for follow up between both the Superintendent, the Administration, and the Board to make sure there is follow up on your recommendations. A couple of quick questions here or comments. One, I like the context that you put everything in. We've actually accomplished a lot, but there may be some ways that we could do that more efficiently in the future and so, I think that with that context it is excellent to move forward. When you talk about the challenges to the current two dual accounting systems, the only thing I can say is, "Boy, you should have seen it before because it was a mess." I have been on this Board a little more than six and a half years and I would monitor the Citizens' Bond Oversight Committee

Meetings and, in the early years, they were like six months out in terms of the information that was being provided this evening to CBOC and then some decisions were made to go to Primavera. I understand that there was significant input on that from the District staff encouraging SGI to use that particular system, but there's always been this conflict of incompatibility between the two systems and now apparently the District's system now has been of a version that now will eliminate that incompatibility that existed before. I think the District needs to consider as to where the accounting is best done. Should it be done through the Program Manager or should it be done through the District? I don't think we have enough information today to answer that question, but I do think it is a valid question that needs to be answered before we move forward with whoever we are going to use as a future Program Manager. On your change order, I was listening to what you had to say there and, I think, I am going to check with the staff here, but we have change orders that are under 10%. Aren't they routinely reported to the Board in a cumulative manner at the back of our agenda on the consent calendar?

Janice Unger, Capitol Projects Purchasing Manager

Janice Unger, Purchasing Manager for Capitol Projects. That 10% update is actually when we come back to the Board and ask for additional money because we've exceeded the 10%. So, we are giving you an update of where we stand with the figures. So, actually, we don't come back until the final change order to basically tell you how many change or how much percentage we've used of the 10%.

Frank Biehl, Board President

Okay, so TSS is correct in saying that anything in between that 10% allowance before it exceeds 10% that is in fact is not reported to the Board.

Janice Unger, Capitol Projects Purchasing Manager

Well, we come to the Board and ask for additional money or percentage of money and then monthly we update you on how much of that we've used and then again, at the very end, we come back with the final change order.

Frank Biehl, Board President

Okay, so the Board gets a report every month included in our packet that shows how much of the 10% allowance has been used.

Janice Unger, Capitol Projects Purchasing Manager

The additional money; not the original 10%, but the additional money.

Frank Biehl, Board President

Anything that goes beyond the original 10%.

Janice Unger, Capitol Projects Purchasing Manager

Correct.

Frank Biehl, Board President

So, TSS, when they say that the 10% is not reported to the Board, then they are correct.

J. Manuel Herrera, Board Vice President

Initial 10%.

Frank Biehl, Board President

The initial 10%.

Janice Unger, Capitol Projects Purchasing Manager

Well, actually, the initial 10% is you awarded it at the time that you awarded the contract because that money is included in the bid amount.

Frank Biehl, Board President

I understand that and that of course is what they are asking to be changed.

Janice Unger, Capitol Projects Purchasing Manager

Yes.

Frank Biehl, Board President

I think this is an interesting area and I do think it is a detailed area. I don't think I want the whole Board bogged down on that, but, boy, I think I would love to get it to the Audit Committee to take look at along with our Internal Auditor and our staff to just kind of shine a light on that and to see if there is a better way to deal with the change orders. I am interested in the idea that the way we do it now then all of your consultants end up getting a percentage of the change order and that's one of the issues. Wasn't that one of the issues that you brought up, TSS?

Vern Weber, Total School Solutions

Yes.

Frank Biehl, Board President

So, when you have that 10% allowance built into the contract, then that means everybody else that works on the percentage of the contract is getting a percentage of that.

Janice Unger, Capitol Projects Purchasing Manager

The, well...

Frank Biehl, Board President

How do you pay your architect on a site?

Janice Unger, Capitol Projects Purchasing Manager

The architect... Well, in phase 2, those contracts are fixed fees now. So, if there is additional scope, then we, again, come back to the Board and ask for additional funds.

Frank Biehl, Board President

Because I've seen things were we've expanded and then they come back and say, "Well, gosh, you had all those change orders." So, therefore, you have got to increase the fee that is being paid the Construction Manager or the Architect.

Janice Unger, Capitol Projects Purchasing Manager

That is correct. That was in phase one. They were paid on a percentage. They were paid a percentage of the contract amount for contractor – so, the final. So, then, "yes," if the contract amount was one amount and then with change orders it was more, then, "yes," the CM got that additional percentage and so did the Architect because they were paid on a percentage of the contract amount, contractor's amount.

Frank Biehl, Board President

Okay, some changes have been made. Do you have a comment on that from TSS?

Vern Weber, Total School Solutions

If I could add a little clarification here. This is an area of great controversy in every school district in the State of California. I have served a Board like you and the perception of that Board was that every change order means that something has gone wrong.

Frank Biehl, Board President

Right.

Vern Weber, Total School Solutions

Not necessarily so. That Board not only wanted to see every change order, but they wanted to see every item in every change order and sometimes there are twenty or thirty or forty items in one change order. So, they wanted to see the complete detail and that's too much for them to swallow. So, I summarized all the change orders by category. I had at that time, I had the category of scope changes, usually increases, but sometimes decreases, and then I identified errors and omissions, agency requirements because sometimes the local Fire Marshall or the Division of State Architect would mandate certain changes in the design to meet what they feel is necessary and then there are those unanticipated occurrences when you take the wall out and you find dry rot that you didn't expect here and all that. Well, it turned out in the district that I am providing, the majority of the change orders were scope changes requested by the Board...

Frank Biehl, Board President

Well, I understand that.

Vern Weber, Total School Solutions

...and that put the issue to rest because...

