

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

**Thursday • May 24, 2007  
6:00 P.M. • Closed Session  
7:30 P.M. • Regular Session**

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**MINUTES**

*An audio tape of this meeting is on file for three months after the meeting date.*

**CALL MEETING TO ORDER**

Board President, Kimberlee Nichols, called the meeting to order at 6:10 p.m.

**ESTABLISH QUORUM**

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

**PUBLIC COMMENT ON CLOSED SESSION AGENDA ITEMS**

No speakers.

**ADJOURN TO CLOSED SESSION**

The meeting adjourned to closed session at 6:10 p.m. to discuss the following items:

- 4.A. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
- 4.B. CONFERENCE WITH LABOR NEGOTIATORS  
Agency Negotiators: Ed Kisse; Jamie Brown; Spencer Covert  
Employee Organization: Orange Unified Education Association
- 4.C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to subdivision (b) of section 54956.9  
(one potential case)
- 4.D. Public Employee Performance Evaluation  
Title: Superintendent of Schools

**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**

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The Board ratified the suspension of a certificated employee for five days without pay.

## **ADOPTION OF AGENDA**

### **Motion No. 119**

It was moved by Mr. Ortega, seconded by Mr. Poutsma and carried by a vote of 6-1 (No: Rocco) to adopt the May 24, 2007 agenda.

## **ANNOUNCEMENTS AND ACKNOWLEDGMENTS**

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

Dr. Godley reported on the Orange County Grand Jury Disaster Preparedness Plans for the school districts in Orange County. Orange Unified was one of the five Orange County school districts found to be above expectations.

Dr. Godley announced that Villa Park High School student, Alice Chang, won a \$60,000 scholarship from the Elks National Foundation. Alice was one of two first place winners who won for the Most Valuable Student.

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

No report.

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

Mrs. Moffat acknowledged the PTA Council Honorary Service Awards event, which recognizes volunteers for their outstanding service during the school year. Mrs. Moffat thanked Mr. Kisse for his outstanding report on obtaining speech pathologists.

Mrs. Nichols recognized the PTA Council for awarding individual \$500 scholarships to five Orange Unified students.

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

There were no reports.

### **Item 9.E. Recognition of Students, Staff and Community in the El Modena High School Attendance Area**

The District recognizes District schools by high school attendance area who have met one or more of the following criteria in their work to improve student academic achievement:

- Met all of their NCLB (AYP) targets.
- Reached or exceeded the state's goal of an API of 800.
- One of the three highest ranked elementary and secondary API schools in the District.

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- One of the three highest growth/most improved elementary and secondary schools since the inception of the state testing program.
  - One of the top three elementary and secondary schools that have the highest achieving English Learners in the District.
  - School's scores reflect movement in closing the achievement gap of their English Learners in English Language Arts.
  - One of the top five performing schools in the District on the new science proficiency portion of the STAR test.
  - One of the top five performing schools in the District on the new History/Social Science proficiency portion of the STAR test.

Schools in the El Modena High School attendance area meeting one or more of these criteria are: Chapman Hills, Jordan, La Veta, Linda Vista, Panorama, Silverado Elementary and El Modena High Schools. The Board recognized each school individually and presented the principal with a framed certificate and accompanying letter.

#### **APPROVAL OF MINUTES**

April 19, 2007 (Regular Meeting)

#### **Motion No. 120**

It was moved by Mr. Ortega, seconded by Mrs. Smith and carried by a vote of 6-1 (No: Rocco) to approve the minutes for the April 19, 2007 regular meeting.

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

Boyd Bradshaw, 915 Vista del Playa, Orange, encouraged the Board to look at the principal relocations/reassignments that are currently taking place, especially the reassignment of the principal at Canyon Hills School.

Maureen Kaminski, 2631 E. Coolidge, Orange, voiced her concerns about the reassignment of the principal at Canyon Hills School.

Joe Chrastka, 619 S. Woodland Street, Orange, voiced his concerns about the reassignment of the principal at Canyon Hills School.

#### **ACTION ITEMS**

##### **Item 12.A. Appeal of Developer Fees**

Chapman University appealed the determination of the Executive Director, Facilities & Planning assessing payment of developer fees for the new athletic facilities currently under construction. The University appealed the payment of \$20,296.92 in school facility fees on December 19, 2006 for 48,326 square feet of non-residential space, at the District's statutory rate of \$0.42 per square foot. The project consists of athletic facilities including a pool, stadium seating, lockers,

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staff offices, team rooms and classrooms, to be located at 300 E. Walnut Avenue, Orange.

