

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

**Thursday • February 22, 2007  
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**

Board President, Kimberlee Nichols, called the meeting to order at 6:30 p.m.

**ESTABLISH QUORUM**

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

**PUBLIC COMMENT ON CLOSED SESSION AGENDA ITEMS**

No speakers.

**ADJOURN TO CLOSED SESSION**

The meeting adjourned to closed session at 6:30 p.m. to discuss the following items:

- A. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE  
Government Code 54957
- B. CONFERENCE WITH LABOR NEGOTIATORS  
Government Code 54957.6  
Agency Negotiators: Ed Kisse; Jamie Brown; Spencer Covert, Parker & Covert  
Employee Organization: a) California School Employees Association  
b) Orange Unified Education Association
- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Government Code 54956.9, subdivision (a)  
Name of Case: *Californians Aware v. Orange Unified School District*

**CALL TO ORDER – REGULAR SESSION**

Mrs. Nichols called the meeting to order at 7:33 p.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 took action by a vote of 4-3 (Absent: Ledesma, Moffat, Rocco) to authorize the Superintendent or designee to give notice of non-reelection to a probationary employee for the next succeeding school year.

The Board took action by a vote of 4-3 (Absent: Ledesma, Moffat, Rocco) to authorize the suspension of a classified employee for two days without pay.

**ADOPTION OF AGENDA**

**Motion No. 82**

It was moved by Mrs. Smith, seconded by Mr. Poutsma and carried by a vote of 4-1-2 (No: Rocco; Absent: Ledesma, Moffat) to adopt the February 22, 2007 agenda.

**ANNOUNCEMENTS AND ACKNOWLEDGMENTS**

**Item 9.A. Superintendent's Report**

No report.

**Item 9.B. Board President's Report**

Mrs. Nichols noted that she attended Orange High School's Future Farmer's of America's counselor and administrator luncheon. She congratulated the students and staff for their efforts toward this very worthwhile program.

Mrs. Nichols acknowledged the new fence at Kelly Stadium. She added that the fence is a great addition to the stadium for safety and appearance.

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

No report.

**Item 9.D. State of the School Report**

A.J. Logan, SACBE representative from Richland High School, gave his State of the School Report.

**Item 9.E. Proclamation Declaring March 5-9, 2007 as the Week of the School Administrator**

The Board adopted a proclamation honoring Orange Unified School District administrators for their leadership of the educational process to insure successful student achievement, citing the first week of March as "Week of the School Administrator." Mrs. Nichols presented the proclamation to Mark Kammerlohr, Principal at Richland High School and a chair-member of Leadership Team Orange who accepted the proclamation on behalf of all District administrators.

**Motion No. 83**

It was moved by Mrs. Smith, seconded by Mr. Ortega and carried by a vote of 4-1-2 (Abstain:

---

Rocco; Absent: Ledesma, Moffat) to adopt the proclamation declaring March 5-9, 2007 as the Week of the School Administrator.

### **APPROVAL OF MINUTES**

January 18, 2007 (Regular Meeting)

February 8, 2007 (Regular Meeting)

### **Motion No. 84**

It was moved by Mr. Poutsma, seconded by Mrs. Smith and carried by a vote of 4-1-2 (No: Rocco; Absent: Ledesma, Moffat) to approve the minutes of the January 18, and February 8, 2007 Board meetings.

### **PUBLIC COMMENTS: Non-Agenda Items**

#### **Speakers**

Michael Farrell, 761 N. Clinton, Orange, spoke on behalf of the Orange High School Baseball Boosters, regarding overgrown trees at the school's baseball field as well as fencing and other a maintenance problems.

### **ACTION ITEMS**

#### **Item 12.A. Proposed Board Policy 3320 – Claims & Actions against the District – Second Reading**

Proposed Board Policy 3320 was presented to the Board of Education on January 18, 2007 as a first reading. At that meeting, it was noted that Government Code section 935 allows local public agencies to adopt a policy requiring the filing of a claim in those situations where claims would otherwise not be required, including claims against the District by other public agencies, and claims by employees for fees, salaries, or other expenses and allowances. Board Policy 3320 will implement the provisions of Government Code section 935 for the District. This should result in a savings in the cost to defend claims and lawsuits against the District.

