

## **AGENDA**

### **REGULAR MEETING GOVERNING BOARD**

1:00 P.M. September 24, 2020

Ed Tech JPA will hold a Board meeting on September 24, 2020, at 1:00 PM via web conference at Meeting ID meet.google.com/qdq-ygfu-kiw Phone Numbers (US)+1 929-236-4489 PIN: 725 203 831#.

The meetings of the Board at which official action is taken shall be public meetings, and no person shall be excluded therefrom.

The agenda will be published at least 72 hours prior to the meeting. Supporting documentation will be provided at the meeting or emailed electronically to members prior to the meeting as it becomes available.

President	Brianne Ford
Vice-President	John Morgan
Secretary	Jeremy Davis
Treasurer	Michael Johnston

#### *Board of Directors Founding Members*

Irvine Unified	Founding Member	Brianne Ford/alternate Michelle Bennett
Capistrano Unified	Founding Member	John Morgan/alternate Stephanie Avera
Clovis Unified	Founding Member	Michael Johnston/alternate Susan Rutledge
Fullerton	Founding Member	Jeremy Davis/alternate Mike McAdam
El Dorado County of Education	Founding Member	Ed Manansala/alternate David Seabury
San Juan Unified	Founding Member	Kent Stephens/alternate Peter Skibitzki

#### Agenda

1. Determination of a quorum and call to order - roll call.
2. Approve the Minutes of the previous regular meeting.
3. Public Comment

Anyone may address the Board on any item that is within the Board's subject matter jurisdiction. However, the Board may not take action on any item not on this agenda except as authorized by Government Code section 54954.2. Each topic or item is limited to 30 minutes; each speaker is limited to 3 minutes.

4. Approval of the Agenda
5. Board Member Reports
6. Treasurer Report

Michael Johnston will provide an update to the board.

7. Standing Reports
  - 7.a. Membership
  - 7.b. Communications
  - 7.c. Procurement
  - 7.d. Goals and Objectives



## **8. Consent Agenda**

### **8.a. Ratify Approval of New Associate Members**

Background Information: The following organizations have applied for associate membership and, pursuant to Ed Tech JPA's Associate Member Operating Procedures, were granted provisional approval:

- Sierra Unified School District
- South Bay Union School District

The Board must formally ratify the approval of their membership.

Recommendation: Ratify associate membership for the organizations listed.

Motion:

## **9. Unfinished and Old Business**

### **9.a. Discuss Minimum Price Guarantee.**

## **10. New Business (Action Items)**

### **10.a. Accept San Ramon Valley Unified School District as a Founding Member of Education Technology Joint Powers Authority**

Background Information: San Ramon Valley Unified School District took action on membership in Ed Tech JPA on September 15, 2020.

Recommendation: Accept San Ramon Valley Unified School District as a Founding Member with primary and secondary designees as specified by San Ramon Valley Unified School District, and authorize the president to make this change in the Joint Powers Authority Agreement (Ed Tech JPA).

Motion:

### **10.b. Rescind Award to Schoology, Inc.**

Background Information: On December 5, 2019 Schoology, Inc was awarded RFP No. 19/20-02 Assessment Platform contingent upon successful contract negotiations. Schoology, Inc. has been contacted multiple times to establish contracts and has not responded. On September 9, 2020 Schoology, Inc. emailed Ed Tech JPA to communicate that they no longer wish to contract with Ed Tech JPA.

Recommendation: Rescind award to Schoology, Inc.

Motion:

### **11. New Business (Non Action Items)**

**11.a.** Review Ed Tech JPA Board meeting date scheduled for November 19, 2020 (concurrent with CITE conference).

### **Closing Items**

**12.** Personnel Items

**13.** Reports of the Executive Director and any special committees or advisory councils

**14.** Presentation of written communications

**15.** Scheduling of next regular meeting Thursday, October 22, 2020 at Meeting ID  
meet.google.com/xgc-dwzb-tyx Phone Numbers (US)+1 252-584-0186 PIN: 192 656 759#

**16.** Adjournment.

Telecommuting members of the public who wish to address the Board during the Board Meeting must complete the provided form at  
[https://docs.google.com/forms/d/1lI2zovD0kE8DZmG3ElThmnVAML0MWhSz\\_73BqMZEUs/edit](https://docs.google.com/forms/d/1lI2zovD0kE8DZmG3ElThmnVAML0MWhSz_73BqMZEUs/edit) prior to the start of the Board Meeting.



