

**ORANGE UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION • REGULAR MEETING
District Education Center • Board Room
1401 North Handy Street • Orange, California**

Thursday • May 4, 2006

**6:30 P.M. • Closed Session
7:30 P.M. • Regular Session**

MINUTES

*An audio tape of this meeting is on file in the Superintendent's Office
for three years after the meeting date.*

CALL MEETING TO ORDER

The Orange Unified School District Board of Education met in Regular Session on Thursday, May 4, 2006 in the Board Room of the Education Center, 1401 North Handy Street, Orange, California. Board President, Kimberlee Nichols, called the meeting to order at 6:32 p.m.

ESTABLISH QUORUM

A quorum was established with the following Board members: Mrs. Moffat, Mrs. Nichols, Mr. Poutsma and Mrs. Smith. Mr. Rocco was not present for closed session. All Board members were present for the regular open meeting.

PUBLIC COMMENT ON CLOSED SESSION AGENDA ITEMS

Speakers

There were no speakers.

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 6:32 p.m. to discuss the following items:

- A. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
Government Code 54957
- B. PUBLIC EMPLOYEE CONTRACT
Government Code 54957
 - 1) Assistant Superintendent, Business Services - action to be taken in open session
 - 2) Assistant Superintendent, Educational Services - action to be taken in open session
 - 3) Assistant Superintendent, Human Resources - action to be taken in open session

CALL TO ORDER – REGULAR SESSION

Mrs. Nichols called the meeting to order at 7:35p.m.

PLEDGE OF ALLEGIANCE

Mrs. Nichols invited the audience and staff to join the Board in reciting the Pledge of Allegiance.

REPORT OF CLOSED SESSION DECISIONS AS REQUIRED BY THE BROWN ACT

The Board of Education authorized the Superintendent or designee to give notice of non-reelection of certain temporary and provisional employees pursuant to Education Code Section 44954(b) for the next succeeding school year.

ADOPTION OF AGENDA

Motion No. 132

It was moved by Mr. Ortega, seconded by Mr. Poutsma and carried by a vote of 7-0 to adopt the May 4, 2006 agenda.

ANNOUNCEMENTS AND ACKNOWLEDGMENTS

Item 9.A. Superintendent's Report

Dr. Godley remarked on the quality of staff members that were honored at the Employee of the Year Celebration held on May 3, 2006.

Item 9.B. Board President's Report

Mrs. Nichols thanked the principals and staff at Handy, Nohl Canyon and Palmyra Elementary Schools for their hospitality during her school site visits.

Mrs. Nichols introduced a DVD which acknowledged the Employees of the Year. She acknowledged the Video Production Department and Hana Saraye for their excellent work.

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

Mr. Rocco commented on two articles in the Orange County Register newspaper, which featured OUSD students.

Mrs. Moffat recognized Erin Hong for her achievement becoming an Irvine Company Scholarship recipient.

Mrs. Nichols commended the Health and Nutrition Services Departments for being leaders in the health of OUSD students.

Item 9.D. State of the School Report – Orange High School

Kieran Sellers, SACBE representative for Orange High School presented his state of the school report

Item 9.E. Board Proclamation: Classified School Employee Week

The Board adopted the attached Proclamation declaring May 22-26, 2006, as Classified School Employee Week in the Orange Unified School District. Mr. Ledesma read and presented the Board proclamation to Mr. John Miller, President of the Classified School Employees Association, on behalf of all of the classified school employees.

Item 9.F. Board Proclamation: School Nurse Day

The Board officially proclaimed May 10, 2006, as School Nurse Day in Orange Unified School District and encouraged students, parents, staff and community members to participate in events and activities to honor our school nurses. Mrs. Nichols read and presented the Board Proclamation to Karen Hanson, Coordinator of Health Services, on behalf of all of the District school nurses. Mrs. Hanson introduced the school nurses present.

Mrs. Hanson introduced Helen Burzamato who was selected by her peers as the Orange Unified School District School Nurse of the Year. Mrs. Nichols presented Mrs. Burzamato with a Certificate of Recognition for this honor.

