

**ORANGE UNIFIED SCHOOL DISTRICT
Board of Education – Regular Meeting
1401 N. Handy Street – Orange, CA 92867
Monday, January 8, 2018**

**6:00 p.m. – Closed Session
7:00 p.m. – Open Session**

MINUTES

1. CALL MEETING TO ORDER

Board President Deligianni called the meeting to order at 6:01 p.m.

2. ESTABLISH QUORUM

Board members present: Deligianni, Lebsack, Ledesma, Moffat, Ortega, Surridge, Yamasaki
Board members absent: Ledesma and Surridge arrived during closed session

3. PUBLIC COMMENT ON CLOSED SESSION AGENDA ITEMS

No Speakers

4. ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 6:01 p.m. to discuss the following items:

- A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Initiation of litigation pursuant to Government Code Section 54956.9(d)(4)
- B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraphs (d)(2) and (e)(1) of
Government Code Section 54956.9
- C. PUBLIC EMPLOYMENT
Government code Section 54957
Title: Superintendent of Schools

5. CALL TO ORDER – REGULAR SESSION

Board President Deligianni called the meeting to order at 7:26 p.m.

6. PLEDGE OF ALLEGIANCE

Dr. Deligianni invited the audience to join her in reciting the Pledge of Allegiance.

7. REPORT OF CLOSED SESSION DECISIONS

No report.

8. ADOPTION OF AGENDA

Motion No. 45

It was moved by Mr. Ortega, seconded by Mr. Ledesma, and carried by a vote of 7-0 to adopt the January 8, 2018 agenda.

9. ANNOUNCEMENTS AND ACKNOWLEDGMENTS

Item 9.A. Superintendent's Report

Dr. Hansen gave special recognition to Rick Ledesma for serving as Board President for the last two years. She presented him with an engraved gavel and thanked him for his guidance and support during her time as interim superintendent. She stated that it has been a pleasure working with him as well as with the entire Board.

Item 9.B. Board Presidents Report

Dr. Deligianni thanked the Board for electing her to the position of Board President. She commented that she is happy that the maintenance projects are on target and commended staff for their hard work. Dr. Deligianni would like the maintenance projects to continue to be funded at or above state levels as it is important, as well as a priority, to keep the District buildings looking nice and kept clean.

Item 9.C. Board Recognition of Students, Staff and Community

Mrs. Moffat commented on the CIF Regional State Championship for the varsity football teams from El Modena and Orange High Schools stating that the entire City of Orange is excited and celebrating. It has been more than 85 years since Orange High won the state championship. She congratulated both teams and stated that this has brought joy and pride to the community as well as to the Orange Unified School District.

Dr. Hansen invited the football coaches and their team members to the next Board meeting for a special recognition.

Mr. SurrIDGE commented on his attendance at the games adding that the community support was incredible. There was a lot of spirit and energy at Fred Kelly Stadium.

Mrs. Lebsack commented on her attendance at the CSBA Annual Education Conference. She stated that she attended workshops and shared information about many of the new laws that the community may not be aware of.

Mr. SurrIDGE spoke briefly about his attendance at the CSBA Conference. He also remarked on "District branding" and ways to put the best foot forward to communicate the great programs the District has to offer and the many achievements accomplished at the District. He also commented on the need to conserve energy and the need to look into solar programs, which had been brought up a few years ago.

Mr. Ledesma spoke about attending CTE (Career Technical Education) workshop, an excellent presentation by Santa Ana Unified School District. Presentations included auto mechanics and other career paths that are attractive to those students who do not pursue college

10. APPROVAL OF MINUTES

None to approve

11. PUBLIC COMMENT: Non-Agenda Items

There were no speakers for non-agenda items.

12. ACTION ITEMS

Item 12.A. Early Retirement Declaration Incentive for Certificated Employees

In order to effectively plan for staffing, there is a need to determine annual staff member attrition as early as possible. The District typically receives notice of teacher and other certificated employee retirements between late May and June of each school year, which makes planning difficult. In order to provide for a prudent and efficient planning process, and to limit any unnecessary reduction in force activity, it is recommended that the District offer an incentive for employees to give early notice of their retirement. This is not a “Golden Handshake” or in any way an inducement to retire.