## List of Attachments

### Board Meeting September 24, 2020

Item No.	Page No.	Description
1	5	August 27, 2020 Board Meeting Minutes
2	9	Goals Progress Report
3	10	Attachment D to Joint Powers Authority Agreement (Ed Tech JPA)
4	11	Schoology Email
5	12	Minimum Price Guarantee Verbiage

# EDUCATION TECHNOLOGY JOINT POWERS AUTHORITY

## Minutes

### REGULAR MEETING OF THE GOVERNING BOARD

August 27, 2020 1:00 P.M.

Google Meet

#### 1. CALL TO ORDER AND ROLL CALL

Minutes:

Brianne Ford called the meeting to order at 1:02 PM.

#### Present In Person:

N/A

#### Present by Telephone:

Brianne Ford with Irvine USD

David Seabury with El Dorado County Office of Education

Michael Johnston with Clovis Unified School District

Jeremy Davis with Fullerton School District

John Morgan with Capistrano Unified School District

#### 2. APPROVAL OF MINUTES

**Motion Passed:** Approve the Minutes from the July 30, 2020 Regular Board Meeting.

Passed with a motion by Michael Johnston and a second by David Seabury.

Yes     Brianne Ford  
Yes     Michael Johnston  
Yes     David Seabury  
Yes     Jeremy Davis  
Yes     John Morgan

#### 3. PUBLIC COMMENT

Anyone may address the Board on any item that is within the Board's subject matter jurisdiction. However, the Board may not take action on any item not on this agenda except as authorized by Government Code section 54954.2.

Minutes: Kent Stephens and Peter Skibitski introduced themselves.

#### 4. APPROVAL OF AGENDA

**Motion Passed:** Adopt Agenda, as presented.

Passed with a motion by Michael Johnston and a second by David Seabury.

Yes     Brianne Ford  
Yes     Michael Johnston  
Yes     David Seabury  
Yes     Jeremy Davis  
Yes     John Morgan

## **5. ACCEPTANCE OF BOARD MEMBER REPORTS**

Minutes: Board members shared their district/counties situation related to purchases, matters related to COVID 19, and the minimum price guarantee.

## **6. ACCEPTANCE OF TREASURER REPORT**

Minutes: None.

## **7. ACCEPTANCE OF STANDING REPORTS**

### **7.a. Membership**

Minutes: Membership was discussed.

### **7.b. Communications**

Minutes: Recent communications with members and vendors were discussed.

### **7.c. Procurement**

Minutes: Current and future RFPs were discussed.

### **7.d. Goals and Objectives**

Minutes: The Annual Goals Progress Report and budget projections were reviewed.

## **8. ACCEPTANCE OF CONSENT AGENDA**

### **8.a. Ratify Approval of New Associate Members**

**Motion Passed:** Ratify Approval of New Associate Members: Helix Charter High School, Imperial Unified School District, and Westminster School District.

Passed with a motion by Michael Johnston and a second by David Seabury.

Yes	Brianne Ford
Yes	Michael Johnston
Yes	David Seabury
Yes	Jeremy Davis
Yes	John Morgan

## **9. UNFINISHED AND OLD BUSINESS**

None.

## **10. NEW BUSINESS (ACTION ITEMS)**

**10.a. Accept San Juan Unified School District as a Founding Member of Education Technology Joint Powers Authority.**

**Motion Passed:** Approve San Juan Unified School District as a Founding Member with Kent Stephens as the primary designee and Peter Skibitzki as the secondary designee.

Passed with a motion by Michael Johnston and a second by David Seabury.

Yes     Brianne Ford  
Yes     Michael Johnston  
Yes     David Seabury  
Yes     Jeremy Davis  
Yes     John Morgan

John Morgan and Jeremy Davis exited the meeting.