Item 9.G. Board Proclamation: California Day of the Teacher

The Board adopted the attached Proclamation declaring May 10, 2006, as "California Day of the Teacher" in the Orange Unified School District. Mrs. Nichols read and presented the Board Proclamation to Mr. Jon Miller, President of the Orange Unified Education Association, on behalf of all of the District teachers.

Item 9.H. 2006 Title I Academic Achievement Award: West Orange Elementary School

The Board recognized and congratulated the students, parents, faculty and staff of West Orange Elementary School for being selected for the Title I Academic Achievement Award for 2006. Mr. Ortega presented Dr. Bobbie Lansman with a Certificate of Recognition in acknowledgement of this achievement.

Item 9.I. California Distinguished Schools 2006: McPherson Magnet and Running Springs Elementary Schools

The Board recognized and congratulated the students, parents, faculty and staff of McPherson Magnet and Running Springs Elementary Schools for being selected as California Distinguished Schools for 2006.

APPROVAL OF MINUTES

None to approve.

COMMUNICATIONS TO THE BOARD

Speakers

Bob Fauteux, Villa Park City Council, addressed the Board regarding an "exposition" held regarding the emergency preparedness program in Villa Park. He acknowledged Mr. Frank Boehler's contribution to the meeting.

ACTION ITEMS

Item 12.A. Approval of Agreement to Implement a Comprehensive Energy Management Program with Energy Education, Inc.

Energy Education Inc. provides a *people-oriented* energy management program designed specifically for school systems to manage energy consumption and generate substantial savings. This energy management program produces typical savings measured by cost avoidance of 15 to 30 percent. This energy management program has been successful in school districts across the nation and has developed impressive results in a growing number of California school districts. Key components of this energy management program include:

- There is *no risk* to the District. Energy Education Inc. guarantees the savings will exceed the cost of the program or they issue a check for the difference.
- All costs of the program come from the savings generated due to decreased energy consumption.
- Program fees will not be charged during an initial six-month training period for the two energy managers.
- Only fifty percent of the program fees (basic fee) will be charged during the first performance year (12 months).
- Performance fees (the other fifty percent of the program fees) will only be charged as energy savings goals are met.

This program aligns with *Priority Area 3.0 Fiscal Responsibility*. The District Strategic Goal is to "live within our means" and collaborate with all stakeholders in the District to focus limited resources on achieving our educational goals and objectives. All costs associated with the Energy Management Program will be covered by savings generated through reduced energy consumption or Energy Education, Inc. will write a check for the difference to reimburse the District. Net savings during the first full year of implementation is estimated at \$481,800.

Should the Board approve this item, two energy managers would be hired who would be District employees responsible for implementing the program. The first six to eight months would be a training period where the two employees are paid, and the program begins. During the first year of implementation, the District would begin to pay the company a portion of their fee. If there is no savings, the company will reimburse the District to make up for the costs. It's a performance-based contract.

Motion No. 133

It was moved by Mrs. Moffat, seconded by Mr. Poutsma and carried by a vote of 6-1 (No: Rocco) to authorize staff to enter into an appropriate agreement to fully implement a comprehensive Energy Management Program with Energy Education, Inc.

Item 12.B. Tentative Agreement Between Orange Unified School District and Orange Unified Education Association for Successor Agreement Negotiations and AB 1200 Information

This item pertains to the tentative agreement between the Orange Unified School District and the Orange Unified Education Association for successor agreement negotiations which includes tentative agreement on contract language for the period of 2005-2008 and tentative agreement on salary negotiations for 2005-2006. The tentative agreement provides for a 4.75% salary increase for the 2005-06 year effective January 1, 2006, as well as a modification to the District contribution for health and welfare benefits effective October 1, 2005. The OUEA office confirmed that of the 964 members who participated in the Tentative OUEA Agreement ratification process, 897 voted to accept the TA while only 67 voted to reject the Agreement, a 93% yes vote.