Frank Biehl, Board President

We often have site requests to change orders. Sometimes things are not apparent until you actually start building and make a decisions there.

Vern Weber, Total School Solutions

Right.

Frank Biehl, Board President

Anyway, I think it is interesting that you had some different ways at looking at this and you were talking about best practices. So, I think we need to investigate that and I think the mechanism would be through our Audit Committee to kind of take a look at that. I don't think the CBOC would be the right place. It is way too large a Committee.

Vern Weber, Total School Solutions

At the end of the day, you don't want to have a change order hold up a project.

Frank Biehl, Board President

Exactly.

Vern Weber, Total School Solutions

You need to have a mechanism that a change order can be made, approved and moved on and then reported later as an allocation.

Frank Biehl, Board President

You were saying that rather than having an allocation included in your contract, you would have an amount of money that would be... different people would be authorized at different levels to authorize that and then come back to the Board later.

Vern Weber, Total School Solutions

Correct. Yes, correct.

Frank Biehl, Board President

So, the Board would give preauthorization to difference members, the Superintendent, maybe \$100,000, maybe \$50,000 over, I don't know what it would be, but there would be some different level of how those things could be done and then reported back to the Board within that allocation.

Vern Weber, Total School Solutions

Correct. Provided it remains within the 10% legal limit.

Frank Biehl, Board President

Right and so it's just a little different way of handling the 10% then the way we handle it now. So, I do think it is worth looking at.

Vern Weber, Total School Solutions

Certainly.

Frank Biehl, Board President

We should do that. I don't have anything else on this.

Chris Funk, Superintendent

Mr. President, I do have one comment.

Frank Biehl, Board President

Please, Mr. Superintendent.

Chris Funk, Superintendent

I just want to... I appreciate the fact that SGI presented a memo in response to not being able to see the full draft of the report, but I do want to say for the record that staff did meet with SGI on three occasions to address the two biggest concerns and, that information, SGI was able to relay to TSS which added that into the final report.

Vern Weber, Total School Solutions

That is correct.

Frank Biehl, Board President

Well, thank you for that for the record. I am going to move that we receive the report and refer it to the Audit Committee for further review.

Lan Nguyen, Board Member

The Audit Committee would be glad to review it.

Frank Biehl, Board President

Do you want to second the motion?

Lan Nguyen, Board Member

Second the motion.

Frank Biehl, Board President

Any further discussion? All those in favor, say, "Aye."

Aye votes:

President Biehl; Vice President Herrera; Clerk Le; Member Nguyen; and Member Carrasco

Anyone opposed "Nay." Motion passes 5/0. Thank you very much for your time and trouble.

Motion

Motion by President Biehl, second by Member Nguyen, to receive the Proposition 39 Bond Measures G & E Performance Audit Final Report from Total School Solutions and refer it to the Audit Committee for further review.

Vote: 5/0

8.05 Update regarding Timeline and Process for Selection of Program Management Services to the District in Connection with the District's Measures G, E and I Bond Program – Chris D. Funk, Superintendent

Board Member Carrasco excused from remainder of the Board Meeting due to a family emergency

Presentation item; no formal action taken on this item

Administration will come back in October, 2013, with a revised plan and timeline. Administration will look at the feasibility of doing both a Construction Management and Program Management RFQ. The first draft of each of the Program Management and Construction Management RFQs will be presented to the Board in November 2013 and scheduled to go out in December/January or January/February.

8.06 Discussion and/or Action of Measure E Distribution for Latino College Preparatory Academy and Charter School - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities

Motion by Vice President Herrera, second by President Biehl, to ratify expenditures of \$96,827.99 of Measure E bond funds for provision of equipment for Latino College Preparatory Academy and Charter School.

Vote: 4/0, Member Carrasco absent

- 8.07 Presentation, Discussion and/or Action of Facilities Planning and Associated Architectural Service Contracts at Independence High School - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, Janice Unger, Capital Projects Purchasing Manager, and Kenneth Kerch, AIA, SGI Bond Program Manager**

Motion by President Biehl, second by Member Nguyen, to approve Amendment No. 02 to Work Authorization No. 01 and Change Order No. 02 to Purchase Order #201162 to redesign building N and reduce scope on building G for the Independence High School Modernization of Buildings N and G (Project Nos. E-065-004/005) with Cody Anderson Wasney Architects for an increased amount not to exceed \$507,320. Change Order No. 01 to Purchase Order #201162. Motion to also approve a new architectural services contract for the Independence High School Modernization of B Commons Building (Project No. Z-065-601) with Cody Anderson Wasney Architects in an amount not to exceed \$374,123.

Vote: 4/0, Member Carrasco absent

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

- 9.01 Hold Public Hearing at Approximately 7:00 p.m. for Resolution #2013/2014-06 Regarding the Gann Spending Limit - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance**

Public hearing held

There were no public speakers on this item.

- 9.02 Discussion and/or Action to Adopt Resolution #2013/2014-06 Establishing Appropriations Gann Spending Limit - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance**

Motion by Vice President Herrera, second by Clerk Le, to adopt Resolution #2013/2014-06 Establishing Appropriations Gann Spending Limit.

Vote: 3/0, Member Nguyen out of room; Member Carrasco absent

- 9.03 Hold Public Hearing at Approximately 7:10 p.m. for Resolution #2013/2014-04 Regarding the Sufficiency of Textbooks and Instructional Materials per Education Code 60119 - Juan Cruz, Assistant Superintendent of Instructional Services**

Public hearing held

There were no public speakers

9.04 Discussion and/or Action to Adopt Resolution #2013/2014-04 Regarding the Sufficiency of Textbooks and Instructional Materials - Juan Cruz, Assistant Superintendent of Instructional Services

Motion by Clerk Le, second by Vice President Herrera, to adopt Resolution #2013/2014-04 regarding the Sufficiency of Textbooks and Instructional Materials.

