

SEQUOIA UNION HIGH SCHOOL DISTRICT  
BACKGROUND INFORMATION FOR  
AGENDA ITEMS FOR 7/22/15, BOARD MEETING

1. CALL TO ORDER

Anyone wishing to address the Board on closed session matters may do so at this time.

2. CLOSED SESSION

- a. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION: Initiation of litigation pursuant to paragraph (2) to (5), inclusive, of subdivision (e) of Government Code Section 54956.9 (one case)
- b. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION: one case
- c. SUPERINTENDENT’S EVALUATION—GOVERNMENT CODE SECTION 54957

3. ROLL CALL

4. WELCOME AND EXPLANATION TO AUDIENCE

5. PLEDGE OF ALLEGIANCE

6. APPROVAL OF AGENDA

7. REPORT OUT ON CLOSED SESSION

8. APPROVAL OF CONSENT CALENDAR

Board action to approve the following items is taken simultaneously with one motion which is not debatable and requires an unanimous roll call vote for passage. The action indicated on each item is deemed to have been considered in full and action taken as worded therein. If a member of this Board, the Superintendent, or the Public so requests, any item shall be removed from this section and placed on the regular order of business.

*MOTION: waive reading of the Consent Calendar, accept the reports, adopt the resolutions, and approve other items.*

a. APPROVAL OF FIELD TRIPS

SITUATION

**Carlmont High School**

80 Football Team members will participate in an over-night camp at Carlmont High School on August 14- 16, 2015.

**Menlo-Atherton High School**

1 Homemakers of America-Home Economics Related Occupations (FHA-HERO) member will travel to San Jose and Fresno State University on July 27-31, 2015, to participate in the state-wide Region Officer Training Conference

**Woodside High School**

20 Cheer Team members will travel to University of California (UC), Santa Cruz on July 24-27, 2015, to participate in the U.S.A. Cheer camp.

28 Dance Team members will travel to University of California (UC), Santa Cruz on July 28-31, 2015, to participate in a dance camp.

FISCAL IMPACT

No fiscal impact on General Fund. No student will be denied the opportunity to participate in these field trips due to finances.

RECOMMENDATION

That the Board of Trustees approves the field trip requests for Carlmont's Football Team to stay on campus over-night on August 14-16, 2015; Menlo-Atherton's FHA-HERO member to San Jose and Fresno State University on July 27-31, 2015; Woodside's Cheer Team to UC Santa Cruz on July 24-27, 2015; Dance Team to UC Santa Cruz on July 28-31, 2015.

- b. APPROVAL OF CONTRACT WITH BAY AREA BIOTECHNOLOGY EDUCATION CONSORTIUM FOR GENE CONNECTION PROGRAM

SITUATION

The Bay Area Biotechnology Education Consortium (BABEC) has provided services for Sequoia district science teachers for many years. Science teachers use this curriculum to offer students a hands-on, real life experience involving genetics testing. The Gene Connection Program lends schools the lab equipment and solutions and teachers rotate the use of these materials for their Gene Connection unit. This unique program and partnership are very important to the 9<sup>th</sup>-10<sup>th</sup> grade science curriculum at all sites. Enclosed with the background materials is the contract with BABEC, not to exceed \$38,400.

FISCAL IMPACT

\$38,400 to be paid by School Site funds.

RECOMMENDATION

That the Board of Trustees approves the Contract with Bay Area Biotechnology Education Consortium for Gene Connection Program.

APPROVAL OF CONTRACT WITH PARTNERS IN COMMUNICATION

- c. SITUATION

Partners in Communication will provide interpretation services for a deaf student. Enclosed with the background materials is the contract with Partners in Communication, not to exceed \$100,000. Additional information concerning the service provided is available upon request.

FISCAL IMPACT

\$100,000 to be paid from Special Education funds.

RECOMMENDATION

That the Board of Trustees approves the contract with Partners in Communication for Interpretation Services for a Special Education student.