Motion No. 134

It was moved by Mr. Ortega, seconded by Mr. Poutsma and carried by a vote of 6-1 (Abstain: Rocco) to ratify the Tentative Agreement between the Orange Unified School District and the Orange Unified Education Association.

Item 12.C. Proposed Board Policy 5030 – Student Wellness – Second Reading

During the 2004-05 school year, the Nutrition Advisory Committee met to discuss the need for a formal Wellness Policy. The committee invited other interested parties from the community to participate in a series of committee meetings designed to provide input towards the development of a Wellness Policy for presentation to the Board of Education for adoption.

Beginning in the 2005-06 school year, the Nutritional Advisory Committee reconvened under a new name, Wellness for Student Achievement Committee. A proposed Wellness Policy was developed, reviewed and approved by the Wellness for Student Achievement Committee for presentation to the Board. This is the first step toward meeting the Wellness Policy requirement of The Child Nutrition and WIC Reauthorization Act of 2004. The proposed policy provides an overarching philosophy that will guide staff toward recommending rules and regulations for future Board adoption that will meet the requirement of the reauthorization act for a comprehensive wellness policy.

Motion No. 135

It was moved by Mr. Ortega, seconded by Mrs. Smith and carried by a vote of 5-1-1 (No: Ledesma; Abstain: Rocco) to adopt proposed Board Policy 5030 – Student Wellness - for a second reading and final approval.

Item 12.D. Proposed Board Policy 6164.7 – Independent Educational Evaluations – Second Reading

Board Policy 6164.7 is being proposed in accordance with the Individuals with Disabilities in Education Improvement Act (IDEIA) to provide guidelines to parents who request an Independent Educational Evaluation and save the costs of Independent Educational Evaluations that do not follow these guidelines. This policy was presented for a first reading at the April 20, 2006 Board meeting. Revisions were suggested at the meeting and those revisions are indicated in bold italics and strikeouts in the attached policy.

Motion No. 136

It was moved by Mr. Ortega and seconded by Mr. Poutsma and carried by a vote of 5-2 (No: Ledesma, Rocco) to adopt the attached proposed Board Policy 6164.7, Independent Educational Evaluations, for a second reading and final approval.

Item 12.E. Proposed Board Policy Revisions – 4000 Series, All Personnel – First Reading

On June 8, 2004, the Board discussed the need for updating the current policy manual and various means of addressing this task. At the July 15, 2004 meeting, the Board approved the law firm, Parker & Covert, to work throughout the 2004-05 school year in conjunction with appropriate staff members to revise or redraft policies, with Parker & Covert providing recommended revisions or redrafting of the policies in question. Parker & Covert submitted its recommendations for the 4000 series in conjunction with appropriate staff members' input for Board consideration.

Motion No. 137

It was moved by Mr. Ortega, seconded by Mrs. Smith to accept the proposed Board Policy revisions for the 4000 series, All Personnel, for a first reading.

DISCUSSION

Various Board policies were discussed and clarified.

With regard to BP4112.8/4212.8/4312.8, Employment of Relatives, Mrs. Moffat asked for consideration of the following sentence:

Immediate family members may be employed at the same department or work location with the approval of the Superintendent or designee.

Mrs. Moffat suggested strengthening this statement for the purpose of "transparencies" so that if family members at the same site that there be a certain degree of scrutiny, that this depends on the approval of the Board of Education.

Mr. Kisee stated that the Bargaining Agreement needs to be looked at as the language may limit the ability to change agreed-upon language. Staff will look into this policy and send information in the Friday packet to the Board members.

Motion No. 137 carried by a vote of 5-2 (No: Ledesma, Rocco).

