

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

**Thursday • November 13, 2008  
6:30 P.M. • Closed Session  
7:30 P.M. • Regular Session**

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**MINUTES**

*Due to illness, Board President Poutsma, was not in attendance*

**1. CALL MEETING TO ORDER**

Board Vice President Smith called the meeting to order at 6:30 p.m.

**2. ESTABLISH QUORUM**

Board Members Present for Closed Session: Ledesma, Moffat, Nichols, Ortega, Smith

Board Members Absent from Closed Session: Poutsma, Rocco

**3. PUBLIC COMMENT ON CLOSED SESSION AGENDA ITEMS**

None

**4. ADJOURN TO CLOSED SESSION**

The meeting adjourned to closed session at 6:31 p.m. to discuss the following items:

**A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Title: Superintendent

**B. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE**

**C. CONFERENCE WITH LABOR NEGOTIATORS**

Agency Negotiators: Ed Kisse; Jamie Brown; Spencer Covert, Parker & Covert LLP

Employee Organizations: a) Orange Unified Education Association  
b) California School Employees Association

**5. CALL TO ORDER – REGULAR SESSION**

Mrs. Smith called the meeting to order at 7: 32 p.m.

Board Members Present: Ledesma, Moffat, Nichols, Ortega, Rocco, Smith

Board Member(s) Absent: Poutsma

**6. PLEDGE OF ALLEGIANCE**

Mrs. Smith invited the audience to join her in reciting the Pledge of Allegiance.

**7. REPORT OF CLOSED SESSION DECISIONS AS REQUIRED BY THE BROWN ACT**

Nothing to report

**8. ADOPTION OF AGENDA**

**Motion No. 42**

It was moved by Mr. Ortega, seconded by Mrs. Nichols, and carried by a vote of 5-1-1 (No: Rocco; Absent: Poutsma) to adopt the November 13, 2008 agenda.

**9. ANNOUNCEMENTS AND ACKNOWLEDGMENTS**

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

Dr. Dreier noted that OUSD schools participated in the Great Southern California Shake-Out, the largest earthquake drill in U.S. history. The drill illuminated some issues that need to be addressed. CWA is soliciting information from school sites regarding any unusual or unforeseen issues that arose during the drill. Dr. Dreier thanked CWA for their efforts in coordinating this important event.

Dr. Dreier acknowledged the annual Junior ROTC's Veterans Day celebration at Orange High School. Additionally, Dr. Dreier commented on her site visit at Orange High.

Dr. Dreier remarked on the state's budget crisis. The governor's plan to balance the state budget includes increasing revenue, but also spending cuts. The governor's proposal includes a mid-year cut to public education of \$2.5 billion. The question remains what does this cut mean to Orange Unified School District. If the governor's budget cut proposal were approved by the legislature, the District would be looking at an \$8.5 million mid-year reduction, which is about \$320 per student. Considering the fact that the school year is underway, and many expenditures are already encumbered, it would be very challenging for our District to meet that type of a mid-year cut. It is important to reiterate that this District has already worked very hard to balance its budget and to be fiscally responsible and conservative. It is known that this budget crisis has everything to do with what is happening globally and throughout the state and nation. Dr. Dreier noted that she is working with Cabinet members analyzing the District's budget, looking for where cuts can be made. It is very challenging and everyone needs to be prepared. The District's commitment is to keep the mission of this District and the core values in mind, to be transparent and open about the budgeting process.

Dr. Dreier recognized Board members, Wes Poutsma and Steve Rocco, for their four years of dedicated service to the District and presented a commemorative plaque to Mr. Rocco. Mr. Poutsma will be presented with a plaque at a future meeting. Their vacated seats will be filled by the newly-elected Board members, Dr. Alexia Deligianni and Mr. Mark Wayland.

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

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None

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

Mr. Rocco stated that it has been an honor and a privilege to serve the people of the Orange Unified School District. He further reflected on the past four years as a member of the Board of Education.

**Item 9.D. State of the School Report – Narinee Shahrikian, Richland High School**

Narinee Shahrikian, SACBE Representative from Richland High School, presented her state of the school report. She passed out Richland High School shirts to the Board members.