The Executive Director reviewed the appeal and granted a partial refund of \$14,710.92 on March 29, 2007, granting Chapman full credit for the square footage of the facilities being demolished as well as full credit for non-chargeable space. The net chargeable new additional space is 13,300 square feet, for a fee of \$5,586.00. Chapman now demands refund of that amount as well.

### **Speakers**

Gary Brahm, Executive Vice President and Chief Operating Officer at Chapman University, presented the University's position on this project and stated that this project does not have any impact on District facilities, noting that this is a replacement facility. Mr. Brahm further stated the reasons why he felt the University was justified in asking that the fees be waived.

Mike Christensen, Executive Director of Facilities & Planning for OUSD, countered Mr. Brahm's remarks regarding the fees adding that the District is obliged legally to charge the fees equally to everyone who does construction in the District. Mr. Christensen commented on the process for applying the fees to individual projects and how they are calculated.

### **Discussion**

Discussion took place among the Board members.

Spencer Covert gave a brief background on the foundations in law that provides school districts with the authority to make project assessments. He noted that these foundations are provided for by statute. Additionally, there has been litigation on these types of fees.

### **Motion No. 121**

It was moved by Mrs. Smith and seconded by Mr. Poutsma to deny the appeal.

Discussion continued among Board members regarding the good working/community relationship that has existed between Chapman University and the District.

Mrs. Nichols characterized this item as a "disagreement" and not as an obstruction to any kind of a cooperative relationship with Chapman University. As stewards of 30,000 students in the District, the Board has the responsibility to garner as much as possible that is appropriate and legal to do and address the facility needs of our ever-aging facilities.

**Motion No. 121** carried by a vote of 5-1-1 (No: Ledesma; Abstain: Rocco) to deny Chapman University's appeal of developer fees.

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**Item 12.B. Orange Unified Education Association Proposal**

The Orange Unified Education Association (OUEA) presented for Board consideration, the attached proposal for 2007-2008 reopener contract negotiations

**Motion No. 122**

It was moved by Mr. Poutsma, seconded by Mr. Ortega and carried by a vote of 6-1 (Abstain: Rocco) to receive OUEA's proposal as presented.

**Item 12.C. Request to Change Board Meeting Date**

It was requested that the July 19, 2007 Board of Education meeting be moved to July 26, 2007 due to scheduling conflicts and to provide a more balanced time frame between Board meetings for the months of June, July and August. One Board member had a schedule conflict with the July 26<sup>th</sup> meeting date. No motion was made to change the Board July 19<sup>th</sup> Board meeting date.

**INFORMATION/DISCUSSION ITEMS**

**Item 13.A. Petition for Renewal of Charter for El Rancho Charter School – Public Hearing**

El Rancho Charter School has submitted a charter renewal petition that meets the criteria for renewal as outlined in Education Code Section 47607. A charter granted by a school district governing board may be renewed one or more subsequent times by that entity. Each renewal shall be for a period of five years. Education Code Section 47605(b) requires that members of the public be allowed to address the petition in a public hearing.

**Public Hearing**

The Board President closed the regular meeting of the Board of Education and opened the public hearing at 8:32 p.m.

**Speakers**

No speakers

The Board President closed the public hearing and reopened the regular Board of Education meeting at 8:33 p.m.

**Item 13.B. Orange Education Foundation**

**Speakers**

Denise Bittel, 18607 Villa Drive, Villa Park, stated that the Board members of the Orange Education Foundation were "mystified" that the Foundation was listed as an item on this agenda. Further, she stated that the Foundation was unaware of any difficulty between the Foundation and the school Board.

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## Introduction

Mrs. Nichols brought this item forward and apologized in advance for any misunderstanding between the Foundation and the Board of Education. This item regards the Education Foundation and the Board's participation as a District. It was not the intent to show that there was any problem between the two entities. This item is an effort to establish a relationship because the District works with three foundations. The other foundations worked with the District on an as-needed basis.

As was noted, the Orange Education Foundation is an independent support group to the District. The Bylaws of the Orange Education Foundation (Foundation) were originally adopted by the Foundation in January 1997 and revised in February 1998. Included in these Bylaws under Article V, Section 4, "Number of Directors," is the provision for non-voting members:

In addition to the Board of Directors, the Board of Directors shall include as non-voting members: 1) the Superintendent or designee; and 2) two members of the Board of Education of the Orange Unified School District.