- d. APPROVAL OF CONTRACT WITH DWK LAW FIRM FOR LEGAL SERVICES FOR SPECIAL EDUCATION

SITUATION

The firm of Dannis Woliver Kelley (DWK) provides legal and counseling services, and specializes in representing school and community college districts. Enclosed with the background materials is the contract with DWK Law Firm. Additional information concerning the service provided is available upon request.

FISCAL IMPACT

To be determined

RECOMMENDATION

That the Board of Trustees approves the contract with DWK Law Firm for Legal Services for Special Education.

- e. APPROVAL OF CONTRACT WITH ADRIAN AMANDI FOR SPECIALIZED VISION AND ASSISTIVE TECHNOLOGY SERVICES

SITUATION

Adrian Amandi, Teacher of the Visually-Impaired and Assistive Technology Specialist will provide specialized vision services and assistive technology services to a blind student who will be in high level classes requiring many adaptations for her to access the curriculum. Enclosed with the background materials is the contract with Adrian Amandi, not to exceed \$129,130. Additional information concerning the service provided is available upon request.

FISCAL IMPACT

\$129,130 to be paid by Special Education funds.

RECOMMENDATION

That the Board of Trustees approves the contract with Adrian Amandi for Specialized Vision and Assistive Technology Services.

- f. ADOPTION OF RESOLUTION NO. 1552, ACKNOWLEDGING THE REQUIREMENTS OF REGULATION SECTION 1859.95.1

SITUATION

The Office of Administrative Law approved emergency regulations on November 1, 2012 that impacts how the Office of Public School Construction (OPSC) will process applications received after existing bond authority is no longer available for New Construction or Modernization applications. These regulations establish a State Allocation Board (SAB) acknowledged list for projects that are received by OPSC after bond authority is exhausted. The new list is called the "Applications Received Beyond Bond Authority List." This list will be presented to the SAB for acknowledgement, but not approval. Because the applications will not be fully processed for final grant determination, the project funding amounts on the list will be estimates only, and would likely be different if finalized.

A new construction or modernization application package received on or after November 1, 2012 must include a school Board Resolution that includes several acknowledgements, as specified in new regulation section 1859.95.1. In order to submit an SAB 50-04 funding application, the enclosed school Board Resolution is required.

Staff is planning to submit an application for the F-Wing Classroom Building Project at Menlo-Atherton High School.

FISCAL IMPACT

No Impact to General Fund. All costs to be paid by state matching funds.

RECOMMENDATION

That the Board of Trustees adopts Resolution No.1552, Acknowledging the Requirements of Regulation Section 1859.95.1.

- g. APPROVAL OF CONTRACT WITH CORNERSTONE EARTH GROUP FOR ENVIRONMENTAL SERVICES

SITUATION

On May 20, 2015, the board approved the bid to relocate four modular classrooms, underground utilities and other site improvements in preparation for the new classroom building at Sequoia High School. Part of this work is to remove the underground diesel and gasoline storage tanks, waste oil tank and hydraulic lifts in the former transportation and maintenance yard. The San Mateo County Health Department will be involved in these activities and requires an environmental consultant be present to provide pre-field activities, observation and guidance, laboratory analysis and final report. Cornerstone Earth Group provided the preliminary report to the county and staff is now seeking to hire Cornerstone Earth Group in the amount of \$30,060 to complete this process. Enclosed with the background materials is the contract with Cornerstone Earth Group, not to exceed \$30,060.

FISCAL IMPACT

No impact to General Fund; all cost to be paid by deferred maintenance.

RECOMMENDATION

That the Board of Trustees approves the contract with Cornerstone Earth Group for Environmental Services

- h. APPROVAL OF JOB DESCRIPTION FOR DIRECTOR OF ENGLISH LEARNERS AND SPECIAL PROGRAMS

SITUATION

With a desire to grow the responsibilities of the Coordinator of EL and Special Programs, the District wishes to move the position to the Director level.