**10.b. Approve Unaudited Actuals Report**

**Motion Passed:** Approve the unaudited actuals SACS report as presented, pursuant to California Education Code Section 42100.

Passed with a motion by Michael Johnston and a second by David Seabury.

Yes     Brianne Ford  
Yes     Michael Johnston  
Yes     David Seabury  
Yes     Mike McAdam  
Yes     Kent Stephens

**11. NEW BUSINESS (NON ACTION ITEMS)**

**11.a. Review and Discuss Bylaws:** Review was deferred until the October board meeting.

**11.b. Discuss potential Founding Members and determine next steps.**

Minutes: Potential Founding Members and timing were discussed.

**11.c. Discuss Minimum Price Guarantee:** The minimum price guarantee was discussed.

**12. PERSONNEL ITEMS**

Minutes: None.

**13. REPORT OF EXECUTIVE DIRECTOR AND SPECIAL COMMITTEES OF ADVISORY COUNCIL**

Minutes: None.

**14. PRESENTATION OF WRITTEN COMMUNICATIONS**

Minutes: None.

**15. SCHEDULING OF NEXT MEETING**

The next Regular Meeting shall be held on Thursday, September 24, 2020 at Meeting ID [meet.google.com/qdq-ygfu-kiw](https://meet.google.com/qdq-ygfu-kiw) Phone Numbers (US)+1 929-236-4489 PIN: 725 203 831# ,as approved on the Regular Board Meeting Schedule as board approved on April 30, 2020, but may be changed at the discretion of the board.

## **16. ADJOURNMENT**

**Motion Passed:** Adjourn the meeting at 1:45 pm.

Passed with a motion by Michael Johnston and a second by David Seabury.

Yes	Brianne Ford
Yes	Michael Johnston
Yes	David Seabury
Yes	Mike McAdam
Yes	Kent Stephens





# EDUCATION TECHNOLOGY

## JOINT POWERS AUTHORITY

### ANNUAL GOALS PROGRESS REPORT

*September 2020*

The Education Technology Joint Powers Authority (Ed Tech JPA) aims to streamline procurement, provide competitive pricing, and secure favorable technology contracts for educational agencies and other eligible entities.

### CURRENT POSITION

June 25, 2020	September 17, 2020	Goal for June 2021
46 Members 696,000 Ca Students 12 Completed Procurements 29 Available Contracts \$16,000.00 Admin Fee Revenue 5 Founding Members	57 Members 789,996 Ca Students 12 Completed Procurements 35 Available Contracts \$34,562.98 Admin Fee Revenue 6 Founding Members	80 Members 1,000,000 Ca Students 17 Completed Procurements Approx 48 Available Contracts \$130K Admin Fee Revenue 7 Founding Members

**ATTACHMENT "D"**  
**Founding Member Joinder Agreement**

This Founding Member Joinder Agreement is effective as of \_\_\_\_\_, by and among the undersigned San Ramon Valley Unified School District (hereinafter referred to as "New Founding Member"), whose address is listed on the signature page hereto, and the parties to that certain Joint Powers Authority Agreement dated January 7, 2019, and later modification dated April 8, 2019.

Pursuant to, and in accordance with, Section 6(b) of the Joint Powers Authority Agreement, the New Founding Member hereby acknowledges that such New Founding Member has received and reviewed a complete copy of the Joint Powers Authority Agreement and its Bylaws and agrees that upon execution of this Joinder, such Person shall become a party to the Joint Powers Authority Agreement and shall be fully bound by, and subject to, all of the covenants, terms and conditions of the Joint Powers Authority Agreement as though an original party thereto.