At a Board meeting in May 2004, the Board of Education requested that the Foundation revise their bylaws in order to eliminate active participation by the Orange Unified School District and members of its Board of Education. During the ensuing discussion, the Board restated its appreciation to the Foundation and its expressed purpose "to raise funds for the benefit of the students of the Orange Unified School District," and their willingness to work with the community on areas of mutual interest and fundraising efforts between the Foundation and the community. The Board always has and will continue to support these efforts of the Foundation.

In an effort to determine how the Board of Education should proceed, with regard to active participation in the Orange Education Foundation monthly meetings, discussion took place by the Board members.

Nichols summarized that it seemed that the majority of the Board members wanted to continue a working relationship with the Education Foundation on an as-needed basis or through request.

Mrs. Nichols stated that she will draft a letter to the foundation relative to Board member and/or Superintendent or designee attendance. At a later date, the Board can give direction to staff as to either establishing a regular attendance schedule and appointment of Board member(s) to attend foundation meetings or attend on an as-needed basis.

Mrs. Nichols asked for Board consideration of language revision for Board Policy 1260, **Educational Foundation**. There was Board consensus to move to a more generalized support of foundation relationships so that the policy is receptive to all of the District's community foundations. Legal counsel will be consulted before the policy is brought back for a first and

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second reading if it is determined that the policy should be revised.

**CONSENT ITEMS**

**PULLED ITEM**

**Item No. 14.Q. Migrant Education Region IX – Approval of Service Agreement**  
Pulled by Mr. Ledesma

**Motion No. 123**

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

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

The Board approved the Purchase Order List dated April 30 through May 13, 2007 in the amount of \$1,318,666.12. See attached Purchase Orders List.

**Item 14.B. Warrants List**

The Board accepted the Warrants List dated April 30 through May 13, 2007 in the amount of \$5,529,255.98. See attached Warrants List.

**Item 14.C. Gifts**

The Board accepted the following gifts and the attached list of cash donations. A letter of appreciation will be forwarded to the benefactors.

- LED double-sided Marquee to Lampson ES, donated by Lampson PTA
- Variety of books to Olive ES, donated by Ms. Olivia Boyington

**Item 14.D. Contract Services Report – Business Services**

The following contract services for Business Services were approved:

**CARDINAL ENVIRONMENTAL CONSULTANTS, INC.**

The District has a continuing need for professional consulting services associated with environmental hazards including asbestos, mold, lead, and other environmental hazards. Cardinal Environmental Consultants has provided such services to the District for several years. The current agreement expires on July 18, 2007. District staff is pleased with the level of service.

The firm has offered to hold its fees to the same rates as the current year. Approval of a new environmental consulting services agreement effective from July 19, 2007 through July 18, 2008 is recommended. This is not a request for additional funding. Expenditures will be made from the approved Maintenance budget, Facilities and Planning budget, Special Reserves and other department budgets as required.

Various.....annually not-to-exceed.....\$150,000

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### **CONSULTING & INSPECTION SERVICES**

The Board of Education awarded the contract for Department of the State Architect (“DSA”) required inspection services for the Prospect ES Modernization Project on March 23, 2006 to Consulting & Inspection Services. The original proposal was based on performing the project without phasing. It was determined that phasing the project would allow the installation of fewer portable classrooms and make the overall project more cost effective. Additional time beyond what was originally proposed is required for completion of the project.

Special Reserve/Capital Projects.....not-to-exceed.....\$32,000

### **MARK J. PAONE, AIA**

The Board of Education awarded the contract for the Prospect ES Modernization Project on June 23, 2005 to Mark J. Paone, AIA. The original proposal was based on performing the project without phasing. It was determined that phasing the project would allow the installation of fewer portable classrooms and make the overall project more cost effective. Additional time beyond what was originally proposed is required for completion of the project.

Special Reserve/Capital Projects....not-to-exceed.....\$90,000

### **Item14.E. 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 isolation valves for each building – gas, water, sewer and C/O boxes**

Project(s): Sycamore Elementary School  
Original Board Approval: August 24, 2006  
Original Purchase Order: 705451  
Completion Date: April 27, 2007  
Contractor: Verne’s Plumbing, Inc.  
Original Project Amount: \$23,965.79  
Change Order(s) Amount: \$ - 0 -  
Total Project Amount: \$23,965.79  
Fund(s): Deferred Maintenance (14)

### **BID NO. 577–Unit Price Contract– Installation phone network wiring at Fletcher**

Project(s): Fletcher Elementary  
Original Board Approval: March 23, 2006  
Original Purchase Order: 705153  
Completion Date: April 19, 2007  
Contractor: Stone Electric, Inc.  
Original Project Amount: \$58,171.00  
Change Order(s) Amount: \$ - 0 -