This item recommends that the Board of Education authorize the offering of an Early Retirement Declaration Incentive stipend, on an as needed basis, to permanent certificated employees of the District who irrevocably declare their retirement from District employment in writing by March 1st of any school year the incentive is offered. The stipend offered would not exceed three percent of step one, column one of the District Teacher/Nurse Salary Matrix.

With this item, permanent certificated employees who irrevocably declare their retirement in writing by March 1st of a year in which the Early Retirement Declaration Incentive is offered, and whose last date of paid service is not later than June 30th of the same year, would receive a one-time incentive stipend upon retirement from the District. In order to be eligible to participate in this Early Retirement Declaration Incentive stipend, an employee must:

1. Be a permanent certificated employee of the District
2. Be at least fifty-five (55) years of age on the last date of paid service
3. During a window period identified by the District, provide written notice to the District of their retirement (with a last date of paid service no later than June 30) along with a request to participate in the Early Retirement Declaration Incentive program

In years when the Early Retirement Declaration Incentive is offered, each participating employee would receive a one-time lump sum stipend payment not to exceed three percent of step one, column one of the District Teacher/Nurse Salary Matrix for participation in this program.

Motion No. 46

It was moved by Mr. Ortega, seconded by Mr. SurrIDGE, and carried by a vote of 7-0 to authorize the offering of an Early Retirement Declaration Incentive as described in this transmittal to permanent certificated employees of the District for the current and future years, on an as needed basis, and when offered, to authorize the extension of such program under the same terms and conditions to permanent classified employees at the request of the exclusive bargaining representative.

Item 12.B. Consideration and Action on Request for Approval of Charter for Tomorrow Leadership Collaborative Charter School and Adopt Resolution No. 16-17-18

Speakers

The following individuals spoke in support of the charter for Tomorrow Leadership Collaborative Charter School:

1. Jessica Tunney, founding executive director of Tomorrow Leadership Charter School
2. Michelle Lopez, attorney representing Tomorrow Leadership Charter School
3. Michelle Anderson, Southern Regional Advocacy for Charter School Associations
4. Erin Studer, Executive Director of CHIME
5. Meghan Cosier, Professor, Chapman University
6. Jessie Koehler, OUSD Teacher
7. Kelly Esparza
8. Linda Baker
9. Denise Olivo

Introduction

Pursuant to the Charter Schools Act of 1992 (Ed. Code Sections 47600 *et seq.*) a charter school petition proposing to operate a single charter school that will operate within the geographic boundaries of the Orange Unified School District may be submitted to the District's Board of Education after meeting specified signature requirements. The Board of Education is required to hold a public hearing and either grant or deny the charter petition within specified timelines from receipt by the Board of Education of the charter petition.

Pursuant to Education Code Section 47605(b), the Board of Education may not deny a charter school petition unless it is not satisfied that granting the charter is consistent with sound educational practice. Further, the Board of Education shall not deny a charter petition unless it makes written factual findings specific to the particular charter to support one or more of the following findings:

1. The charter school presents an unsound educational program for the pupils to be enrolled.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the charter.
3. The petition does not contain the required number of signatures.
4. The petition does not include affirmations of specified conditions.
5. The petition does not contain reasonably comprehensive descriptions of all of the 15 required elements of a charter.
6. The petition does not contain a declaration of whether the charter school will be deemed the exclusive public employer of employees of the charter school for purposes of the Educational Employment Relations Act.

At its meeting of November 9, 2017, the Board of Education received a Petition for the establishment of the Tomorrow's Leadership Collaborative (TLC) Charter School, thereby commencing the timelines for Board action on the request for a charter. A copy of the Petition has been maintained for public review at the District Education Center since that date. As required by Education Code Section 47605(b), the Board of Education held a public hearing on the provisions of

the TLC Charter Petition on November 9, 2017, at which time the Board considered the level of support for the Petition by teachers employed by the District, other employees of the District, and parents.