Enclosed with the background materials is a clean copy of the position proposed, as well as a redlined copy hi-lighting duties added to the office. Additional duties added to the Director description include:

- Supervising of the Parent Education Program and Coordinator
- In addition to the District LCAP, overseeing the LCAP process for East Palo Alto Academy, and ensuring that goals map with API measurements
- Recommending strategies that lead to an increase in the number of students being reclassified
- Serving as the District liaison to East Palo Alto Academy
- Serving as liaison to the District ELAC and attending monthly meetings

Enclosed you will also find corresponding Management Salary Schedule increase for moving the position from the level of Coordinator II to that of Director.

FISCAL IMPACT

Director

RECOMMENDATION

That the Board of Trustees approves the job description for the Director of English Learners and Special Programs.

- i. PERSONNEL RECOMMENDATIONS

SITUATION

Enclosed with the background materials are the Personnel Recommendations for certificated and classified employees.

FISCAL IMPACT

None

RECOMMENDATION

That the Board of Trustees approves the Personnel Recommendations as indicated.

j. AUTHORIZATION TO DECLARE PROPERTY SURPLUS

SITUATION

Enclosed with the background materials is a list of district surplus equipment, which has been declared either obsolete or beyond repair. Staff recommends that the Board declares these items as surplus/obsolete property per Education Code Sections 17545 - 17555.

FISCAL IMPACT

No impact on the General Fund

RECOMMENDATION

That the Board of Trustees declares the listed items as surplus property, obsolete and unsuitable for use, and authorizes the Superintendent to dispose of these surplus items in accordance with Education Code provisions.

k. APPROVAL OF CONTRACT WITH INSPECTOR OF RECORD FOR MENLO-ATHERTON HIGH SCHOOL G-WING CLASSROOM BUILDING PROJECT (INCREMENT ONE AND TWO)

SITUATION

Increment one of the Menlo-Atherton High School "G-Wing" Project will soon commence and it is necessary to engage the services of an Inspector of Record, per Department of State Architect (DSA) regulations, for the building project. Proposals were solicited from three reputable and well-respected inspectors and recommendations were provided by DSA field staff. Below is a summary of the proposals:

Dan Butler and Company Inspection Services	\$246,940.00
Dave Callahan Inspections	\$260,640.00
Michael Henley and Company LLC	\$285,000.00

FISCAL IMPACT

No impact to the General Fund; all costs will be paid by Measure A bond funds dedicated for this purpose.

RECOMMENDATION

That the Board of Trustees approves the contract with Dan Butler and Company to provide Inspector of Record services for the Menlo-Atherton High School "G-Wing" project in the amount of \$246,960.00.

1. APPROVAL OF CONTRACT WITH ASBESTOS MANAGEMENT GROUP FOR ENVIRONMENTAL SITE CLEAN-UP

SITUATION

Asbestos Management Group will provide labor services for environmental site clean-up and disposal of debris district wide in fiscal year 2015-2016. Enclosed with the background material is the contract with Asbestos Management Group, not exceed \$85,000.

FISCAL IMPACT

Projects will be funded on an “as needed” basis by Measure A or Deferred Maintenance or Maintenance not to exceed \$85,000.

RECOMMENDATION

That the Board of Trustees approves the contract with Asbestos Management Group for Environmental Site Clean-up.

9. PUBLIC COMMENT

- a. This period is for speakers whose items are not on the agenda. Speakers are customarily limited to two minutes. Speaker slips are available at the agenda table.
- b. Correspondence

10. INFORMATION ITEMS

- a. None

11. DISCUSSION ITEM

- a. None

12. PUBLIC HEARING

- a. None

13. ACTION ITEMS

- a. CONSIDERATION OF ADOPTION OF RESOLUTION NO. 1553, CERTIFYING THE ENVIRONMENTAL IMPACT REPORT, ADOPTING THE STATEMENT OF OVERRIDING CONSIDERATION, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE MENLO-ATHERTON HIGH SCHOOL CAMPUS FACILITIES MASTER PLAN PROJECT

SITUATION

As part of the planning for Measure A Projects, a site construction committee was formed at each of the District’s four comprehensive high school campuses to create a facility master plan for development of the campus. Draft campus master plans were provided to the Board earlier in the school year. Initial projects for implementation of these plans will soon be underway and the Board is now being asked to approve the last facility master plan (FMP).