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Total Project Amount: \$58,171.00  
Fund(s): Deferred Maintenance (14)

**BID NO. 577 – Unit Price Contract – Install electrical outlets, network drops, ceiling mounts for projectors; reconfigure computer rooms**

Project(s): Handy Elementary  
Original Board Approval: March 23, 2006  
Original Purchase Order: 704708, 705976, 706036  
Completion Date: April 30, 2007  
Contractor: Stone Electric, Inc.  
Original Project Amount: \$47,420.00  
Change Order(s) Amount: \$ - 0 -  
Total Project Amount: \$47,420.00  
Fund(s): General Fund (01)

**Item 14.F. Modernization Project – Demolition & Abatement at Prospect Elementary School, Tri-Span, Change Order No. 1**

The Board ratified Change Order No.1 to the original Agreement, as referenced on Purchase Order No. 607239, Bid No. FC6001.

**Item 14.G. Modernization Project at Esplanade ES, Tadros & Youssef Construction, Change Order No. 1**

The Board ratified Change Order No.1 to Purchase Order No. 705206, Bid No. FC6007.

**Item 14. H. Bid No. 589: Award of District Asphalt Projects: Removal & Replacement**

The Board awarded Bid Number 589 for District asphalt projects to Terra Pave, Inc.

**Item 14.I. Approval of Pitney Bowes Lease-Purchase Agreement for Replacement Mail Center**

The Board authorized staff to enter into an appropriate 60-month lease-purchase arrangement with Piney Bowes for replacement mail center equipment, software and maintenance. Under a new 60-month lease-purchase arrangement that includes all maintenance, Pitney Bowes would provide new equipment including: 1) Digital Mail Folding Machine DF 500 with software (replacing 40-year old machine), 2) W350 Tabber/Sealer (replacing 20-year old machine), 3) Various organizational items such as rolling tables, adjustable sorter and storage tables, and labeled dividers (replacing 30-40 year old items which were originally donated by the US Post Office) and, 4) DM 1000 Software and automation device to allow automatic checks of mail pieces for the new US Post Office Shape Based Rate structure. New equipment would improve process efficiencies, accuracy, organization and ergonomics. At the end of the term, the District would own the equipment. The District would save \$635 each year in reduced maintenance costs and the lease freezes maintenance costs over the full term, saving another \$820.

**Item 14.J. Liability Claim No. 06/07-019**

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The Board rejected Liability Claim No. 06/07-019.

**Item 14.K. Personnel Report**

The Board approved the attached Personnel Report.

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

The Board approved the attached Student Teacher Assignments as presented.

**Item 14.M. Classified Position Elimination**

Due to lack of work/lack of funds the Board approved the elimination of six instructional assistant positions and authorize the Superintendent or designee to give notice of layoff to the affected employee effective 45 days following notification.

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

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

**I.T. ACTION, INC.**

I.T. Action, Inc. will provide technical support on the AS400 for a period of six months starting May 1, 2007 and ending October 31, 2007.

Information services . . . . .not-to-exceed . . . . . \$3,000

**NATURAL HISTORY MUSEUM**

The District will continue to rent a collection of approximately 187 museum-quality science specimens, historical objects, models, and cultural artifacts from the Natural History Museum of Los Angeles County for the 2007/08 school year. These items are housed in the Instructional Media Center and sent to the individual classrooms upon request from the classroom teachers.

Instructional Services . . . . . not-to-exceed . . . . . \$800

**PROQUEST INFORMATION AND LEARNING** Proquest Information and Learning provides Social Issues Resources Series (SIRS) Discoverer and SIRS Researcher, an online database which provides relevant, credible full-text articles on social issues, science, history, government, the arts and humanities. The renewal subscription for SRS Discoverer and SIRS Researcher is from August 2007 through July 2008.

Instructional Services . . . . . not-to-exceed . . . . . \$8,513

**NATHAN H. HUNTER, PSYCHOLOGIST**

The services of Nathan Hunter, a licensed psychologist, are required to conduct independent educational evaluations of special education students during the 2006/2007 school year.

Special Education . . . . . not-to-exceed . . . . . \$2,600

**ROBYN R. HERRERA**

As the result of an IEP for the 2006/2007 school year, the services of Robyn R. Herrera, Certified Orientation and Mobility Specialist, are required to provide support to a visually impaired special

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education student.