Item 12.F. Approval to Extend the Term of Employment and to Amend Section 7.A of the Employment Contract for each Assistant Superintendent

The Board of Education considered extending the term of the employment contract to June 30, 2008 for each Assistant Superintendent as listed below:

1. Jon Archibald, Asst. Supt., Business Services
2. Cheryl Cohen, Asst. Supt., Educational Services
3. Ed Kisse, Asst. Supt., Human Resources

Further, the Board of Education will consider amending Section 7, Expenses, Paragraph A, of the employment contract for each Assistant Superintendent to read as follows:

The District shall only reimburse the Assistant Superintendent in accordance with applicable District policy and procedures for his/her actual and necessary travel expenses out of Orange County **outside of the District**.

Motion No. 138

It was moved by Mr. Poutsma, seconded by Mrs. Moffat and carried by a vote of 6-1 (Abstain: Rocco) to approve extending the term of the employment contract to June 30, 2008 for the Assistant Superintendent, Business Services; the Assistant Superintendent, Educational Services; and the Assistant Superintendent, Human Resources; and to amend Section 7, Expenses, as described above.

INFORMATION/DISCUSSION ITEMS

Item 13.A. Parent Communication: Parent Portal

Staff presented an informational video regarding the Parent Portal which is being used as a communication tool between schools, parents, legal guardians and students.

CONSENT ITEMS

Motion No. 139

It was moved by Mr. Ortega, seconded by Mrs. Smith and carried by a vote of 6-1 (No: Rocco) to adopt the May 4, 2006 consent agenda.

Item 14.A. Purchase Orders List

The Board approved the Purchase Order List dated April 10 through April 23, 2006 in the amount of \$1,523,582.34. See attached Purchase Orders List.

Item 14.B. Warrants List

The Board accepted the Warrants List dated April 10 - April 23, 2006 in the amount of \$2,496,204.59. See attached Warrants List.

Item 14.C. Gifts

The Board accepted the attached list of cash donations and recommended that a letter of appreciation be forwarded to each benefactor.

Item 14.D. Contract Services Report – Business Services

The Board approved the Contract Services Report – Business Services, as presented.

CALIFORNIA SCHOOL BOARDS ASSOCIATION

The California School Boards Association (CSBA) has long served as the provider for the District-wide Hazmat Communications Program. Federal and state health and safety regulations require employees to have access to Material Safety Data Sheets (MSDS) for each hazardous material at a site. This program eliminates the need to maintain paper copies of MSDS on-site and includes the electronic dissemination of Hazmat related information including Material Safety Data Sheets and Chemical Spill and Poison Control information services for 46 District sites. The program is very competitively priced and has not been increased for several years. Authorization is requested to continue CSBA services for the period of July 1, 2006 – June 30, 2007.

General Fund.....Not to Exceed.....\$2,070

LENTZ MORRISSEY ARCHITECTURE

The District has retained the services of Lentz Morrissey Architecture (LMA) to design the modernization of Portola Middle School. Phasing the modernization process necessitates the installation of interim housing portables (“village”). The cost to design the interim housing “village” is in addition to the modernization contract. This additional approval will authorize LMA to provide the designs for the “village”, including interim administration and restroom buildings, coordinate approval from the City of Orange Fire Department and Division of the State Architect (DSA).

Special Reserve/Capital Projects.....Not to Exceed.....\$38,000

KENDRICKS & ASSOCIATES, INC

The District is in need of a civil engineering firm to provide survey information for the design of a new storm drain system at Jordan Elementary School. Kendricks & Associates has the expertise to provide the required services.

Special Reserve/Capital Projects...Not to Exceed.....\$8,000

US AIR CONDITIONING DISTRIBUTORS

On April 20, 2006, the Board of Education approved the renewal of the utilization of Glendale Unified’s Bid P11-02/03 to procure heating, ventilation and air conditioning equipment and related components. The modernization project at Prospect Elementary School requires the procurement of heating, ventilation and air conditioning equipment and related components. It

is requested that the Board approve the purchase of this equipment from US Air Conditioning Distributors per the terms of their agreement with Glendale Unified School District.
Special Reserve/Capital Projects.....Not to Exceed.....\$ 150,000