The Menlo-Atherton High School (MAHS) construction committee has developed an FMP for the campus that contemplates development on the campus over the next five to ten years in order to, among other things: Address projected enrollment growth at the campus, ensure the on-going excellence of the campus’ academic, athletic, and student service programs; and provide for the maintenance and efficient functioning of the MAHS campus.

As proposed, the MAHS FMP will be carried out in multiple phases. Phase 1 involves replacement of the existing G-Wing building on campus with a new 27,000 square foot G-Wing Building. Phase 2 contemplates a new Food Service/Restroom Building and a New Laboratory Classroom Building along with essential guidance department renovations. Phase 3 consists of site improvements and renovations to student services and athletic facilities that would not involve building demolition or new building construction. Future unfunded Phases of the MAHS FMP would involve demolition of the existing C, D/E and H Buildings and replacing them with a new (approximately 51,500 square foot) classroom building, as well as demolition of the existing administration building and replacing it with a new Administration/Student Union Building that could be approximately 26,900 square feet in size.

Given the scope of the MAHS FMP and existing environmental conditions at the site, the District determined that, before the Board approved a MAHS FMP or considered new construction, that a program environmental impact report (EIR) is required and appropriate under the California Environmental Quality Act (CEQA) to, among other things, assess the potential impacts of implementing the MAHS FMP, to consider alternatives to implementation of the FMP, and to develop mitigations to reduce these impacts to a less than significant level, to the extent feasible.

This program EIR has been prepared and staff is now requesting that the Board certify the EIR by making the findings set forth in the attached Findings of Fact and Statement of Overriding Considerations Pursuant to the California Environmental Quality Act for the Menlo-Atherton High School Campus Facilities Master Plan Project.

As discussed in the program EIR for the MAHS FMP, there are traffic-related impacts that were determined to be significant and unavoidable. Under CEQA, project decision makers may balance the economic, legal, social, technological, or other benefits of a proposed project against the project's unavoidable environmental risks. The attached Findings of Fact and Statement of Overriding Considerations sets forth proposed findings for the Board's consideration and adoption regarding the benefits of implementation of the MAHS FMP, as balanced against the significant, unavoidable impacts of the Project.

As the lead agency under CEQA for the MAHS FMP Project, the District must adopt a program for reporting on or monitoring the changes which it has either required in the Project, or made a condition of approval of the Project to mitigate or avoid the Project's significant environmental effects. The Mitigation Monitoring and Reporting Program (MMRP) for the MAHS FMP EIR, which is contained in Chapter 5 of the Final Program EIR dated July 9, 2015, lists the impacts, mitigation measures, and timing of the mitigation measures (i.e., when the measure will be implemented) incorporated into the MAHS FMP. All of the mitigation measures listed in the MMRP will be implemented by the District, or by its designees (e.g. contractors, consultants, etc.). The attached Resolution sets forth Findings of Fact, a Statement of Overriding Considerations and a resolution adopting a Mitigation Monitoring and Reporting Program for the Project.

After taking these CEQA-related actions, the Board may approve the MAHS FMP, as well as any other actions appropriate for implementation of the MAHS FMP Program.

Twice yearly updates will be provided to the Board, as FMP projects are started and completed. Yearly summaries on the actions required in the MMRP will be provided in summary form to the Board

#### FISCAL IMPACT

No impact to the general fund; all projects and MMRP expenses will be funded through Measure A bond funds.