**10. APPROVAL OF MINUTES**

None to approve.

**11. PUBLIC COMMENT: Non-Agenda Items**

Greg Ramsay, resident of Villa Park and Director of the Legal Aid Office in Orange, stated that through his office he has become very aware of people in need of temporary housing due to the downturn in the economy. He asked for consideration for use of the facility at 600 N. Olive. Mr. Ramsay was referred to Mr. Christensen for follow-up.

**12. ACTION ITEMS**

**Item 12.A. Superintendent's Goals and Objectives 2008-09**

According to the Superintendent's contract, each year the Superintendent shall develop and submit to the Board of Education the Superintendent's priority goals and objectives. The attached priority goals and objectives for 2008-09 was discussed by the Superintendent and presented to the Board for their consideration. Supt. continuing work the district is already in place;

**Motion No. 43**

It was moved by Mrs. Nichols, seconded by Mr. Ortega, and carried by a vote of 5-1-1 (No: Rocco; Absent: Poutsma) approve the Superintendent's Goals and Objectives for 2008-09 as presented:

- Goal #1: By June 1, 2009, the District will have completed progress in each of the Strategic Plan's Year Three Priority Areas.
- Goal #2: By January 30, 2009, the Superintendent's District Entry Plan will be completed.
- Goal #3: By June 15, 2009, the next three-year Strategic Plan will be developed which will enhance student learning and support the District's mission and core beliefs.

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### 13. INFORMATION/DISCUSSION ITEMS

#### **Item 13.A. Energy Management Program Update and Presentation of Environmental Excellence Award**

An update of the Energy Management Program results was presented. The District has reduced energy consumption an average of 26% at all facilities, which means the District is utilizing approximately 74% of the energy we used to use. The reductions have been during the off-hours. A number of sites have done so well that the District is applying for the Energy Star designation, a joint program of the EPA and U.S. Department of Energy. Mark Starkey from Energy Education presented a plaque to the District's Energy Managers, Lori Davis and Andrew Durrett, for their outstanding efforts toward implementing the energy education program. Mr. Starkey said that out of the 950 school districts nationwide, the energy program at OUSD has seen some of the best results in the entire country.

#### **13.B. Annual Audit Report**

James Hawley, from Nigro, Nigro and White, reviewed the audit report. The independent audit of the 2007-08 fiscal records for Orange Unified School District indicates a positive financial status and ongoing maintenance and improvement of appropriate internal controls. The ending balances for all funds have been verified to be those previously stated in the District's SACS Financial Reporting documents on file with the State of California Department of Education and those indicated in the independent accounting system of the Orange County Department of Education, which maintains ledgers on all payroll, warrant, and financial transactions of any sort of each school district located within Orange County.

### CONSENT ITEMS

#### Pulled Item(s)

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

**Item 14.E. Resolution No. 20-08-09 to Change Trustee/Custodian for Elite Choice Government 457(b) Deferred Compensation Plan and the Elite Choice 403(b) Tax Sheltered Annuity Plan**

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

Pulled by Mr. Ledesma.

#### **Motion No. 44**

It was moved by Mr. Ortega, seconded by Mrs. Nichols, and carried by a vote of 5-1-1 (No: Rocco; Absent: Poutsma) to approve the consent items minus Items 14.A. E. and L., as noted above.

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

This item was pulled for discussion and separate action. See *Motion No. 45*.

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**Item 14.B. Purchase Orders List**

The Board approved the Purchase Order List dated October 20, through November 2, 2008 in the amount of \$1,234,435.24. See attached Purchase Orders Lists.

**Item 14.C. Warrants List**

The Board accepted the Warrants List dated October 20, through November 2, 2008 in the amount of \$4,260,501.53. See attached Warrants Lists.

**Item 14.D. Gifts**

The attached list of cash donations was donated to District for use as indicated. A letter of appreciation will be forwarded to the benefactor.

**Item 14.E. Resolution No. 20-08-09 to Change Trustee/Custodian for Elite Choice Government 457(b) Deferred Compensation Plan and the Elite Choice 403(b) Tax Sheltered Annuity Plan**

This item was pulled for discussion and separate action. See *Motion No. 46*.

