

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

**Thursday • March 8, 2007  
6:30 P.M. • Closed Session  
7:30 P.M. • Regular Session**

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**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 6:38 p.m.

**ESTABLISH QUORUM**

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

**PUBLIC COMMENT ON CLOSED SESSION AGENDA ITEMS**

No speakers.

**ADJOURN TO CLOSED SESSION**

The meeting adjourned to closed session at 6:38 p.m. to discuss the following items:

- A. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE  
Government Code 54957
- B. 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 7:30 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 authorized the release of a temporary certificated employee pursuant to Education Code section 44954 by a vote of 5-2 (Absent: Ledesma, Rocco).

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## **ADOPTION OF AGENDA**

### **Motion No. 87**

It was moved by Mr. Ortega, seconded by Mrs. Poutsma and carried by a vote of 6-1 (Absent: Ledesma) to adopt the March 8, 2007 agenda.

## **ANNOUNCEMENTS AND ACKNOWLEDGMENTS**

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

No report.

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

No report.

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

Mrs. Moffat recognized the student artists and parent volunteers of the Orange Community Council PTA on the Reflections exhibition submitted by the students that was on display this past week. Mrs. Moffat also noted that March is California Arts Education month.

Mrs. Smith recognized the sight-impaired class at Imperial Elementary School for their participation in the Palm Springs at the "Rock our World" technology competition. Additionally, Mrs. Smith recognized the El Rancho Charter School Science Olympiad Team for placing first at the county level and advancing to the state level of competition. Finally, she recognized El Rancho's musical theatre program and their recent production of Disney's High School Musical.

Mrs. Nichols acknowledged Jamie Brown who was appointed to the ACSA State Human Resources Council. Mrs. Nichols also recognized that Canyon High School has been nominated for recognition as a California Distinguished School. Mrs. Nichols acknowledged the Cerro Villa Middle School student who placed second in the county spelling bee.

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

Jessica Gutierrez, SACBE representative from Orange High School, gave her State of the School Report.

## **APPROVAL OF MINUTES**

None

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

**No Speakers**

## **ACTION ITEMS**

**Item 12.A. Resolution No. 21-06-07 in Support of Senate Bill 155 – Online Classroom**

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**Program**

Statutory provisions that were repealed on January 1, 2007, established the Online Classroom Pilot Program to monitor and evaluate pupil participation in online interactive instructional programs conducted over the internet. Under the pilot program, the teaching of online courses under the program was limited to teachers who were concurrently teaching the same course to pupils in a traditional in-classroom setting. SB 155 would reenact the program and remove "Pilot" from its name. Further, the bill would eliminate the restrictions on the number of school sites and percentage of pupils that are permitted to participate in the program. Other guidelines and restrictions that were in the pilot program remain in this new bill.

**Motion No. 88**

It was moved by Mr. Ortega, seconded by Mrs. Smith and carried by a vote of 5-1-1 (Absent: Ledesma; Abstain: Rocco) to adopt Resolution No. 21-06-07 supporting Senate Bill No. 155, Online Classroom Program.

Mrs. Smith stated that because she cannot attend the Legislative Coalition trip due to a scheduling conflict, she would attend the legislative hearing in support of SB 155. Mrs. Moffat noted that she, too, will be in Sacramento at that time and will also attend the hearing.

**Item 12.B. Second Interim Financial Report and Transfer Resolution No. 20-06-07**

In accordance with state requirements, all school districts are required to file the Second Interim Report by March 15 of each year to certify positive, qualified or negative financial status based upon the most updated information available. The Second Interim Report (Attachment A) not only reflects actual information as of January 31, 2007, but also projects anticipated revenues and expenditures known to date. The District will file a positive certification in regard to the ability to meet its financial obligations.

**Motion No. 89**

It was moved by Mr. Ortega, seconded by Mr. Poutsma and carried by a vote of 5-1-1 (Absent: Ledesma; Abstain: Rocco) to certify and approve the positive financial status as shown in the SACS Financial Reporting Documents/ Second Interim Report and Transfer Resolution No. 20-06-07.

Mrs. Nichols remarked on the District's stellar leadership from the Business Department under the guidance of Dr. Godley, Mr. Archibald and staff.