ORANGE COUNTY DEPARTMENT OF EDUCATION

The Orange County Department of Education will provide services for the implementation and operation of a web-based imaging system to meet the District's requirements for document archival and retrieval of student, personnel and payroll records. Services include training and technical support. The implementation cost is \$75 per hour (not to exceed 40 hours); the annual storage fee is \$9,000. Peripheral hardware and software purchases will also be necessary for the implementation of the imaging system. The imaging software and all images will be maintained on servers at the county with a comprehensive, secure backup system. Designated staff at the District will be responsible for scanning images on a local high speed scanner. The imaging system software will be used by the District internally solely for the purpose of capturing, storing, processing and accessing data records approved for archiving.
Business Services.....\$12,000

Item 14.E. Approval of Pitney Bowes Lease-Purchase Agreement for Replacement Mail Center Digital Processing Equipment

The Board authorized staff to enter into an appropriate new sixty-month lease-purchase arrangement with Piney Bowes for federally compliant postage metering equipment.

Item 14.F. Personnel Report

The Board approved the attached Personnel Report.

Item 14.G. Student Teacher Assignments/Agreements

The Board approved the attached student teaching assignment lists.

Item 14.H. Teacher Assignment/Consent – Variable or Short-Term Waiver

The Board approved the variable term waiver as presented.

Item 14.I. Out-of-State Travel/Conference Attendance

The Board approved the out-of-state travel for the individuals as follows:

Gross, Lisa/St. Paul's Lutheran
North Lake Tahoe, NV
California League of Middle Schools
April 30 - May 1, 2006
Conference expenses: \$299

Hanson, Karen/Health Services

New York City, NY

38th National Association of School Nurses Conference

June 30 - July 3, 2006

Conference expenses: \$2,035

Godsey, Brenna/Canyon HS

Lucaya Beach, Grand Bahamas

International Baccalaureate North American Organization Regional Conference

July 12 -16, 2006

Conference expenses: \$2,742

Item 14.M. Contract Services Report – Educational Services

The Board approved the Contract Services Report - Educational Services as presented.

BLACKBOARD, INC.

The Blackboard Portal System extends the Blackboard Learning System to include functionality for a customizable portal environment, community and communication tools, and single sign-on access.

Educational Technology not to exceed. \$29,416

LIGHTSPEED SYSTEMS

The Total Traffic Control software upgrade will strengthen the District's current Internet security and spam blocking system as well as provide band-with management for improved network traffic monitoring.

Information Services. not to exceed. \$25,740

SPECIAL EDUCATION STUDENT I.D. #1126170

As the result of a an IEP for a special education student, the District has agreed to reimburse the parents for transportation costs during the 2006/07 school year. This student attends a visually impaired program outside of the District. Reimbursement will be based on mileage forms submitted to the District.

Special Education not-to-exceed \$12,000

LAW OFFICE OF DAVID BURKENROAD

As the result of a settlement agreement in OAH Case No. S-0464-05/06, the District has agreed to pay reasonable and compensable attorney fees. Payment shall be made based on itemized billing statements submitted to the District.

Special Education not-to-exceed \$400

BILINGUAL THERAPIES INC.

Due to the lack of qualified candidates who are able to provide Speech and Language Therapy to students who are English Learners (EL students), there is a need for the District to seek additional

avenues to provide such services. There is a particular need for Speech and Language Therapists who are bilingual in English and Spanish. The District has the ability to secure the services of a qualified bilingual (English/Spanish) Speech and Language Therapist for the 2006-07 school year who is under contract to Bilingual Therapies, Inc., an Illinois Corporation, for 2006 through 2008. Bilingual Therapies, Inc. is requiring a payment in the amount of \$10,000 to release this individual from contract.