**Item 14.F. Contract Services Report – Administrative Services**

The following contract services were approved as listed:

**FITCH ENTERPRISE SERVICES, Inc.**

Fitch Enterprise Services, Inc. will provide an Electrical Safety Training for the Maintenance staff, electricians, operators, technicians, supervisors and managers. It will enhance the OUSD safety and OSHA compliance. This safety training is a one time, 8-hour classroom training workshop covering work procedures in NFPA-70E and associated with Cal-OSHA rules.

General Fund..... not to exceed..... \$1,200

**HARRINGTON GEOTECHNICAL ENGINEERING, INC.**

Canyon Rim Elementary School has experienced some drywall cracking in non-structural walls indicating possible building movement. To establish a baseline for future monitoring, the District requires the services of a surveyor. Harrington Geotechnical has the expertise and availability to provide the required services and is providing similar services at Nohl Canyon Elementary School.

General Fund.....not to exceed.....\$3,500

**Item 14.G. Resolution No. 19-08-09: Appointment of Public Works Hearing Officer**

The Board approved Resolution 19-08-09 appointing the Assistant Superintendent, Administrative Services as the District's appointed Public Works Hearing Officer and delegate the authority to conduct hearings and rulings on behalf of the District under Public Contract Code 4107.

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**Item 14.H. Orange County Department of Education's Annual Report of the Aggregate Findings of the Williams Settlement Legislation Inspections for the District for Fiscal Year 2007-08**

The Board received the Report and Findings (of the County Superintendent of Schools) as required by California Education Code 1240. The aggregate findings for the District were: 1) All schools were evaluated to have sufficient text books and instructional materials following prompt corrective action of any specific issues; 2) Any deficiencies with respect to the safety, cleanliness, and adequacy of school facilities were reported to school administrators for remediation; 3) Accuracy of data reported on the School Accountability Report Card (SARC) with respect to the sufficiency of instructional materials and the safety, cleanliness, and adequacy of school facilities were reviewed and found to be accurate; and 4) Teacher assignments were reviewed in all schools and any misassignments were corrected.

**Item 14.I. Adoption of Resolution No. 21-08-09 Granting Easement to the City of Orange for Street and Highway Improvements to Convey a Portion of the Intersection of Sycamore Avenue and Main Street and for the installation of a Student Drop-Off at Sycamore Elementary School**

The Board approved Resolution 21-08-09. See attached resolution.

**Item 14.J Personnel Report**

The Board approved the attached Personnel Report.

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

The Board approved the variable term waiver.

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

This item was pulled for discussion and separate action. See *Motion No. 47*.

**Item 14.M. Study Trips**

The Board approved the following study trips:

Canyon High School - Boys Wrestling Team - San Diego, CA - December 5-6, 2008

Canyon High School's Boys Wrestling team under the direction of coach Scott Lawson, will travel to San Diego to participate in the Vista High Wrestling Tournament. The team will compete against top athletes from outside areas. Twenty male students will be accompanied by four male adult chaperones and will stay at the Marriott Residence Inn, Oceanside. Transportation will be provided by parents who will have an approved District permit prior to this trip. There is no cost per student and scholarships are available. Students will not miss school and no substitute will be required.

Canyon High School - Boys Wrestling Team - Palos Verdes, CA – December 12-13, 2008

Canyon High School's Boys Wrestling team under the direction of coach Scott Lawson, will travel to Palos Verdes to participate in the El Camino College Wrestling Tournament. The team will

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compete against top student athletes from other districts. Twenty male students will be accompanied by four male adult chaperones and will stay at the Torrance Marriott, South Bay. Parents will provide transportation and will have an approved District permit prior to this trip. There is no cost per student and scholarships are available. Students will not miss school and no substitute will be required.

Canyon High School - Boys Wrestling Team - Las Vegas, NV - December 18-20, 2008

Canyon High School's Boys Wrestling team under the direction of coach Scott Lawson, will travel to Las Vegas to participate in the Las Vegas Wrestling Tournament. Participation in this tournament will provide the opportunity for team building and competition against other athletes from many outside areas. Twenty male students will be accompanied by four male adult chaperones and will stay at the Marriott Residence Inn, Las Vegas Convention Center. There is no cost per student and scholarships are available. Students will miss one day of school and a substitute will not be required.