#### RECOMMENDATION

That the Board of Trustees adopts Resolution No. 1553, Certifying The Environmental Impact Report, Adopting The Statement Of Overriding Consideration, And Adopting A Mitigation Monitoring And Reporting Program Pursuant To The California Environmental Quality Act For The Menlo-Atherton High School Campus Facilities Master Plan Project

b. CONSIDERATION OF ADOPTION OF FACILITY MASTER PLAN FOR MENLO-ATHERTON HIGH

SITUATION

As part of the planning for Measure A Bond Projects, each of the District's comprehensive high school campuses developed a facility master plan with its site construction committee. Draft master plans were provided to the Board earlier in the year and the other high schools had their Facility Plans adopted at the June 24, 2015 Board of Trustees meeting. As the first "Measure A project" is poised to begin at Menlo-Atherton High School and now that the Board is being asked to certify the final Environmental Impact Report and adopt a the Mitigation Monitoring and Reporting Plan for the Menlo-Atherton High School Facilities Master Plan, it's the Board may, at the same time, take action to approve the facility master plan for Menlo-Atherton High School.

Twice yearly updates will be provided to the Board, as projects are initiated and completed under the master plan. The MMRP will be presented to the Board informationally on a yearly basis.

FISCAL IMPACT

No impact to the general fund; all Facility Master Plan projects will be funded through approved Measure A bond funds.

RECOMMENDATION

That the Board of Trustees adopts the Facility Master Plan for Menlo-Atherton High School.

c. APPROVAL OF A SITE LEASE AND FACILITIES LEASE BETWEEN THE SEQUOIA UNION HIGH SCHOOL DISTRICT AND ALTEN CONSTRUCTION FOR CONSTRUCTION PHASE 1 OF THE MENLO-ATHERTON HIGH SCHOOL CAMPUS FACILITIES MASTER PLAN PROJECT (REPLACEMENT OF THE CAMPUS' G WING STRUCTURE INCREMENT ONE) FOR AN AMOUNT NOT TO EXCEED \$1,847,387.00.

SITUATION

In July 2015, the District selected Alten Construction's proposal (from a pool of three qualified contractors) to enter into a lease lease-back agreement for the Menlo-Atherton High School New Classroom Building (G wing) Increment One Project ("Project"). This project will ultimately provide a new 21 classroom replacement academic building. Increment one includes all of the necessary site work to construct the building. The background materials include the site and facility leases with Alten Construction. The guaranteed maximum price for the increment one work will be \$1,847,378.00.

California courts have confirmed the validity of the lease-leaseback construction delivery method and indicated that competitive bidding is not required when this method is used. However, a California appellate court recently held, in *Davis v. Fresno Unified School District*, that lease-leaseback arrangements structured in a manner commonly employed by school districts are not bona fide because they do not reflect a true lease term nor do they involve an element of builder financing, elements that the court found were essential to the lease-leaseback authority set forth in section 17406 of the Education Code.

The instant lease-leaseback contract documents have been drafted to address concerns expressed by the court in the *Davis* decision. For example, the facilities lease calls for a lease term substantially longer than the time period contemplated for construction of the project and the District will be able to avail itself of builder financing during the term of the facilities lease.

FISCAL IMPACT

No impact to the General Fund; all cost will be paid by Measure "A" bond funds.

RECOMMENDATION

That the Board of Trustees approves the site and facility leases with Alten Construction for increment one of the Menlo-Atherton new G-Wing academic building with a guaranteed maximum price of \$1,847,387.00. It is further recommended that staff be authorized to make minor, non-substantive changes to the lease-leaseback agreements, as recommended by the County Counsel's Office to address any additional concerns raised regarding the *Davis* decision and to complete final negotiations with Alten Construction if necessary.

14. BOARD OF TRUSTEES'/SUPERINTENDENT'S COMMENTS AND COMMITTEE REPORTS
15. ADJOURNMENT

POSSIBLE AGENDA ITEMS FOR THE AUGUST 12, 2015, BOARD MEETING, AND CONSIDERATION OF ANY ITEM GOVERNING BOARD MEMBERS WISH TO PLACE ON THE NEXT AGENDA