Vote: 3/0, Member Nguyen out of room; Member Carrasco absent

10. PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD OF TRUSTEES

Members of the public may address the Board on any subject not on tonight's agenda; however, provisions of the Brown Act (Government Code section 54954.2(a) and 54954.3) preclude any action. As an unagendized item, no response is required from the Board or District staff and no action can be taken; however, the Board may instruct the Superintendent to agendize the item for a future meeting. When your name is called, please come to the podium, state your name for the record, and limit your remarks to three (3) minutes.

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

Public speakers:

- *Ralph Giannini, ESTA Vice President*
- *Kieran Kelly, Field Representative for Assemblymember Mark Stone, District 29*

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

11.01 Discussion and/or Action to Adopt Proposed Amendment to East Side Union High School District's Vision Statement - Chris D. Funk, Superintendent

Motion by Member Nguyen, second by Clerk Le, to adopt the amendments to the District's Vision statement.

Vote: 4/0, Member Carrasco absent

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

12.01 Presentation and Discussion regarding Vietnamese Language Program - Juan Cruz, Assistant Superintendent of Instructional Services

Presentation item; no action taken on this item

12.02 Discussion regarding Assembly Bill 9 (or Seth's Law) Anti-Bullying Service Delivery Model - Juan Cruz, Assistant Superintendent of Instructional Services

Item carried to October 17, 2013, Board Meeting

12.03 Presentation, Discussion and/or Action regarding Introduction to the Common Core Standards - Juan Cruz, Assistant Superintendent of Instructional Services

Presentation item; no action taken on this item

12.04 Discussion and/or Action to Approve the Appointment of a Representative to the South East Special Education Local Planning Areas (SELPA) Community Advisory Council Meetings - Juan Cruz, Assistant Superintendent of Instructional Services and Toby Hop stone, Director of Special Services

Motion by Vice President Herrera, second by Clerk Le, to approve the appointment of Janice Richason to represent East Side Union High School District at the South East SELPA CAC Meetings.

Vote: 4/0, Member Carrasco absent

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

13.01 Discussion and/or Action to Approve Provisional Permit Request for Certificated Employee - Cari Vaeth, Director, Human Resources

Motion by Clerk Le, second by Member Nguyen, to approve the provisional permit request for certificated employee as presented.

Vote: 4/0, Member Carrasco absent

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

14.01 Presentation, Discussion and/or Action to Accept Unaudited Actual for Fiscal Year 2012/2013 - Marcus Battle, Associate Superintendent of Business Services, and Karen Poon, Director of Finance

Public speaker:

- *Susan Williams*

Motion by Member Nguyen, second by Vice President Herrera, to accept and approve the Unaudited Actual for 2012-2013 fiscal year as presented.

Vote: 4/0, Member Carrasco absent

14.02 Discussion and/or Action to Approve Contracts for Professional Services Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator

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

Vote: 4/0, Member Carrasco absent

14.03 Discussion and/or Action to Approve Facilities Use Agreements - Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator

Motion by President Biehl, second by Vice President Herrera, to approve the Facilities Use Agreements as presented.

Vote: 4/0, Member Carrasco absent

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

15.01 Presentation, Discussion and/or Action of Summer Short-Term Staffing Outcome - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, Julie Kasberger, Director of General Services, and Randy Phelps, Director of Information Technology

Public speaker:

- *Susan Williams*

Presentation item; Report received

15.02 Discussion and/or Action of Bond/Capital Projects Contracts Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Janice Unger, Capital Projects Purchasing Manager

Motion by President Biehl, second by Clerk Le, to approve the Bond/Capitol Projects Contracts over \$50,000 as presented (copy attached).

Vote: 4/0, Member Carrasco absent

15.03 Discussion and/or Action to Ratify CUPCAA Informal Bond Projects - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Janice Unger, Capital Projects Purchasing Manager

Motion by Vice President Herrera, second by Member Nguyen, to ratify the CUPCAA Informal Projects as presented.

Vote: 4/0, Member Carrasco absent

**Consent / Action Calendar
Sections 16-20**

All items listed under the Consent/Action Calendar are considered by the Board to be routine and will be enacted in one motion. There will be no discussion of these items prior to the time the Board considers the motion, unless members of the Board or the Superintendent request specific items to be discussed and/or removed from the Consent/Action Calendar.

Superintendent asserts that the following Business Transactions, Personnel Actions, Maintenance of Records, Approvals and Recommendations requiring Board Action have been carried out to the best of his knowledge in accordance with the law.

Motion by Vice President Herrera, second by Member Nguyen, to approve the entire consent/action calendar, sections 16-20, as presented.