Taft Elementary - 4<sup>th</sup>/5<sup>th</sup> Grade Gifted and Talented Education (GATE) Combo Class - Riley's Farm, Yucaipa, CA - March 11-12, 2009

The 4<sup>th</sup>/5<sup>th</sup> grade GATE Combo Class from Taft Elementary will travel to Riley's Farm in Yucaipa on March 11 - 12, 2009. The students will participate in a "living history adventure tour," and will re-enact past events in America's history including the Revolutionary War. This experience is aligned to the California Standards for 5<sup>th</sup> grade History. Students attending the program are responsible for the program cost. The student cost may be supplemented by funds donated from parent organizations. The cost is \$120 per student and scholarships are available.

Taft Elementary - 4<sup>th</sup>/5<sup>th</sup> Grade GATE Combo Class - Astro Camp - April 27-29, 2009

The 4<sup>th</sup>/5<sup>th</sup> grade GATE combo class from Taft Elementary will travel to Idyllwild, California to participate in Astro Camp on April 27- 29, 2009. Students will experience a variety of science activities such as rockets, space exploration, electromagnetic, states of matter, astronaut training, etc. This science enrichment program is aligned within the California Science Standards. Students attending the program are responsible for the program cost. The student cost may be supplemented by funds donated from parent organizations. The cost is \$186 per student and scholarships are available.

Villa Park High School - Boys Basketball - San Luis Obispo, CA - December 4-6, 2008.

The Villa Park High School Boys Basketball team under the direction of Coach Kevin Reynolds, will travel to San Luis Obispo to participate in a basketball tournament and compete against teams from Northern California. The team will also tour the University of Cal Poly San Luis Obispo. Fifteen male students will be accompanied by four male and one female adult chaperones and will stay at the Embassy Suites, San Luis Obispo. Parents will provide the transportation to and from camp. The cost per student \$250 and scholarships are available. Students will miss two days of school. No substitute will be required.

**Item 14.N. Expulsion of Student: Case No. 08-09-05**

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The Board upheld the recommendation of administrative staff.

**Item 14.O. Contract Services Report – Pupil Services**

The Board approved the Contract Services Report – Pupil Services as follows.

**FRANCESCA BALADA, PSY. D.**

The additional services of Francesca Balada, Clinical Psychologist, are required to attend an Individualized Education Plan (IEP) meeting to present her independent educational evaluation of a special education student.

Special Education . . . . . not-to-exceed . . . . . \$130

**Item 14.P. Notice of Annual Organizational Meeting – December 11, 2008**

The Orange Unified School District Board of Education will hold its 2008 Annual Organizational Meeting Thursday, December 11, 2008, at 7:30 p.m. in the Board Room of the Education Center, 1401 N. Handy Street and notify newly-elected Board members of this meeting and the actions that will be taken.

**PULLED ITEMS**

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

Mr. Ledesma questioned whether or not the District went to bid on the contract for Waste Management of Orange County. Mr. Archibald responded that the bid was approved in 2005 and the District is extending the contract based on their options. Mr. Archibald added that Waste Management has done an excellent job and provided satisfactory service. If in a year the District wants to go out to bid, the District can do that without impact from the options.

Mr. Ledesma questioned the open purchase order with Parker & Covert indicating that the open PO is like a “credit line” that the school district consumes. He asked to understand better the approval process of who contacts the attorneys and creates invoices against this open purchase order – how does that process work. He asked what the approval process is for contacting the attorneys and getting \$200,000 worth of legal fees. He requested an explanation/summary of how the legal fees are created for the last three years of purchase orders.

**Motion No. 45**

It was moved by Mr. Ortega, seconded by Mrs. Moffat and carried by a vote of 4-2-1 (No: , Ledesma, Rocco; Absent: Poutsma) to approve the contract services report for business services as listed below.