District administration and legal counsel from the law firm of Atkinson, Andelson, Loya, Ruud and Romo (AALR&R) conducted a review of the Petition and have worked with the TLC Petitioner and with legal counsel for TLC to address several items in the Charter Petition. As a result of these interactions, on January 4, 2018, legal counsel for TLC provided the District with a revised and updated Charter Petition for the Tomorrow's Leadership Collaborative Charter School, which has been maintained for public review and the District Education Center since that date. It is this revised and updated version of the TLC Charter Petition (attached) that the District Board is acting on at this time.

Education Code Section 47605 provides that the Board of Education shall either grant or deny the charter following a public hearing and review of the Petition. Based on its review of the revised and updated TLC Charter Petition, District staff and legal counsel provided the Board with a recommendation to deny the Petition noting that the budget is inadequate and fails to follow county principals.

Mr. Kisse introduced Davina Harden, legal counsel for the District with AALR&R, who spoke with regard to the legal sufficiency of the recommendation. Ms. Harden noted after receiving this charter the District staff and her office worked collaboratively over the last several weeks to attempt to address the areas of concern that were noted by the District in its review. TLC did make many of the changes; but there were concerns primarily related to the budget. TLC felt that their budget did not need to be updated, Colleen Patterson, Interim CBO Consultant, had serious concerns about the budget, and those issues remained unresolved.

There are six causes for denial of the charter and the resolution recommends denial on the basis of three of those findings: 1) the petitioners are demonstrably unlikely to successfully implement the program and not turn on the various budget issues; 2) the petition presents an unsound educational program for two reasons: a) the budget issues, there is a serious concern that they won't actually be able to implement the educational program as described in the charter, and b) concerns over the credentialing issue for their senior administrative staff; and 3) the charter does not contain a reasonably comprehensive description of all of the required elements and those elements are the educational programs and the employee qualifications for the same reasons.

Discussion

Board member discussion ensued along with questions and clarification from Ms. Harden.

Motion No. 47

It was moved by Mrs. Moffat, seconded by Mr. Surrige, and carried by a roll call vote of 5-2 (Yes: Ledesma, Moffat, Ortega, Surrige, Yamasaki; No: Deligianni; Lebsack) to adopt a resolution to deny the Charter Petition for the proposed Tomorrow's Leadership Collaborative Charter School.

Item 12.C. Approval of Contract for Employment of Superintendent

At the December 7, 2017 Organizational Meeting, the Board of Education took action to approve the appointment of Gunn Marie Hansen, Ph.D. to the position of Superintendent of Schools. Subsequently, it is necessary for the Board of Education to enter into an agreement of employment between Dr. Hansen and the Orange Unified School District.

Motion No. 48

It was moved by Mrs. Moffat, seconded by Ortega, and carried by a vote of 7-0 to hire Dr. Gunn Marie Hansen as school district Superintendent of the Orange Unified School District effective January 8, 2018 pursuant to a written employment agreement through June 30, 2021. The Superintendent's salary shall be placed on the leadership salary schedule at range 265, option C, column B, longevity step 3. Column movement shall occur annually commencing July 1, 2019.

13. INFORMATION/DISCUSSION ITEMS

Item 13.A. Measure S Capital Facilities Program Update

Ron Lebs and Chuck Wren provided a Measure S Capital Facilities Program status report and overview of work currently in progress as it relates to the initial scope of work for the science center projects at the District's four high schools.

Item 13.B. Communications/Public Information Services: Marketing Plan Presentation

As part of the RFP evaluation process, participants were required to present a mock marketing plan for the District, highlighting program offerings and/or activities at schools. Representatives from VMA and Communications Lab were provided 15 minutes for the marketing plan presentation. For the exercise, participants were not allowed to contact District administration; instead they utilized all available resources on the District website and/or public press releases. The intent of the presentation was to showcase both firm's style and ability to successfully serve as the District's public relations firm. Edgar Manalo presented this item to the Board and asked the Board members to rank each category following the presentations.

14. CONSENT ITEMS

Motion No. 49

It was moved by Mr. Ortega, seconded by Mr. Surridge, and carried by a vote of 7-0 to approve the consent items.

Item 14.A. Contract Services Report - Measure S

The following contract services was approved.