Vote: 4/0, Member Carrasco absent

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

- 16.01 Ratify/Approve Superintendent's Attendance and Lawful Expenses to Conferences/ Workshops/Meetings
- 16.02 Approve Minutes of August 10, 2013, Regular Board Retreat/Meeting
- 16.03 Approve Minutes of August 22, 2013, Regular Board Meeting

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

- 17.01 Approve School Field Trips

18. Human Resources - Consent / Action Calendar

- 18.01 Ratify/Approve Classified Personnel Actions Presented September 19, 2013
- 18.02 Ratify/Approve Certificated Personnel Actions Presented September 19, 2013
- 18.03 Ratify/Approve Student Aide Personnel Actions Presented September 19, 2013

19. Business Services - Consent / Action Calendar

- 19.01 Approve Award of Bids
- 19.02 Approve Contracts for Professional Services under \$50,000
- 19.03 Approve Memoranda of Understanding
- 19.04 Approve Budget Transfers

- 19.05 Approve Purchase Orders
- 19.06 Approve Change Orders to Purchase Orders
- 19.07 Adopt Resolution 2013/2014-07 Ratify Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546
- 19.08 Accept Warrant Register for the Month of August 2013

20. Facilities - Consent / Action Calendar

- 20.01 Approve Use of Piggyback Bids Award for Bond/Capital Projects
- 20.02 Approve Bond/Capital Projects Contracts for Professional Services At or Below \$50,000
- 20.03 Approve Final Change Order #1 for the Piedmont Hills High School New Auxiliary Gymnasium Project, E-045-002 (BCI Builders, Inc.)
- 20.04 Approve Notice of Completion for the Andrew Hill, Piedmont Hills, James Lick, Oak Grove and Yerba Buena High Schools All Weather Track Re-surfacing Project, G-025-202, G-045-202, G-030-202, G-050-202, and G-060-202 (Hellas Construction, Inc.)
- 20.05 Approve Notice of Completion for the Silver Creek High School Restroom Renovation Project, E-055-004 (Zelman Construction & Development Inc.)
- 20.06 Approve Notice of Completion for the KIPP Relocatable Science Classrooms Project, MG2011-01 (Enviroplex Inc.)

21. WRITTEN REPORTS/RECOMMENDATION

Items under section 21 are written reports that are received into the public record. No action is taken by the Board.

- 21.01 Receive Update to Previously Approved Change Orders for Current Bond Projects which Exceed the 10% Allowance

Item received

- 21.02 Receive Quarterly Report on the County of Santa Clara Treasury Investment Portfolio Status as of June 30, 2013

Item received

- 21.03 Receive from Santa Clara County Office of Education Approval Letter of the 2013-14 Adopted Budget

Item received

- 21.04 Receive Report of Annual Legal Expenses for Fiscal Year 2012-2013

Item received

22. FUTURE AGENDA ITEMS

22.01 Opportunity for Board of Trustees to request items on future agendas.

Board President Biehl

Item	Date (tentative)	Type
Report on Strategic Plan Budget Process	January 2014	Presentation/Discussion

Board Clerk Van Le

Item	Date (tentative)	Type
Student Achievement Report	October 17, 2013	Presentation/Discussion

22.02 Future Items:

Board Clerk Van Le

Item	Date (tentative)	Type
AVID Program	October 17, 2013	Presentation/Discussion
Bond Program Construction Projects Report	October 17, 2013	Presentation/Discussion

23. BOARD OF TRUSTEES/SUPERINTENDENT COMMUNICATIONS/COMMENTS

23.01 Board of Trustees

Van Le, Board Clerk

I would like to congratulate Principal Tom Huynh and his staff at YB for a wonderful front page article in the Mercury News on September 16 in support of student success. I am proud of the District for moving further into different areas that we are taking to the next level and giving credit to Chris for his leadership.

I attended the ribbon cutting event at Silver Creek. It was wonderful to see the theater done and the nice fresh paint. It looks great! It makes me feel good. The community will appreciate these bond monies that were used wisely and at all of the sites. I am proud of the work. Thank you to the staff.

Also, I want to see from Julie a vegetarian salad. I was wondering how the students have accepted it or liked it. We had talked last year about something vegetarian for the students.

Frank Biehl, Board President

I attended the district wide college night at Independence High School. I thought it was great. It was really good seeing all those kids and parents really interested in going to college. I am appreciative of the administration for establishing some additional workshops that seemed to be effective and had a great deal of interest. It was just a good exciting night.

I am going to be going on vacation in the next ten days. My wife and I said that if we don't schedule, it will never happen. We are just going up to Oregon for awhile and going to Ashland for some plays and a little bit of time on the coast and then I'll be back. If you don't get answers to your e-mails in the next ten days, that is why; I don't do it on the phone and all that stuff. I just go away for ten days.

I am going to start visits to schools in late October, December and January. I will be sending a note out early in October asking Principals as to what dates might work for me to visit their schools.

23.02 Chris D. Funk, Superintendent

I just want to report that I will be traveling next week to Washington, D.C. with Mayor Chuck Reed to attend the National Forum on Youth Violence and Prevention. East Side has received a lot of traction around our alternative to suspensions and expulsions. Since I sit on the Mayor's Gang Task Force, I turned down the offer last year and they twisted my arm this year. I will be out of the office Wednesday through Friday. I will report back some of the things I learned and our presentation at this particular conference.

24. 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.

25. ADJOURNMENT

President adjourns the meeting.

The meeting was adjourned at 10:25 p.m.

Respectfully submitted,



Board Clerk

Agenda Item Details

Meeting	Sep 19, 2013 - ESUHSD REGULAR BOARD MEETING - 4:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133
Category	14. BUSINESS SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION
Subject	14.02 Discussion and/or Action to Approve Contracts for Professional Services Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator
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**EAST SIDE UNION HIGH SCHOOL DISTRICT**

Item: 14.02

TO: Board of Trustees

FROM: Chris D. Funk, Superintendent

PREPARED BY: Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M., Contracts Administration Coordinator

SUBJECT: Discussion and/or Action of 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.