Special Education. not-to-exceed \$10,000

Item 14.K. Study Trips

The Board approved the following study trip(s):

Canyon High School – Solar Boat Club – Lake Skinner, Temecula, CA – May 19, 20, 21, 2006

The Canyon High School Solar Boat Club, under the direction of their advisor Kerry Langdale, will travel to Lake Skinner in Temecula to compete in the Solar Cup Race. The students will be experiencing real-life engineering by building a product and competing in friendly engineering events. The nine (9) male and four (4) female students will be accompanied by two (2) male and one (1) female adult chaperone. The students will be transported by parents and all parents driving a student other than their own will have an OUSD approved driver certificate form on file with the district office prior to this trip. The students and chaperones will stay at the campground at Lake Skinner and there is no cost for this trip. The students will miss one school day and a substitute will be required with the expense of the substitute being reimbursed by the Solar Boat Club

Palmyra Elementary School's 5th Grade GATE Class – Dana Point Marina/Pilgrim Tall Ship, May 8 - 9, 2006

Palmyra's 5th grade GATE class, under the direction of Mrs. Jennifer Mai, will travel to Dana Point Marina via District bus on May 8, 2006. Students will stay overnight aboard the Pilgrim tall ship at the Ocean Institute and participate in "Carry on Mr. Bowditch." Accompanying the students will be two (2) male and four (4) female chaperones. The program will reinforce the social science and reading curriculum and complement the California State Social Studies Framework. Total cost per student is \$125 and scholarships are available.

Item 14.L. Community Based English Tutoring Program, Education Codes 315 and 316: Intent to Re-Apply

The Board approved the submission of the **Intent to Participate** in the Community-Based English Tutoring Program.

Item 14.M. Field Trip to the Los Angeles Museum of Natural History June 2, 2006 by Fairhaven ES Community Based English Tutoring Program Participants and their Children

The Board approved the CBET/School Readiness sponsored field trip to the Los Angeles Museum of Natural History

Item 14.N. Reading First Program Referral Reduction Grant Award

The Board accepted the Reading First Referral Reduction Grant Award. Participating elementary

schools are: California, Cambridge, Esplanade, Fairhaven, Handy, Sycamore and West Orange. Reading First funds enable our District to better implement our comprehensive reading plan.

Item 14.O. Special Education Non-Public Schools & Designated Instructional Services

The Board authorized non-public school/agency placement for the student identification numbers listed on the attached report, as presented.

Item 14.P. Expulsion of Student: Case No. 05-06-39

The Board upheld the recommendation of the Administrative Hearing Panel.

Item 14.Q. Expulsion of Student: Case No. 05-06-40

The Board upheld the recommendation of the Administrative Hearing Panel.

Item 14.R. Expulsion of Student: Case No. 05-06-41

The Board upheld the recommendation of the Administrative Hearing Panel.

Item 14.S. Expulsion of Student: Case No. 05-06-42

The Board upheld the recommendation of the Administrative Hearing Panel.

Item 14.T. Expulsion of Student: Case No. 05-06-43

The Board upheld the recommendation of the Administrative Hearing Panel.

Item 14.U. Expulsion of Student: Case No. 05-06-44

The Board upheld the recommendation of the Administrative Hearing Panel.

Item 14.V. Expulsion of Student: Case No. 05-06-45

The Board upheld the recommendation of the Administrative Hearing Panel.

Item 14.W. Expulsion of Student: Case No. 05-06-46

The Board upheld the recommendation of the Administrative Hearing Panel.

Item 14.X. Expulsion of Student: Case No. 05-06-47

The Board upheld the recommendation of the Administrative Hearing Panel.

Item 14.Y. Expulsion of Student: Case No. 05-06-48

The Board upheld the recommendation of the Administrative Hearing Panel.

Item 14.Z. Expulsion of Student: Case No. 05-06-49

The Board upheld the recommendation of the Administrative Hearing Panel.

COMMUNICATIONS TO THE BOARD

No speakers.


OTHER BUSINESS

Board/Staff Conference and Comments

Kieran Sellers clarified that during his report featuring the "fear factor" everything was 100% edible; it was "shock factor."

ADJOURNMENT

By call of the Chair, the regular Board meeting of May 4, 2006 adjourned at 9:42 p.m.


Wes Poutsma
Clerk of the Board