**WASTE MANAGEMENT OF ORANGE COUNTY**

Waste Management of Orange County was competitively awarded a contract for Districtwide solid waste collection and enhanced recycling services. The firm has offered a basic monthly service fee increase from \$18,226 to \$18,955, an increase of four percent (4%) for the following



year, and an additional two-year option extension based upon the regional Consumer Price Index (CPI). The District's Enhanced Recycling Program is performed at no cost. Based upon the outstanding service, competitive rates and low escalation, acceptance is recommended. Expenditures are made from all sites, programs and department budgets. (Kemp)

Various funds based on usage.....\$227,460

**KEENAN FINANCIAL SERVICES/ENVOY PLAN SERVICES**

Envoy Plan Services, an affiliate of Keenan Financial Services, provides administration, operation and compliance services for our 403(b) Tax Sheltered Annuity Plan and our 457(b) Deferred Compensation Plan. Regulatory changes to be implemented January 1, 2009 have imposed important and substantial responsibilities and liabilities on Plan Sponsors and on public school employers nationally. Previously 457(b) plan design and documentation was more extensive but the requirements for 403(b) plans require similar increased responsibilities and regulation. Envoy has been working with the District during the past year to fully implement these new regulations by the January 1, 2009 deadline.

Various funds based on employee participation.....\$30,000

**PARKER & COVERT**

Parker & Covert, LLP provides legal services to the District in matters related to negotiations, general counsel, and other issues related to education. An open purchase order will be established for the payment of invoices for the period of January 1, through June 30, 2009, in the amount of \$200,000. The budgeted amount for this account for the 2008-09 school year is \$400,000, of which \$200,000 through December 31, 2008, was approved at the June 5, 2008 meeting.

General Fund ..... not-to-exceed..... \$200,000

**Item 14.E. Resolution No. 20-08-09 to Change Trustee/Custodian for Elite Choice Government 457(b) Deferred Compensation Plan and the Elite Choice 403(b) Tax Sheltered Annuity Plan**

Mr. Ledesma questioned why the change from Union Bank to the new custodian. Mr. Archibald explained that the 403(b) plan has come under increased regulation. The government required the District to have a plan document in place for the 403(b) portion of the employee retirement options. In the course of doing this, the change in the trustee/custodian, Benefit Trust Company is replacing Union Bank of California to provide trustee and custodial services for the plans. Benefit Trust is an independent trust company focusing exclusively on providing trust custodian and fiduciary services to sponsors, participants and beneficiaries of qualified and non-qualified employee benefit plans.

**Motion No. 46**

It was moved by Mr. Ledesma, seconded by Mrs. Moffat and carried by a vote of 5-1-1 (No: Rocco; Absent: Poutsma) to approve Resolution No. 20-08-09 to Change Trustee/Custodian for Elite Choice Government 457(b) Deferred Compensation Plan and the Elite Choice 403(b) Tax Sheltered Annuity Plan. Envoy Plan Services provides administration, operation and compliance

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services for our 403(b) Tax Sheltered Annuity Plan and our 457(b) Deferred Compensation Plan. These plans are provided as tax deferred investment options for employees. Benefit Trust Company will be replacing Union Bank of California, N.A. as both trustee and custodian for the 403(b) and 457(b) plans. This resolution appoints and authorizes Benefit Trust Company as Trustee and Custodian.

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

Mr. Ledesma questioned the San Diego County Office of Education contract with regards to the number of participants and the cost of hiring substitute teachers. Dr. Brown responded that the Reading First Grant for this year is approximately \$900,000 and the substitutes will be paid out of the grant. The expense will not come out of the District’s general fund.

**Motion No. 47**

It was moved by Mr. Ledesma, seconded by Mrs. Moffat and carried by a vote of 5-1-1 (No: Rocco; Absent: Poutsma) to approve the following contract services as listed:

**SAN DIEGO COUNTY OFFICE OF EDUCATION**

The San Diego County Office of Education will conduct customized training to support Reading First Schools with the implementation of the Reading First grant for the 2008-2009 school year. The training workshops will focus on Universal Access emphasizing differentiated instruction and Writer’s Workshop covering the writing process. The cost will be \$300 per participant for the two-day training, not to exceed a total a 100 participants. The cost includes training, materials and expenses.