[Contracts Over \\$50k Final.pdf \(23 KB\)](#)

[WestEd Sole Source Justification.pdf \(128 KB\)](#)

Executive Content

Last Modified by Betty Banderas on September 10, 2013

**EAST SIDE UNION HIGH SCHOOL DISTRICT
BOARD OF TRUSTEES
APPROVED** September 19, 2013



M. Battle

EAST SIDE UNION HIGH SCHOOL DISTRICT
Contracts for Professional Services over \$50,000
Board Meeting of September 19, 2013

1. Blackboard Connect

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Randy Phelps Mac Cage Marcus Battle Donna Bertrand	July 1, 2013 – June 30, 2014	\$57,655.00 Data Processing	Education Center, Information Technology Randy Phelps, Director

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to approve the Sales Order Agreement with Blackboard Connect (previously Teleparent) for the procurement of the annual subscription and support fees in the amount of \$57,655.00 and for the contract term of July 1, 2013 through and including June 30, 2014.

The agreement provides ESUHSD with 23,062 licenses for the use of Blackboard Connect K-12 Service with Connect for Teachers and 24x7x365 support and online training.

Selection Process

No solicitation process took place for this service.

RECOMMENDATION

It is recommended that the Board of Trustees approve the Sales Order Agreement with Blackboard Connect in the amount of \$57,655.00 for the contract term of July 1, 2013 through and including June 30, 2014.

2. BMR Health Services Inc.

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Toby Hopstone Juan Cruz Chris Funk Donna Bertrand	September 23, 2013 – June 30, 2014	\$80,000.00 Special Services	Special Services Toby Hopstone

East Side Union High School District (ESUHSD) Administration is requesting authorization from the Board of Trustees to approve a Contract Services Agreement with BMR Health Services, Inc. for the procurement of the speech therapy services to ESUHSD special education students in accordance with the student's IEP. The contract shall not exceed \$80,000 for the contract term of September 23, 2013 through and including June 30, 2014.

Selection Process

Two other quotes had been previously received from AlphaVista and Educational Based Services (EBS). Contracts were issued to these other AlphaVista and EBS under previous board authority (June 27, 2013). However, due to urgent need within the Special Services Department a contract is now being requested with BMR Health Services, Inc. without going through any further solicitation process.

RECOMMENDATION

It is recommended that the Board of Trustees approve the Contract Services Agreement with BMR Health Services, Inc. in the amount not-to-exceed \$80,000.00 for the contract term of September 23, 2013 through and including June 30, 2014.

3. WestEd (RATIFICATION) (SOLE SOURCE)

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Toby Hopstone Donna Bertrand Juan Cruz	August 1, 2013 – June 30, 2014	\$100,000.00 Special Services	Special Services Toby Hopstone

East Side Union High School District (ESUHSD) Administration is requesting the Board of Trustees to ratify an Agreement with WestEd to assist the ESUHSD to implement an aligned process, under the umbrella of Multi-Tiered Systems of Supports (MTSS), at the site and district level in the not-to-exceed amount of \$100,000.00.

The MTSS framework will be used to coordinate the implementation of the Coordinated Early Intervention Services (CEIS) plan in response to the determination of Significantly Disproportionate Representation in special education.

Selection Process

Administration is requesting the Board to approve WestEd's Center for Prevention and Early Intervention (CPEI) as a Sole Source contractor to assist ESUHSD in the development of a Multi-tiered System of Support (MTSS).

WestEd's CPEI staff has a unique set of skills in applying research to practice. CPEI staff has worked at national, state, district, and classroom levels of the educational system to develop policy, practices and strategies to align systems of support for students with disabilities and struggling learners seamlessly into education systems and initiatives. Most recently, CPEI's Dona Meinders has worked with the California Department of Education (CDE) to ensure integration and inclusion of the MTSS as the framework for implementation of Common Core State Standards in incorporated into the Framework documents for CCSS in English Language Arts and mathematics. This work has also included development of strategies for inclusion and support for students with disabilities and struggling learners. In addition, CPEI's Ginni Davis has assisted Dona on a contract from CDE in the development of an online professional learning module on MTSS which will be housed on CDE's Brokers of Expertise site.

Due to their extensive knowledge of CPEI, MTSS, and ESUHSD, Administration believes it to be in its best interest to utilize the services of WestEd for this project as a sole source consultant. (Sole Source Letter attached)

RECOMMENDATION

It is recommended that the Board of Trustees ratify the Agreement with, and the sole source justification for WestEd to provide consultation services for the implementation of an aligned process, under the umbrella of the Multi-Tiered Systems of Supports (MTSS), at the site and district level in an amount not-to-exceed \$100,000. The term shall be August 1, 2013 through and including June 30, 2014.



excellence in research, development, and service

Toby Hopstone, Ed.D
Director of Special Services
East Side Union High School District
830 North Capitol Avenue
San Jose, CA 95133

Dear Dr. Hopstone;

Thank you for the consideration of WestEd's Center for Prevention and Early Intervention (CPEI) as a Sole Source contractor to assist your district in the development of a Multi-tiered System of Support (MTSS). The framework of MTSS for the implementation of the support structures will provide strategies for a response to the issues of disproportionate representation in special education. WestEd's CPEI is uniquely qualified to provide you with the overarching design and implementation of this systemic structure.

WestEd is a nonprofit research, development, and service agency that works with education and other communities to promote excellence, achieve equity, and improve learning for children, youth, and adults. Since its inception in 1966, WestEd has been guided by knowledge from research and practice, drawing on and contributing to an ever-growing understanding of how we can all support success for every learner.