**INFORMATION/DISCUSSION ITEMS**

**Item 13.A. Confirmation of the Termination of the Lease Agreement between the Orange Unified School District and the Villa Park Elementary School Restoration Corporation**

On April 20, 2006, the Board of Education approved the Second Amendment to Lease Agreement between the Orange Unified School District and the Villa Park Elementary School Restoration Corporation (VPESRC). A mutually agreed upon deadline of December 31, 2006 was

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set for providing Final Plans. When Final Plans were not received by the deadline, a notice of Default was sent to VPESRC requesting submittal of Final Plans or arrangements satisfactory to the District for the submittal of the Final Plans. Pursuant to Section 22(a) of the Lease,

“ . . . unless within ten (10) days after the service of such notice such condition shall cease or such violation shall cease and arrangements satisfactory to Landlord for the correction thereof be made, this Lease shall upon the expiration of said ten (10) days, cease and terminate.”

Mr. Archibald confirmed that it was a mutual agreement to terminate the lease. Moving ahead, a study will be done as the building has an historical designation.

Mrs. Moffat commented on the effort on the part of the VPESRC and the community of Villa Park. She acknowledged the individuals who have worked diligently to raise funds for the restoration.

**Item 13.B. Report to the Board Concerning a Proposal to Convey a Portion of Linda Vista Elementary School Fronting Along Cannon Street to the City of Orange for the Cannon Street Realignment Project**

The City of Orange requests that the District convey the 20-foot frontage along Cannon Street of Linda Vista Elementary School (legal description - Attachments A, B, C, and D). District and school staff reviewed the proposed plans and asked for certain design considerations. The City modified the design to accommodate those requests.

The District is authorized to convey property to the City under Education Code Section 17556, et. seq. Prior to the conveyance and recording, three steps must be taken per the Code: 1) Board resolution declaring intent to grant the conveyance; 2) Conduct a public hearing; and 3) Second Board resolution conveying title.

A report was presented by Mr. Archibald that reviewed the proposal and the steps required to complete the process.

**Speakers**

Marjann Dunn, no address given, stated she had not seen the plans for the (Linda Vista) property. However, she pointed out that there is no curb cut-out when walking to Linda Vista from San Juan Drive to the parking lot. She also pointed out that San Juan Drive is where many people walk and that changing the configuration could affect how people walk. Mrs. Dunn brought forth these issues for consideration before the project begins.

**Discussion**

Mrs. Smith and Mrs. Nichols made brief comments regarding the timeline and impact to the school.

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**Item 13.C. Agenda Item Request by Board Members Rocco and Ledesma: “The Minority Board Evaluation of the Past Two Years Board of Education & School District Performance” (Mr. Ledesma was not present.)** Mr. Rocco reviewed some items and descriptions of the past two year’s evaluation of the Board.

### **Speakers**

Gia Youngblood, 7147 E. Columbus Drive, Anaheim, spoke against Mr. Rocco’s statements and noted that Mr. Rocco is wasting the student’s and District’s time because of his “outrageous behavior.” She indicated that she would like find out how to ensure that he is not reelected.

Laura Zuchovichi, spoke on behalf of Canyon High School parents. She spoke against Mr. Rocco’s statements and his behavior. She stated that Mr. Rocco is wasting the time of the students and the community and that she would like his behavior to stop. She asked that Mr. Rocco start working as a Board member and to direct his efforts toward the well-being of the students, not in his personal agendas.

### **Discussion**

Mrs. Smith stated that this item was self-serving.

Mrs. Nichols stated on behalf of the Board of Education that they are very proud of Richland Continuation High School and the energy and efforts of the staff and administration over the past years. She chided Mr. Rocco for having the “audacity to say (Richland) is a ‘dumping ground’.” Mrs. Nichols added that she was thankful for freedom of speech because the court affirmed the Board’s right to express itself collectively through censure. She felt privileged to have been able to assure the Board of Education that they have that right.

Mrs. Moffat clarified that anyone who is not authorized cannot see personnel files. School Board members are not authorized individually. She noted that the Board only has authority collectively. The Board must work together as a team. Mrs. Moffat added that Mr. Rocco’s comments were not in accordance with the rules set for the Board to work together effectively as a team.

Mr. Rocco noted that he liked Richland High School and added that it offered many fine programs. He commented on his denial to access personnel files.

Spencer Covert, clarified and corrected for the record many of Mr. Rocco’s statements including the right to access personnel files.

### **Motion No. 90**

It was moved by Mrs. Smith, seconded by Mr. Ortega and carried by a vote of 5-1-1 (No:

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Rocco; Absent: Ledesma) to take the agenda out of order and move the Consent Items ahead of the Item 13.D.

## CONSENT ITEMS

### **Motion No. 91**

It was moved by Mrs. Smith, seconded by Mr. Ortega and carried by a vote of 5-1-1 (No: Rocco; Absent: Ledesma) to approve the consent agenda.