#### **Motion No. 83**

It was moved by Mrs. Smith, seconded by Mr. Ortega and carried by a vote of 4-1-2 (Abstain: Rocco; Absent: Ledesma, Moffat) to receive Board Policy 3320 for a second and final reading.

#### **Item 12.B. Orange Unified School District Legislative Coalition Proposed 2007 Platform – Second Reading**

At the February 8<sup>th</sup> meeting, there was a first reading of the proposed 2007 Legislative Coalition Platform. Subsequently, the Platform was presented to the members of the Legislative Coalition for a final vote at their meeting on February 21, 2007. The Legislative Coalition presented the attached proposed 2007 Platform to the Board for a second and final reading.

#### **Motion No. 84**

---

It was moved by Mrs. Smith, seconded by Mr. Poutsma and carried by a vote of 4-1-2 (No: Rocco; Absent: Ledesma, Moffat) to approve the proposed Legislative Coalition Platform for 2007 for a second and final reading.

**Item 12.C. California School Boards Association – 2007 Delegate Assembly Election**

California School Boards Association (CSBA), Region 15 (Orange County), is holding elections for the 2007 Delegate Assembly. The Board as a whole votes, submits one ballot and may vote for up to the number of vacancies in the region. Region 15 has eight vacancies.

**Motion No. 85**

It was moved by Mrs. Smith, seconded by Mr. Ortega and carried by a vote of 4-1-2 (Abstain: Rocco; Absent: Ledesma, Moffat) to nominate the following to the 2007 CSBA Region 15 Delegate Assembly: 1) Craig Olson (Placentia-Yorba Linda USD); 2) Bonnie Castrey (Huntington Beach Union HSD); and 3) Celia Jaffe (Huntington Beach City SD)

**INFORMATION/DISCUSSION ITEMS**

*Mr. Ledesma arrived at 8:06 p.m.*

**Item 13.A. Video Report of the Progress of the Modernization of Prospect Elementary School**

The modernization of Prospect Elementary School started in April 2006 with the installation of the interim housing portables followed in June with demolition and hazardous materials abatement of the Phase 1 buildings. Construction started in August and was completed in January 2007. Phase 2 started immediately after the occupancy of the Phase 1 buildings and is scheduled for completion in August. The video highlighted the progress made during the Phase 1 modernization and presented a representative display of the classroom modernizations taking place at Esplanade Elementary, Jordan Elementary and Portola Middle Schools

**Item 13.B. Status of Lease Agreement between Orange Unified School District and Villa Park Elementary Restoration Corporation**

On April 20, 2006, the Board of Education approved the Second Amendment to the Lease Agreement between Orange Unified School District and Villa Park Elementary School Restoration Corporation. The status of the deadlines in the amendment is as follows:

<b>Deadlines</b>	<b>Status</b>
1. Final Plans with cost estimates submitted by December 31, 2006.	<i>Final plans <b>not</b> received by District.</i>
2. District review and approval of Final Plans and cost estimates by January 31, 2007.	<i>Final Plans <b>not</b> received for review and approval.</i>
3. Final Plans submitted to Division of the	<i><b>No</b> Final Plans to submit to DSA.</i>

State Architect (DSA) by February 10, 2007.	
4. Financial Security equal to fifty percent (50%) of total project cost in place by February 28, 2007.	<i>Financial Security is <b>not</b> in place.</i>
5. Construction Commencement deadline set as September 1, 2007 based on current DSA approval timeline of six months.	<i>Construction Commencement deadline cannot be met since plans have <b>not</b> been submitted to DSA.</i>

A Notice of Default has been sent to VPESRC indicating the District has neither received the Final Plans nor received any communication from VPESRC as to when or whether Final Plans will be delivered to the District. The Lease will terminate within ten days after the delivery of such notice unless conditions can be corrected immediately to the satisfaction of the District.