WestEd's CPEI staff has a unique set of skills in applying research to practice. CPEI staff have worked at national, state, district, and classroom levels of the educational system to develop policy, practices and strategies to align systems of support for students with disabilities and struggling learners seamlessly into education systems and initiatives. Most recently, CPEI's Dona Meinders has worked with the California Department of Education (CDE) to ensure integration and inclusion of the MTSS as the framework for implementation of Common Core State Standards in incorporated into the Framework documents for CCSS in English Language Arts and mathematics. This work has also included development of strategies for inclusion and support for students with disabilities and struggling learners. In addition, CPEI's Ginni Davis has assisted Dona on a contract from CDE in the development of an online professional learning module on MTSS which will be housed on CDE's Brokers of Expertise site.

CPEI's Art Darin has joined Ginni in the development and application of processes aligned to Implementation Science to assist districts to implement and sustain effective practices. This work has been incorporated into the proposal for work with your district as a means to build your staff's capacity to implement and sustain the proposed changes to your policies and procedures. A key component of this work is the focus on the alignment of key initiatives. With this focus in mind, Art who has worked with your district on the implementation of the *Linked Learning* grant and several other initiatives, will be able provide linkages and cross walks to these initiatives to assist with implementation and collaboration across the district structures.



excellence in research, development, and service

We present these unique qualifications the WestEd's CPEI staff posses and hope that you will consider us as a Sole Source contractor for your district. Please feel free to contact me for additional information or questions.

Sincerely,

A handwritten signature in blue ink that reads "Dona Meinders".

Dona Meinders, MA

Project Director

WestEd Center for Prevention and Early Intervention

Agenda Item Details

Meeting Sep 19, 2013 - ESUHSD REGULAR BOARD MEETING - 4:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

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

Subject 15.02 Discussion and/or Action of Bond/Capital Projects Contracts Over \$50,000 - Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Janice Unger, Capital Projects Purchasing Manager

Access Public

Type Action, Discussion

Recommended Action It is recommended that the Board of Trustees approve the Bond/Capital Projects contracts as recommended in the attachment.

Public Content

EAST SIDE UNION HIGH SCHOOL DISTRICT

Item: 15.02

TO: Board of Trustees

FROM: Chris D. Funk, Superintendent

PREPARED BY: Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Janice Unger, Capital Projects Purchasing Manager

SUBJECT: Discussion and/or Action of Bond/Capital Projects Contracts Over \$50,000

The attachment for the Bond/Capital Projects Contracts over \$50,000 is 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 Bond/Capital Projects contracts as recommended in the attachment.

[Bond Capital Projects Contract Over \\$50k.pdf \(17 KB\)](#)

Executive Content

Last Modified by Vangie Avila on September 11, 2013

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

APPROVED

September 19, 2013



EAST SIDE UNION HIGH SCHOOL DISTRICT
Bond/Capital Projects Contract for Services over \$50,000
Board Meeting of September 19, 2013

1. Williams Scotsman – Ratify Lease Agreement

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Linda da Silva Janice Unger Marcus Battle	July 1, 2013 – until cancellation of lease	\$215,884.80 Capital Facilities	Mt. Pleasant High School/Facilities Teresa Marquez, Principal Linda da Silva, Director of Construction, Maintenance & Facilities

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to ratify the continuation of the lease for fourteen (14) relocatable classrooms at Mt. Pleasant High School. Administration is requesting authorization to keep these relocatable classrooms on a month to month lease. Staff will evaluate the need on an annual basis. These units will be used to house Mt. Pleasant High School students as well as house Summit Rainer Charter School students.

Selection Process

N/A. This is a continuation of a current lease.

RECOMMENDATION

It is recommended that the Board of Trustees approve the continuation of the lease for fourteen (14) relocatable classrooms at Mt. Pleasant High School with **Williams Scotsman** for an amount of \$215,884.00 for the extended period of July 1, 2013 until written cancellation of the lease. Staff will evaluate the need on an annual basis.

2. The Consulting Group

Reviewed by:	Contract Period	Fiscal Impact/ Funding Source	School/Department/ Manager
Randy Phelps Linda da Silva Janice Unger Marcus Battle	September 20, 2013 – until project completion	\$ 58,500.00 (not to exceed) Measure E	All Sites – District Wide/Facilities Randy Phelps, Director of Information Technology Linda da Silva, Director of Construction, Maintenance & Facilities

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to enter into and approve an agreement with The Consulting Group to assess the District's needs and requirements for a new video security system, help staff formulate, disseminate and evaluate an RFP for a solution and consult with the District as needed for implementation. (Project No. E-013-009)

Selection Process

Capital Purchasing Department solicited five (5) firms for qualifications and proposals (RFQ/P-04-13-14) for a video security system assessment consultant. The District received four (4) proposals from consulting firms. Evaluations were performed by staff members from Information Technology, Facilities Planning & Capital Purchasing departments. After careful review of each proposal submitted and discussion, District staff based their recommendation on demonstrated competence and qualifications to perform the services and achieve fair and reasonable fees. Below represent the firms that submitted proposals and their fees:

Consultant	Assessment	Prep As-Built Drawings	Total
The Consulting Group	\$38,500.00	\$20,000.00	\$58,500.00
TEECOM	\$33,000.00	\$27,500.00	\$60,500.00
Security By Design	\$46,200.00	\$26,600.00	\$72,800.00
Guidepost Solutions	\$49,950.00	\$43,825.00	\$93,775.00

RECOMMENDATION

It is recommended that the Board of Trustees enter into and approve an Agreement with **The Consulting Group** in an amount not to exceed \$58,500.00 for the assessment and solution for a new Video Security System – District Wide, (Project No.: E-013-009)

Agenda Item Details

Meeting Sep 19, 2013 - ESUHSD REGULAR BOARD MEETING - 4:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category 19. BUSINESS SERVICES - CONSENT/ACTION CALENDAR

Subject 19.02 Approve Contracts for Professional Services Under \$50,000

Access Public

Type Action (Consent)

Recommended Action It is recommended that the Board of Trustees approve the Contracts for Professional Services under \$50,000 as presented.