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

The Board approved the Purchase Order List dated February 9 through February 25, 2007 in the amount of \$1,331,769.63. See attached Purchase Orders List.

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

The Board accepted the Warrants List dated February 9 through February 25, 2007 in the amount of \$2,283,544.50. 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.

- Sunrise medical equipment to be used as a learning tool in the ROP/Career Education Center Certified Nursing Class

### **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 NO. 570 – Unit Price Contract – Replace water and gas isolation valves for each building

Project(s): Esplanade Elementary

Original Board Approval: August 24, 2006

Original Purchase Order: 704051

Completion Date: February 7, 2007

Contractor: Verne's Plumbing, Inc.

Original Project Amount: \$23,700.00

Change Order(s) Amount: \$ - 0 -

Total Project Amount: \$23,700.00

Fund(s): Deferred Maintenance (14)

### **Item 12.E. Modernization of Prospect Elementary School Change Orders No. 2 and No. 3**

The Board ratified Change Orders No. 2 and No. 3 to Bid No. FC6004 to AMD Construction.

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**Item 14.F. Approval to Utilize the Extron Electronics Audio Video Projection Equipment and Distribution Systems CMAS Contract.**

**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. Contract Services Report – Educational Services**

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

**INTERNATIONAL CENTER FOR LEADERSHIP IN EDUCATION, INC.**

Dr. Willard Daggett, President of The International Center for Leadership in Education, Inc., will be the keynote speaker at the District's Annual Leadership Conference scheduled for August 8 and 9, 2007. Dr. Daggett is the creator of the Application Model and Rigor/Relevance Framework, a practical planning and instructional tool for determining the relevance of curriculum and assessment to real-world situations. Dr. Daggett has spoken to thousands of educators and education stakeholders in all 50 states. His enlightening and motivating messages have helped his listeners look at education differently by challenging their assumptions about the purposes, benefits and effectiveness of American schools. Dr. Daggett inspires his audiences to embrace what is best about our education system and to make the changes necessary to meet the needs of all students in the 21<sup>st</sup> century.

Educational Services . . . . (not-to-exceed) . . . . . \$9,000

**FOLLETT'S DESTINY**

Follett's Destiny is a centralized web-based library automation system that schools can access from any computer in the District with an internet browser. Follett is providing a renewal agreement for Destiny Software Maintenance and Support. The renewal agreement will cover April 2007 through March 2008.

Instructional Services . . . . (not to exceed) . . . . . \$33,872

**LAW OFFICE OF KATHLEEN LOYER**

As the result of a settlement agreement in Office of Administrative Hearing Case No. N2006100189, where the District is named as a respondent, the District agrees to reimburse parents for attorneys' fees and educationally related materials and/or services upon receipt of an itemized billing statement.

Special Education . . . . . not-to-exceed . . . . . \$5,000

**SOLUTION TREE**

Mr. Tim Brown from Solution Tree will present a workshop in August 2007 to the staff at Prospect Elementary. This workshop will focus on the development of Prospect Elementary's Professional Learning Community with the use of Rick DuFour's concept. Through the High

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Priority School's Grant, Prospect has seen the need to develop better ways of collaboration within and across grade levels. Prospect's certificated staff will establish ways to collaborate on a weekly basis which will better meet the needs of students by evaluating curriculum assessments and planning.

Site Block Grant . . . . . not-to-exceed . . . . . \$5,000

**WILDA STORM**

School districts are required to provide an equitable share of federal monies to the private schools within their attendance boundaries. Wilda Storm, founder of Storm Educational Enterprises, will conduct additional teacher training at Trinity Lutheran Christian School for the 2006-07 school year in research based writing program K-8 to increase students' understanding, skills, fluency and technique for writing, vocabulary and sentence structure. Fiscal impact will be the expenditure of restricted categorical fund monies.

Title II, Part A .....not-to-exceed. ....\$1,820

**VOCATIONAL & APPLIED TECHNOLOGY ACT TECH PREP CONSORTIUM-SUBGRANT AGREEMENT**

As part of the 1990 Carl D. Perkins Vocational and Applied Technology Act, the District entered into an agreement to form a Tech Prep Consortium with Rancho Santiago Community College, Santa Ana Unified School District and Central County ROP. This agreement, approved by the Board of Education on November 5, 1992 provides for coordinated technical preparation services between Orange Unified School District and Rancho Santiago College. The current subcontract agreement will fund the 2006-07 school year. Fiscal impact will be the receipt of categorical income.