Mr. Archibald commented that the VPESRC had verbally communicated that they were ready to voluntarily terminate their lease. Because a letter was not sent, the District sent a notice of default. Subsequently, the District has received a letter indicating that they were at a point where it was necessary to terminate the lease due to lack of funds.

At the March 8<sup>th</sup> Board meeting, action will be taken by the Board to terminate the lease agreement. Following the termination, the District will identify the responsibilities that the District has in terms of the historical designation.

***Mrs. Moffat arrived at 8:18 p.m.***

## CONSENT ITEMS

### **Pulled Item**

#### **Item 14.Q. Moving March 29, 2007 Board Meeting Date**

Pulled by Mrs. Moffat

### **Motion No. 86**

It was moved by Mr. Ortega, seconded by Mr. Poutsma and carried by a vote of 6-1 (No: Rocco) to approve the consent agenda minus Item 14.Q.

#### **Item 14.A. Purchase Orders List**

The Board approved the Purchase Order List dated January 29 through February 8, 2007 in the amount of \$1,058,302.28. See attached Purchase Orders List.

#### **Item 14.B. Warrants List**

The Board accepted the Warrants List dated January 29 through February 8, 2007 in the amount

---

of \$3,633,702.92. See attached Warrants List.

**Item 14.C. Gifts**

The Board accepted the following donation and a letter of appreciation will be forwarded to the benefactor.

- E-Machine Computer and 17" Flat Monitor, speakers, keyboard and mouse to Fletcher Elementary School, donated by Wal-Mart, Tustin Avenue, Orange

**Item 14.D. Acceptance of Completed Contract(s) and Filing of Notice(s) of Completion**

The Board accepted the contract(s) listed below as complete, authorized staff to file appropriate notice(s) of completion and released the retention payment(s) to the contractor(s).

**BID #569 – Unit Price Contract - Alterations to Student Restrooms**

Project: LaVeta Elementary School  
Original Board Approval: August 24, 2006  
Original Purchase Order: 701475  
Completion Date: January 26, 2007  
Contractor: Osowski Construction Co.  
Original Project Amount: \$36,500.00  
Change Order(s) Amount: \$ (178.95) (less labor required)  
Total Project Amount: \$36,321.05  
Fund: Capital Facilities Fund (25)

**BID #570 – Unit Price Bid – Installation, Repairs & Replacement & Miscellaneous General Contracting Work**

Project: Esplanade Elementary School-Run piping to new portable restroom for interim housing - Modernization  
Original Board Approval: August 24, 2006  
Original Purchase Order: 703014  
Completion Date: January 30, 2007  
Contractor: Verne's Plumbing  
Original Project Amount: \$33,000.00  
Change Order(s) Amount: \$ (1,072.04) (project took less time/materials)  
Total Project Amount: \$31,927.96  
Fund: Special Reserves (40)

**BID #577 – Unit Price Contract – Upgrade of UPS System**

Project: Information Services  
Original Board Approval: March 23, 2006  
Original Purchase Order: 700787, 704340  
Completion Date: February 1, 2007  
Contractor: Stone Electric, Inc.

---

Original Project Amount: \$20,230.00  
Change Order(s) Amount: \$ -0-  
Total Project Amount: \$20,230.00  
Fund: General Fund (01)

**BID #577 – Unit Price Contract – Structured Cabling**

Project: Villa Park Elementary School  
Original Board Approval: March 23, 2006  
Original Purchase Order: 703000, 704341  
Completion Date: February 1, 2007  
Contractor: Stone Electric, Inc.  
Original Project Amount: \$71,075.00  
Change Order(s) Amount: \$ -0-  
Total Project Amount: \$71,075.00  
Fund: General Fund (01)