Public Content

EAST SIDE UNION HIGH SCHOOL DISTRICT

Item: 19.02

TO: Board of Trustees

FROM: Chris D. Funk, Superintendent

PREPARED BY: Marcus Battle, Associate Superintendent of Business Services, and Donna Bertrand, C.P.M.,
Contracts Administration Coordinator

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

The attachment for the Contracts for Professional Services under \$50,000 is being presented for Board review and approval.

FISCAL IMPACT:

As indicated

FUNDING SOURCE:

As indicated

RECOMMENDATION:

It is recommended that the Board of Trustees approve the Contracts for Professional Services under \$50,000 as presented.

[Contract Under \\$50k 9-19-13.pdf \(39 KB\)](#)

Executive Content

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

Last Modified by Betty Banderas on September 10, 2013

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

APPROVED

September 19, 2013



**EAST SIDE UNION HIGH SCHOOL DISTRICT
PROFESSIONAL CONTRACT SERVICES At or Below \$50,000**
Board Meeting of September 19, 2013

	Contractor Name	Reviewed By	Contract Period	Cost/ Funding	School/Dept. Manager	Purpose
1.	Animal Damage Management	John Lawrence Linda da Silva Marcus Battle Donna Bertrand	July 1, 2013 – June 30, 2014	\$5,000.00 Restricted Maintenance	District Wide/ Maintenance John Lawrence, Assistant Director	REQUEST FOR RATIFICATION To provide “intensified cleanup” services for ground squirrel problem district wide.
2.	Gail Tsuboi	Marcus Battle Donna Bertrand	October 9, 2013	\$1,300.00 General Fund	Education Center Marcus Battle, Associate Superintendent of Operations and Business Services	To provide graphic recording and transcription services for the Business Services Retreat.
3.	Jeffrey R. Sprague	Toby Hopstone Juan Cruz Donna Bertrand	September 1, 2013 – June 1, 2014	20,000.00 Special Ed-Early Intervening Services	Special Education Toby Hopstone, Director	To provide training and consultation in Positive Behavior Intervention System (PBIS). No solicitation process took place for this service.
4.	Kern County Superintendent of Schools	Randy Phelps Marcus Battle Donna Bertrand	October 1, 2013 – June 30, 2014	\$17,642.80 General Fund	Information Technology Randy Phelps, Director	To provide continued 10 hours per week of CALPADS support and training. No solicitation process took place for this service. Kern County is the administrative agent for the Fiscal Crisis and Management Assistance Team (“FCMAT”) which in turn administers California School Information Services (“CSIS”), a program established by the California Legislature to assist local education agencies with electronic submission of data to the COE. Therefore, it makes sense to use this agency for this type of support and training.

5.	Losee's Goose Control	John Lawrence Linda da Silva Marcus Battle Donna Bertrand	March 22, 2013 – June 30, 2014 (unchanged)	\$6,700.00 (increased) Restricted Maintenance	Independence/ Maintenance John Lawrence, Assistant Director	Vendor provides geese control services using dogs and other methods to eliminate/reduce the Canada geese problem at Independence High School. Change Order #2 is being requested to increase funding due to the extended geese problem at Independence. At the June 27, 2013 Board Meeting the Board approved extending the contract through June 30, 2014. However, at that time Administration thought the funding amount was adequate to eradicate the geese problem. The geese continue to be a problem but are expected to be minimized due to this service being provided. Original Purchase Order was for \$3,550.00, Board approved on March 21, 2013 + Change Order #1 had no increase in funding only extended term through June 2014 + Change Order #2 adding \$6,700.00 for a new Purchase Order total of \$10,050.00.
6.	Loyola Marymount University	Cari Vaeth Chris Funk Donna Bertrand	No Term Specified	No Cost	Human Resources Cari Vaeth, Director	The School of Education at Loyola Marymount University, Teacher Education Intern Credential Program [Multiple, Single Subject, and Education Specialist (mild/moderate) and BCLAD emphasis]. Loyola would like to partner with ESUHSD to allow Loyola students to intern at ESUHSD's schools through their Internship Program.
7.	Perry S. Shimanoff, d.b.a. MC2	John Lawrence Linda da Silva Marcus Battle Donna Bertrand	August 19, 2013 – August 18, 2014	\$5,000.00 Restricted Maintenance	Maintenance John Lawrence, Assistant Director	REQUEST FOR RATIFICATION MC2 will host ESUHSD's SPMMS (maintenance department's online work order system) Internet system. They will provide ESUHSD with WEB address and unique username and password for access to our system. We may issue as many passwords as we need. This initial cost includes a one-time \$1,500.00 non-refundable setup, installation, and license fee; and then an annual recurring fee of \$3,500.00.