Vocational Education . . . . . \$9,000

**TERRY SHANAHAN**

Terry Shanahan, Ed.D., Director of the California Science Project, will provide staff development for Science Teacher leaders at an after-school workshop on March 13, 2007. Mr. Shanahan will also assist in planning future workshops.

Beckman Science Grant . . . . . (not to exceed) . . . . . \$400

**ANNE STONE**

Anne Stone, former SELPA Director and Assistant Superintendent of Schools for the Tustin Unified School District, will conduct an extensive study of all the Special Education programs in the District. Ms. Stone will review each program's effectiveness and the fiscal aspects and impact relative to the Special Education Department.

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

**Item 14.J. Study Trips**

The Board approved the following study trips:



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El Modena HS French Class–Big Bear, CA – April 27–29, 2007

El Modena High School's French class will travel to Big Bear to attend the FLA-OC Foreign Language Camp. This Foreign Language Association sponsored activity in which students spend the weekend speaking French and participating in French history and cultural activities with other participating Orange County schools. The two male and four female students will be accompanied by one adult male chaperone. Other adult chaperones will be on site from the other participating schools as well. Transportation will be provided by Marsh Busses. Students and adults will be housed at the Presbyterian Conference Center in Big Bear. Students will not miss any school days and no substitute will be required. The cost per student is \$130.00 and scholarships are available.

Orange HS – Key Club – Long Beach, CA – April 20–22, 2007

Orange High School Key Club, under the direction of their advisor Elsa Arellano, will travel to Long Beach Convention Center to participate in the 61<sup>st</sup> Annual Key Club District Convention. The students will attend work shops, listen to district office candidates in caucus sessions, and meet new Key Club members from California, Nevada and Hawaii. The twelve female and six male students will be accompanied by one female adult chaperone. There will be other Key Club advisors available on premise for supervision as well. The group will travel by district bus and be housed at The Westin in Long Beach. The cost per person is \$250 and scholarships are available. The funding for transportation will be reimbursed from ASB Key Club funds. The students will miss one day but no substitute will be required.

Orange HS–Vocal Music Students – Sacramento, San Francisco, Bakersfield, CA – March 30 – April 3, 2007

The Orange High School Vocal Music students, under the direction of vocal music director Michael Short, will travel to San Francisco, Bakersfield, Monterey, and Sacramento. The students will perform at the California State Capitol building, Hearst Castle, and in San Francisco as well as participate in an exchange concert with other high schools. They will also attend a choral clinic and visit various tourist attractions of the area. The 60 female and 30 male students will be accompanied by six female and four male adult chaperones. The group will stay at the Crystal Palace Inn and Suites in Bakersfield, the Grosvenor Airport Hotel in San Francisco, and the Best Western Harbor Inn and Suites in Sacramento. They will be traveling by an OUSD Transportation Services approved bus. The cost per student is \$350 and scholarships are available. The students will not miss any school days and no substitute will be required.

Panorama ES – Catalina Island – March 26 – 28, 2007

Panorama Elementary School's 5<sup>th</sup> and 6<sup>th</sup> grade classes, under the direction of Richard Ireland, will travel to Catalina Island to participate in the Catalina Island Marine Institute Toyon Bay Program. Students will participate in sampling and analyzing offshore animals, explore tide pools and investigate terrestrial plant and animal adaptations. Total cost per student is \$250 and scholarships are available. Students will miss three days of school and no substitutes will be required

**Item 14.K. 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 April 19<sup>th</sup> Board meeting.

**Item 14.L. Quality Education Investment Act Grant Application**

The Board approved the Quality Education Investment Act Application for Portola Middle, Fairhaven Elementary, Esplanade Elementary, Handy Elementary and Prospect Elementary Schools.

**Item 14.M. 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.O. Expulsion of Student: Case No. 06-07-24**

The Board upheld the recommendation of the Administrative Hearing Panel.

**Item 14.P. Expulsion of Student: Case No. 06-07-25**

The Board upheld the recommendation of the Administrative Hearing Panel.

**Item 14.Q. Expulsion of Student: Case No. 06-07-26**

The Board upheld the recommendation of the Administrative Hearing Panel.

**Item 14.R. Expulsion of Student: Case No. 06-07-27**

The Board upheld the recommendation of the Administrative Hearing Panel.

**Item 14.S. Expulsion of Student: Case No. 06-07-28**

The Board upheld the recommendation of the Administrative Hearing Panel.

**Item 14.T. Expulsion of Student: Case No. 06-07-31**

The Board upheld the recommendation of the Administrative Hearing Panel.

**Item 14.U. Expulsion of Student: Case No. 06-07-32**

The Board upheld the recommendation of the Administrative Hearing Panel.