Reading First Grant . . . . not-to-exceed . . . . . \$30,000

**DOCUMENT TRACKING SERVICES**

Document Tracking Services will provide a web-based application that will allow the District to efficiently create, update, and track the Single Plan for Student Achievement and the School Accountability Report Card (SARC). This application allows the District to modify the California Department of Education Single Plan for Student Achievement and School Accountability Report Card templates for all schools and pre-populate data and narrative fields with site specific information. This feature will facilitate the process to update the required components of the Single Plan for Student Achievement and the School Accountability Report Card for each school. The cost will be \$260 per school and will be effective from December 1, 2008 through December 1, 2009.

School/Library Improvement Fund . . . . . not-to-exceed . . . . \$11,180

**HOUGHTON MIFFLIN HARCOURT LEARNING TECHNOLOGY**

Houghton Mifflin Harcourt Learning Technology will provide the Destination Reading I, II and III programs for Lampson Elementary School. Destination Reading is a powerful early literacy and adolescent literacy program that uses technology aligned to the state standards, and includes an explicit instructional pathway with frequent assessments to help guide individualized data-driven

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instruction.

Title I/EIA/LEP/Ed Tech . . . not-to-exceed . . . . . \$31,175

**HOUGHTON MIFFLIN HARCOURT LEARNING TECHNOLOGY**

Houghton Mifflin Harcourt Learning Technology will provide a Destination Reading Program training at Lampson Elementary School during the 2008-09 school year. This training will be provided for 35 teachers. Destination Reading is a powerful early literacy and adolescent literacy program that uses technology to correlate to state standards, and includes an explicit instructional pathway with frequent assessments to help guide individualized data-driven instruction

Title I Funds . . . . . not-to-exceed . . . . . \$3,400

**TELECOMMUNICATIONS OF ORANGE COUNTY**

Change Order: The contract with Telecommunication of Orange County was originally approved on the October 16, 2008 Board Agenda in the amount of \$28,194. Due to a calculation error it is necessary to increase this contact by \$948. This agreement will provide the rights and licenses for duplication of instructional television programs airing on the educational channel. Telecommunications of Orange County will provide an online video service, Video Streaming, which includes training resources and teacher guides.

Educational Technology . . . *revised* total-not-to-exceed . . . \$29,142

**15. PUBLIC COMMENT: Non-Agenda Items**

None

**16. OTHER BUSINESS**

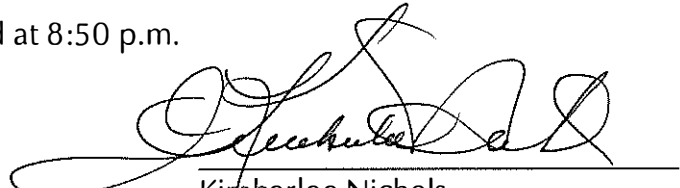
Mr. Ledesma asked about the Orange City/Schools Committee meetings regarding the topic of sports field allocation. Mr. Christian responded that he attended a meeting with the City of Orange and different sports user groups to discuss field allocations. The District had entered into a joint use multi-year contract with the elementary schools in the City of Orange with the City of Orange. The joint use agreement expired in 2006. It was not renegotiated at that time due to the Kelly Field renegotiations of the joint use agreement. It was decided to continue with the terms that were in place. Since then, city management has decided that they do not have enough staff to supervise the use of the fields in the way it was envisioned in the original agreement. Currently, the city is in the process of charging user groups to use city fields to help provide revenue to monitor that use. The District is continuing to allow field usage as it has in the past. The city would like to expand their service so that they can count the school district properties in their inventories of parks. The District has approximately 2/3 of open field space in the city and 1/3 for city parks.

Mr. Ledesma suggested that the District provide OUSD staff for two reasons: 1) a staff person who works on the campus can provide oversight over our assets; 2) although the District would have to pay for this person on behalf of the city, perhaps a barter of some kind could be worked out with the city.

Mr. Christensen stated that in keeping with the concern of monitoring the fields and watching out for the District's interest, the city understands that this is a concern for the District. Mr. Christensen will keep the Board apprised of all developments of future meetings.

**17. ADJOURNMENT**

By call of the chair, the meeting adjourned at 8:50 p.m.



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Kimberlee Nichols  
Clerk of the Board