8.	Rita R. Alfred	Toby Hopstone Juan Cruz Donna Bertrand	September 1, 2013 – June 30, 2014	40,000.00 Special Ed-Early Intervening Services	Special Education Toby Hopstone, Director	To plan and implement a framework for Restorative Justice and Practices, at each of the tree pilot high schools in ESUHSD. This will be part of a system of three tiered interventions for students in need, prior to referral to special education. Consultant will assist the ESUHSD with training and coaching in, and consultation regarding Restorative Justice Practices in order to positively impact school climate, discipline, student engagement, cohesiveness of faculty, and school-community based systems of collaboration for students in at-risk situation. Consultant will also assist ESUHSD in the implementation and evaluation of a range of restorative practices, led by the District-wide Team and school site teams at each of the pilot schools. No solicitation process took place for this service.
9.	Santa Clara County Fairgrounds	Kirsten King Paul Kilkenny Juan Cruz Donna Bertrand	February 6-8, 2014	No cost to ESUHSD	Education Center Kirsten King, Director Paul Kilkenny, Subject Area Coordinator - Science	To rent the fairgrounds to have the Science Palooza for 2014. ESUHSD does not pay the costs for the Science Palooza. The non-profit Synopsys Outreach Foundation will pay the costs as they have in the past. ESUHSD will sign the contract and provide the insurance coverage and Synopsys will pay the costs and run the event.
10.	Santa Clara County Office of Education (SCCOE) Early Head Start Program	Richard Uribe Deborah Barnes Juan Cruz Donna Bertrand	Summer 2013	\$19,259.92 (REVENUE)	Instruction/Child Development Program Richard Uribe, Director Deborah Barnes, Program Coordinator	ESUHSD provided summer school to High School students who had children eligible for the SCCOE Early Head Start program during the month of June 2013. This contract provides ESUHSD COE's financial contribution towards ESUHSD's incurred expenses.

11.	Shane K. Safir	Teresa Marquez Chris Funk Juan Cruz Donna Bertrand	November 21, 2013 – April 3, 2014	\$25,000.00 Title I	Mt. Pleasant Teresa Marquez, Principal	To provide “teacher development” in a three-part learning series: teaching for transformation and the common core standards. Each series will be three hours long. Customized design and sharing of instructional tools will be provided by Consultant. Material handouts will be provided by school site. No solicitation process took place for this service.
12.	Snider and Associates	Marcus Battle Donna Bertrand	October 9, 2013	\$2,500.00 (not-to-exceed) General Fund	Education Center/ Business Services Marcus Battle, Associate Superintendent	To provide facilitation and consultation to the Division of Business Services by assisting the Division in developing a district wide strategic plan for delivery of Business Services.
13.	Swanson & Cosgrave Consulting, LLC	Juan Cruz Donna Bertrand	June 4, 2013	\$1,613.00 General Fund – Restricted	Education Center/ Instructional Services Juan Cruz, Assistant Superintendent	REQUEST FOR RATIFICATION Provided training on Problem-Based Learning and Interdisciplinary Projects.
14.	Western Interpreting Net	Greg Louie Juan Cruz Donna Bertrand	July 1, 2013 – June 30, 2014	\$3,000.00 General Fund	Santa Teresa High School Greg Louie, Principal	REQUEST FOR RATIFICATION To provide deaf interpreting services for a teacher during staff meetings.

Agenda Item Details

Meeting Sep 19, 2013 - ESUHSD REGULAR BOARD MEETING - 4:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category 20. FACILITIES - CONSENT/ACTION CALENDAR

Subject 20.02 Approve Bond/Capital Projects 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 Bond/Capital Projects 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**EAST SIDE UNION HIGH SCHOOL DISTRICT****Item: 20.02****TO:** Board of Trustees**FROM:** Chris D. Funk, Superintendent**PREPARED BY:** Marcus Battle, Associate Superintendent of Business Services, Linda da Silva, Director of Construction, Maintenance and Facilities, and Janice Unger, Capital Projects Purchasing Manager**SUBJECT:** Approve Bond/Capital Projects Contracts for Professional Services At or Below \$50,000

The attached lists the Bond/Capital Projects Contracts for Professional Services at or below \$50,000 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 Bond/Capital Projects 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.

[Bond Capital Projects Contracts At or Below \\$50k.pdf \(20 KB\)](#)

Executive Content

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

Last Modified by Vangie Avila on September 9, 2013

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

APPROVED**September 19, 2013**

EAST SIDE UNION HIGH SCHOOL DISTRICT
BOND/CAPITAL PROJECTS PROFESSIONAL CONTRACT SERVICES At or Below \$50,000
 Board Meeting of September 19, 2013

A. BOND / FACILITIES

	Contractor Name	Reviewed By	Contract Period	Cost/Funding	School/Dept. Manager	Purpose
1.	ANLA Associates, Inc.	L. da Silva M. Battle J. Unger	September 20, 2013 until project is completed	\$8,540.00 (not to exceed) Measure E	Calero High School/Robert Ibarra, Principal Linda da Silva, Director of Construction, Maintenance & Facilities	Provide landscape architectural services in preparing landscape construction documents for planting and irrigation at the new parking lot at Calero High School Modernization Project (E-080-002).
2.	Cumming	L. da Silva M. Battle J. Unger	September 20, 2013 through June 30, 2014	\$15,000.00 (not to exceed) Measure I	All school sites Linda da Silva, Director of Construction, Maintenance & Facilities	Provide cost estimating services on an as-needed basis during the program planning stages for the scope of projects under the Measure I Bond program.
3.	Musson Theatrical	L. da Silva M. Battle J. Unger	September 20, 2013 until project is completed	\$25,000 (not to exceed) Measure E	Independence High School/Grettel Castro-Stanley, Principal Linda da Silva, Director of Construction, Maintenance & Facilities	Change Order #1 to Purchase Order # 302002, Amendment #1 for additional repairs required resulting from the survey, evaluate and report on the rigging systems in terms of current/typical practices and CAL-OSHA product standards for the Independence High School Theatre Modernization Building F Project (E-065-003). Some information received will be applied to the current modernization design with recommendation of critical service repairs to equipment needed immediately for safety precautions. Original Purchase Order Amount \$2,850.00 + Change Order #1 \$25,000.00 = a new Purchase Order Total \$ 27,850.00.