Special Education . . . . . not-to-exceed . . . . . \$3,250

**KID TRIBE**

KidTribe will present two fitness assemblies to the School Age Care program on July 6, 2007. KidTribe is an international health and wellness organization whose mission is to elevate self esteem, create community, and promote health for children. They offer turn-key solutions to obesity prevention by providing a healthy environment. These assemblies will have the children moving, running, balancing, improving coordination and, most importantly, engaging in a form of healthy play.

School Age Care Funds . . not-to-exceed . . . . . \$1,300

**SPECIAL EDUCATION STUDENT #256755**

As the result of an IEP, the District agrees to reimburse the parents for transportation assistance for a special education student placed at an out-of-state, non-public school.

Special Education . . . . . not-to-exceed . . . . . \$2,300

**Item 14.O. Study Trips**

The Board approved the following study trip:

Villa Park High School Girl's Basketball – San Diego, CA – July 19 – 24, 2007

The Villa Park High School Girl's Basketball team under the direction of coach Kim Cram will travel to San Diego to participate in the San Diego Classic Basketball Tournament. This event will enable the student/athletes to have the opportunity to showcase themselves to college coaches and gain the opportunity for scholarships. They will also have the opportunity to compete against top athletes from across the state. The twelve female student/athletes will be accompanied by one male and three female adult chaperones. They will be housed at the University of California at San Diego. Parents will provide the transportation and any parent providing transportation to a student other than their own will have a District driver certificate form completed and approved prior to the trip. There is a \$100 fee for this trip and scholarships are available. No substitute required and the students will not miss any school days.

Villa Park High School Girl's Basketball – Palm Springs, CA – June 22 – 24, 2007

The Villa Park High School Girl's Basketball team under the direction of coach Kim Cram will travel to Palm Springs to participate in the Palm Springs Dessert Classic Basketball Tournament. This event will enable the student/athletes to have the opportunity to showcase themselves to college coaches and gain the opportunity of scholarships. The twelve female student/athletes will be accompanied by one male and three female adult chaperones. They will be housed at the Courtyard by Marriott in Palm Springs. Coaches will provide the transportation and all coaches will have a District driver certificate form completed and approved prior to the trip. There is a \$69 fee for this trip and scholarships are available. No substitute required and the students will not miss any school days.

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**Item 14.P. Early Intervention for School Success Grant for Preschool Age Students at the Child Development Center – Authorization to Apply**

The Board authorized the Superintendent or designee to submit applications for the Early Intervention School Success grant.

**Item 14.Q. Migrant Education Region IX – Approval of Service Agreement between San Diego County Office of Education and the Orange Unified School District for the 2007-08 School Year**

*This item was pulled for discussion and separate action. See Motion No. 124.*

**Item 14.R. Community Based English Tutoring Plan**

The Board approved the Community Based English Tutoring plan for 2007-2008.

**Item 14.S. Textbook Adoptions – Final**

The Board adopted the attached list of textbooks for the Orange Unified School District.

**Item 14.T. Textbook Adoptions – 30-Day Review by Public**

The Board place the attached list of textbooks on display for the 30-day review period and be considered for adoption at the July 26<sup>th</sup> Board Meeting.

**Item 14.U. 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.

**Pulled Item**

**Item 14.Q. Migrant Education Region IX – Approval of Service Agreement between San Diego County Office of Education and the Orange Unified School District for the 2007-08 School Year**

Mr. Ledesma stated that he wanted to vote separately on this item. This was something he did not want to support.

**Motion No. 124**

It was moved by Mrs. Moffat, seconded by Mr. Poutsma and carried by a vote of 5-2 (No: Ledesma; Rocco) to approve the Migrant Education Region IX San Diego Office of Education Service Agreement for the 2007-2008 school year.

**PUBLIC COMMENTS: Non-Agenda Items**

**Speakers**

(No Speakers)

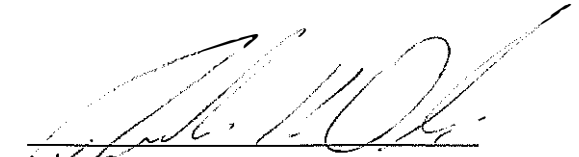
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**OTHER BUSINESS (Board/Staff Conference and Comments)**

Mr. Rocco spoke about the seating arrangement at the dais and the City of Orange and community partnerships.

**ADJOURNMENT**

By call of the chair, the regular meeting of May 24, 2007 adjourned at 9:21 p.m. The next meeting is scheduled for June 7, 2007.



John Ortega  
Clerk of the Board