PENCO ENGINEERING, ORANGE HIGH SCHOOL

On June 8, 2017, the Board of Education authorized a contract for Penco Engineering to provide topographic surveying services to assess site conditions, elevations, and provide required mapping and reports in preparation for Measure S projects at Orange High School. Additional surveying and mapping services are required to address the Division of State Architect (DSA) comments and modification requirements related to the existing path of travel and topographic elevations on project plans currently under review with DSA. Competitive fees are in accordance with the fee schedule

included the original Agreement.
Building Measure S Projects....not to exceed.....\$13,200

Item 14.B. Contract Services Report – Business Services

The following contract services were approved.

PBK ARCHITECTS – (CHAPMAN HILLS ELEMENTARY)

Professional architectural and planning services are required for site-specific projects. PBK is qualified to create construction documents for the addition of a new shade structure at Chapman Hills Elementary for a fee of \$8,200, plus reimbursable costs. Staff reviewed the proposals determining costs to be reasonable. An additional amount of \$1,640 is to cover reimbursable costs and contingency for a total authorization of \$9,840.

Variousnot-to-exceed \$9,840

PBK ARCHITECTS (PORTOLA M.S.)

Professional architectural and planning services are required for site-specific projects. PBK is qualified to create construction documents for the installation of a new fire suppression system (per code) serving Portola Middle School’s Nutrition Services kitchen for a fee of \$16,250, plus reimbursable costs. An additional amount of \$3,250 is to cover reimbursable costs and contingency for a total authorization of \$19,500.

Variousnot-to-exceed \$19,500

PBK ARCHITECTS (VILLA PARK ELEMENTARY)

Professional architectural and planning services are required for site-specific projects. PBK is qualified to create construction documents for the addition of a new shade structure at Villa Park Elementary for a fee of \$8,200, plus reimbursable costs. Staff reviewed the proposals determining the costs reasonable. An additional amount of \$1,640 is to cover reimbursable costs and contingency for a total authorization of \$9,840.

Variousnot-to-exceed \$9,840

LEADERSHIP ASSOCIATES, LLC

With a newly appointed Superintendent and the recent Board of Education organization election, the District is looking into a service agreement with Leadership Associates, LLC to provide services that include:

- Superintendent/Board Relations
- Governance Team Protocols
- Superintendent / District Goals and Priorities
- Superintendent / District Evaluation Instrument
- Superintendent / Board Advisement

Services will be rendered from January 2018 through June 2020.

Superintendent’s Office.....not to exceed.....\$40,000

Revenue neutral – offset savings from interim assignment

ZM ENGINEERING, INC. Professional architectural and planning services are required for site-specific projects. ZM Engineering is qualified to create construction documents for the installation of a new HVAC system (per code) serving all permanent buildings at Fletcher Elementary for a fee of

\$42,680, plus reimbursable costs. An additional amount of \$4,268 (10%) is added to cover reimbursable and contingency costs for a total authorization of \$46,948.
Fund 14not-to-exceed \$46,948

Item 14.C. Notices of Completion

The Board authorized staff to file appropriate notices of completion.

BID NO. 1617-752 – Villa Park Elementary School Building Demolition

Project(s): Demolition of buildings at Villa Park Elementary
Board Approval Date: June 8, 2017
Original Purchase Order: 175631
Completion Date: November 8, 2017
Contractor: 5M Contracting, Inc.
Original Project Amount: \$498,340
Change Order Amount: \$10,740
Total Project Amount: \$509,080
Fund(s): Maintenance (14)

Item 14.D. Temporary Right-of-Entry Permit County of Orange – Panorama Elementary School

The County of Orange has proposed to widen the street and curb on South Crawford Canyon Road in front of Panorama Elementary School between the east driveway and Willis Lane to provide additional area for bus drop-off. In order to accomplish this work, the District needs to execute a Temporary Right-of-Entry Permit. Due to the time constraints of wanting to work on the project over winter break to reduce impacts to the school, the Temporary Right-of-Entry Permit was executed in mid-December. The right of entry permit was ratified.

15. PUBLIC COMMENT: Non-Agenda Items

No speakers

16. OTHER BUSINESS

17. ADJOURNMENT

By call of the chair, the meeting adjourned at 10:19 p.m.



Timothy Surridge
Clerk of the Board