**San Ramon Valley Unified School District**  
699 Old Orchard Drive, Danville, CA 94526

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Name: \_\_\_\_\_ Title: \_\_\_\_\_

**Education Technology Joint Powers Authority**  
Procurement Address: 5050 Barranca Parkway, Irvine, CA 92604  
Business Address: 1450 Herndon Avenue, Clovis, CA 93611

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Name: Brianne Ford Title: President

## Michelle Bennett

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**From:** Joseph Ayala <Joseph.Ayala@powerschool.com>  
**Sent:** Wednesday, September 9, 2020 7:36 AM  
**To:** Michelle Bennett  
**Subject:** [EXTERNAL] EdTech JPA

**CAUTION:** Verify the sender before clicking links or opening attachments.

Dear Ms. Bennett:

Late last year, Schoology submitted and was selected as a preferred vendor for RFP No.19/20-02 Assessment Platform, for both our Schoology LMS and Schoology Assessment Management Platform (AMP) products. We no longer wish to be part of the Ed Tech JPA buying list for these solutions. Can you please let me know the process of removing these products from being available to the EdTech JPA members?

Thank You

Joseph

**Joseph Ayala**

*Director, Bids and Proposals*



150 Parkshore Dr., Folsom, CA 95630

**NEW \*** 916-461-3411

## ED TECH JPA MASTER AGREEMENT

### SECTION 15. ADMINISTRATIVE FEE

- A. VENDOR agrees to pay ED TECH JPA an administrative fee (the "Administrative Fee") calculated as four percent (4%) of the gross invoiced amount of any Participant agreement with VENDOR based on an award under the RFP, including any Additional Services, or agreement extensions or renewals. Vendors whose gross sales exceed two million dollars (\$2,000,000.00) each fiscal year may receive a discount and pay Administrative Fees as follows:

Sales Amount*	Administrative Fee**
\$2,000,000.00 - \$3,999,999.99	3.5%
\$4,000,000.00 and above	3%

\*The fiscal year term is July 1 - June 30.

\*\*Sales are the annual gross amount invoiced of any Participant Agreement with VENDOR based on an award under the RFP, including any Additional Services, or agreement extensions or renewals.

\*\*\*Any discounted Administrative Fee shall be applied to Sales in the quarter after the minimum threshold has been met. Discounted Administrative Fees shall revert to four percent (4%) after the minimum threshold is no longer met.

For purchases made with federal funds, a different fee structure may apply. Computations of the Administrative Fee shall exclude state, local, or federal taxes levied on invoiced amounts. Unless otherwise stated herein, the Administrative Fee is not refundable to Participants or Vendors under any circumstances. In the event ED TECH JPA's operating costs increase, the Administrative Fee is subject to an increase to offset such increased costs. Any increase shall be authorized by Ed Tech JPA's Board of Directors ("Board") and shall take effect on the day approved by the Board. Any increase shall be communicated to Vendors with no less than thirty (30) days notice from ED TECH JPA, and VENDOR shall be permitted to amend this MA to increase pricing in the attached Exhibit A in direct proportion to the adjusted Administrative Fee. Such amendment shall take immediate effect and apply to all Purchase Agreements executed after the execution date of the Amendment.

- B. Administrative Fees shall be reported and payable at the end of each quarter as follows:

Reporting Period	Due Date
January 1 - March 31	April 30
April 1 - June 30	July 31
July 1 - September 30	October 31

October 1 - December 31	January 31
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- C. VENDOR must submit a check, payable to Education Technology Joint Powers Authority remitted to:  
Ed Tech JPA  
% Clovis Unified School District  
Business Services Department  
1450 Herndon Ave  
Clovis, CA 93611
- D. The administrative fee shall not be included as an adjustment to VENDOR's Ed Tech JPA Master Agreement pricing.
- E. The administrative fee shall not be invoiced or charged to the Participating Associate Member.
- F. Payment of the administrative fee is due irrespective of payment status on orders or service contracts from Participating Associate Member.
- G. Any payments that a VENDOR makes or causes to be made to Ed Tech JPA after the due date as indicated on the Quarterly Report Schedule shall accrue interest at a rate of eighteen percent (18%) per annum or the maximum rate permitted by law, whichever is less, until such overdue amount shall have been paid in full. The right to interest on late payments shall not preclude Ed Tech JPA from exercising any of its other rights or remedies pursuant to this agreement or otherwise with regards to Vendor's failure to make timely remittances.
- H. Failure to meet administrative fee requirements and submit fees on a timely basis shall constitute grounds for suspension of this contract.