**Motion No. 92**

It was moved by Mrs. Smith, seconded by Mr. Ortega and carried by a vote of 5-1-1 (No: Rocco; Absent: Ledesma) to limit debate to 20 minutes for Item 13.D, excluding the blue public comment cards.

**Item 13.D. Agenda Item Request by Board Members Rocco and Ledesma: “The Partnership, in Orange County & the Orange Unified School District . . . Yesterday, Today**

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**and Who Knows? An Examination, by Evan Harris, at the "Unholy Trilogy" of Government, Corporation & Education**

**Speakers**

Evan Harris, Santa Ana, spoke regarding presentation of information items.

Michelle Thomas, 7903 E. Salinas Court, Orange, stated that she was there to express her disgust at Mr. Ledesma's "abuse of his position" on the Board by wasting the valuable time of the interested parties and taxpayer's money. She noted that if Mr. Ledesma continues to "undermine the school Board" and disregard his position, it will be incumbent upon the voters to pursue a recall of both Mr. Ledesma and Mr. Rocco.

Hoda Hamood, 5273 E. Lomita Avenue, Orange, questioned why the District's money, effort and time is being used for "this nonsense" and the lawsuit while this money could have gone to the students. She expressed her disappointment at Mr. Rocco, but more specifically with Mr. Ledesma. She asked what Mr. Rocco is doing for the students in the District and why he is wasting the District's money. She begged him to let the Board do their job and to stop all the nonsense.

Christina Bayles, 6963 E. Shorecrest Drive, Anaheim, stated that Mr. Rocco has not fulfilled his obligations as an elected official. She implored of Mr. Rocco to make a choice to either fulfill his obligations as he swore under oath to do or to voluntarily vacate and allow this Board and the District to operate on behalf of all the children of the District.

Florice Hoffman, 7256 E. Crown Parkway, Orange, stated that she was appalled at seeing such an item on the agenda. Further, she found it "disgusting" that another Board member agreed to put this item on the agenda. Mrs. Hoffman noted that this item has nothing to do with the District and that it was a personal item.

Jag Cramer, 564 E. Chipwood Street, Orange, spoke in opposition to Mr. Rocco's items and statements and noted that Mr. Rocco does not vote on any of the agenda items.

Terri Rasmussen, 7716 E. Cedar Crew Way, Orange, spoke against Mr. Rocco's statements, stating that these are his private issues and that the school Board is not the appropriate venue for his "rambling thoughts." She expressed outrage and contempt to Mr. Ledesma for not acting in the best interest of the taxpayers and the students of the District. Mrs. Rasmussen added that Mr. Ledesma is not serving the community in the capacity for which he was elected. She stated that the time has come to recall Mr. Ledesma and Mr. Rocco.

**Introduction**

Mr. Rocco introduced the item and spoke on various issues regarding censorship and information items.

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**PUBLIC COMMENTS: Non-Agenda Items**

There were no speakers.

**OTHER BUSINESS**

**Board/Staff Conference and Comments**

Mrs. Nichols noted that the follow-up information that came with the two agenda items presented by Mr. Rocco and Mr. Ledesma were not within the subject matter jurisdiction of the Board of Education. The Board has the responsibility to continue the productive work of the District in order for the schools to function and for the students to receive a quality education.

Mrs. Nichols suggested revising the bylaws to require three board members' approval to place items on the agenda that are determined by the Superintendent or the Board President not to be within the subject matter of the Board of Education. Another possibility would be to move this item to the end of the agenda so that District business could be accomplished first. She asked for Board input in response to this matter.

Mr. Poutsma concurred with the suggestion of requiring three Board members to place an item on the agenda. Mrs. Moffat agreed with all the suggestions. Mr. Ortega agreed with all the suggestions, and preferred requiring three Board members to place an item on the agenda.

Mrs. Smith noted that it is important for the Board to continue to regulate themselves and stated that she is in favor of the recall. She concurred with the three votes to put an item on the agenda.

Mrs. Nichols expressed her extreme disappointment with Mr. Ledesma for backing these two items especially Item 13.D., as it had nothing to do with the subject matter jurisdiction of the District.

Dr. Godley noted that presentations that do not pertain to the agenda item or discussions that "wander" from the stated item because it could be a violation of the Brown Act. Discussions of items that are not listed on the agenda is not legal. Discussion of agenda items must stay on topic.

**ADJOURNMENT**

By call of the chair, the regular meeting of March 8, 2007 adjourned at 9:28 p.m. The next meeting is scheduled for March 29, 2007.



John Ortega  
Clerk of the Board