**Item 12.E. Resolution No. 19-06-07 Authorizing Issuance of 2007 Special Tax Bonds of Community Facilities District No. 2005-2 of the Orange Unified School District in an Aggregate Principal Amount not to Exceed \$6,500,000 and Approving Certain Documents and Taking Certain Other Actions in Connection Therewith**

The Board approved Resolution No. 19-06-07 and authorized the issuance of the bonds. There is no financial impact to the District. All costs of issuance and other expenses related to CFD No. 2005-2 will be funded by the proceeds of the bond sale. Bond proceeds will be deposited in separate accounts for School District facilities, a reserve fund for the Bonds and costs of issuance and initial administrative expenses.

**Item 14.F. Liability Claim No. 06/07-011**

The Board rejected Liability Claim No. 06/07-011.

**Item 14.G. Personnel Report**

The Board approved the attached Personnel Report.

**Item 14.H. Student Teacher Assignments/Agreements**

The Board approved the attached Student Teacher Assignments as presented.

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

The Board approved the attached Provisional Internship Permits.

**Item 14.J. Contract Services Report – Educational Services**

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

**DR. TONY MAZZAFERRO**

Dr. Tony Mazzaferro, Music Director at Fullerton Community College, will conduct rehearsals and the Honor Concert for both middle and high school students. The District Honor

---

Band/Orchestra Concert will be held on February 26, 2007 at Chapman University.  
Professional Services . . . . not-to-exceed . . . . . \$800

**ROGER JOHNSON**

Roger Johnson, Music Director at Long Beach City College, will conduct rehearsals and the Honor Concert for both middle and high school students. The District Honor Band/Orchestra Concert will be held on February 26, 2007 at Chapman University.  
Professional Services . . . . not-to-exceed . . . . . \$800

**PARKER & COVERT, LLP**

The law firm of Parker & Covert, LLP, assists the District in litigation of on-going special education matters.  
Special Education . . . . . not-to-exceed . . . . . \$45,000

**LAW OFFICE OF DANIELLE AUGUSTIN, ESQ.**

As the result of a settlement agreement in Office of Administrative Hearings (OAH) Case No. N2006100288, where the District is named as a respondent, the District agrees to reimburse parents for attorneys' fees and costs upon presentation of an itemized billing statement.  
Special Education . . . . . not-to-exceed . . . . . \$1,000

**CAROL J. ATKINS, MA**

The services of Carol Atkins are required to conduct speech and language evaluations and attend IEP meetings during the 2006/2007 school year.  
Special Education . . . . . not-to-exceed . . . . . \$1,000

**CHILD SHUTTLE**

Change order: Board initially approved \$25,000 on July 20, 2006. The continued services of child Shuttle are necessary to transport special education students from their homes to non-public agencies during the 2006/2007 school year and extended school year. The average rate charged by this agency is \$65.00 per round trip to transport students outside of Orange County.  
Special Education . . . . . not-to-exceed . . . . . \$20,000

**THANH LY, BRAILLE TRANSCRIBER**

Change order: Board initially approved \$5,000 on July 20, 2006, and \$5,000 on September 28, 2006. The continued services of Thanh Ly will be required for transcription of school work for visually impaired special education students during the 2006/2007 school year.  
Special Education . . . . . not-to-exceed . . . . . \$20,000

**COYNE & ASSOCIATES**

The services of Coyne & Associates are required to conduct assessments for special education students during the 2006/2007 school year.  
Special Education . . . . . not-to-exceed . . . . . \$1,000



---

**Item 14.K. Study Trips**

The Board approved the following study trips:

El Modena HS Choir – San Diego, CA – April 27–29, 2007

El Modena High School's Choir under the direction of their vocal music director, Tracy Solis, will travel to San Diego to participate in the 2007 Heritage Festival. Students will have the opportunity to perform for and compete with choirs from around the country as well as experience a master class – mini clinic with a professional choral adjudicator. The thirty female and ten male students will be accompanied by two male and four female adult chaperones. The group will be staying at the Double Tree Club Hotel in San Diego and transportation will be provided by district bus. The cost per student is \$275 and scholarships are available. The students will not miss any school days and no substitute will be required. Cost of transportation will be split between the choir department funds and ASB funds.

Orange High School – Spanish Class – Big Bear Lake, CA – March 23 – 25, 2007

Orange High School Spanish class under the direction of their teachers, Tracey Peters and Elsa Arellano, will travel to Big Bear Lake to participate in the Foreign Language Camp. The camp is a weekend of full immersion in the Spanish language and an opportunity to extend their foreign language skills to activities not available in a regular classroom setting. The twenty students will be accompanied by two female adult chaperones and there will be additional adult supervision at the camp. The students/chaperones will travel by chartered bus and will be housed at the Presbyterian Conference Center. The cost per student is \$130 and scholarships are available. The students will not miss any school days and there will be no substitute required. The cost for the teacher is paid through categorical funding.

Orange High School – Agriculture Future Farmers Association– Fresno, CA – April 14 – 17, 2007

Orange High School's FFA leadership students under the direction of their advisor, Patty Williams, will travel to Fresno to participate in the Future Farmers Association State Leadership Conference. The students will attend workshops, training, general meetings as well as meet with other FFA members from California. There will be keynote speakers and National FFA members providing leadership training. The five female and one male student will be accompanied by one female adult chaperone. The students will stay at the Picadilly Inn Hotel. They will travel by FFA/OUSD school truck with the advisor having a current approved OUSD driver Certificate form on file with the district office. The cost to the students is \$224.00 and scholarships are available. The students will miss two school days and a substitute will be required. The cost of the substitute will be paid by the Vocational Education/Agriculture budget.

Villa Park High School – Boys' Golf Team – Palm Desert, CA – April 2 – 5, 2007

Villa Park High School Boy's Golf Team under the direction of their coach, Chris Salio, will travel to Palm Desert to participate in a golf clinic. This is an opportunity to further enhance their golf skills, knowledge of the game and rules and etiquette of the golf game. The eight male student/athletes will be accompanied by two male adult chaperones. The students and

---

chaperones will be staying at the Desert Willow Resort in Palm Desert. Parents will be driving the students and any parent driving a student other than their own will have an approved driver certificate form completed and approved prior to this trip. There is no cost to the students for this trip. There will be no substitute required and the students will not miss any school days.

**Item 14.L. Textbook Adoption – 30-Day Review by Public**

The Board placed the attached list of textbooks on display for the 30-day review period to be considered for adoption at the March 29<sup>th</sup> Board meeting.

**Item 14.M. 2007 Summer School Program**

The Board authorized the 2007 Summer School Program. (See attached schedule.)

**Item 14.N. Special Education Non-Public Schools & Designated Instructional Services 2005-06**

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

**Item 14.O. Special Education Non-Public Schools & Designated Instructional Services 2006-07**

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. 06-07-23**

The Board upheld the recommendation of the Administrative Hearing Panel.

**PULLED ITEM**

**Item 14.Q. Moving March 29, 2007 Board Meeting**

Mrs. Moffat stated that she would not be available to attend the Board meeting if it was changed to March 22<sup>nd</sup>. Mrs. Nichols stated that this item was put into the agenda out of respect for Fourth District PTA's Administrators Dinner. There was no objection to leaving the meeting as set for March 29<sup>th</sup>. The meeting date of March 29, 2007 will stand currently stated.

**COMMUNICATIONS TO THE BOARD**

There were no speakers.

**OTHER BUSINESS**

**Board/Staff Conference and Comments**

Mrs. Moffat commented on a newspaper article regarding the Ocean View High School modernization project. She added that she looks forward to the day modernization can occur in Orange Unified.

---

Mr. Rocco commented on the lawsuit and freedom of speech.

**ADJOURNMENT**

By call of the chair, the regular meeting of February 22, 2007 adjourned at 8:30 p.m.



---

John Ortega  
Clerk of the Board