ORANGE UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION • REGULAR MEETING District Education Center • Board Room

1401 North Handy Street • Orange, California

Thursday • March 12, 2009 5:30 P.M. • Closed Session 7:00 P.M. • Regular Session

MINUTES

1. CALL MEETING TO ORDER

Board President Ledesma called the meeting to order at 5:34 p.m.

2. ESTABLISH QUORUM

A quorum was established.

Board Members Present: Deligianni, Ledesma, Moffat, Nichols, Ortega, Smith, Wayland

Board Members Absent: None

3. PUBLIC COMMENT ON CLOSED SESSION AGENDA ITEMS

None

4. ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 5:35 p.m. to discuss the following items:

- A. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
- B. CONFERENCE WITH LABOR NEGOTIATORS

5. CALL TO ORDER -- REGULAR SESSION

Mr. Ledesma called the meeting to order at 7:02 p.m.

6. PLEDGE OF ALLEGIANCE

Mr. Ledesma invited the audience to join him in reciting the Pledge of Allegiance.

7. REPORT OF CLOSED SESSION DECISIONS AS REQUIRED BY THE BROWN ACT No action was taken.

8. ADOPTION OF AGENDA

Revised Item

Item12.C. Multi-Year Budget Reductions based on the February 20, 2009 State-Adopted Budget

The balance of reductions needed in Level 1 was revised from \$33.4 to \$33.1 million through

2010 including \$11.8, not \$12.1, million in 2009-10.

Motion No. 80

It was moved by Mr. Ortega, seconded by Mr. Wayland, and carried by a vote of 7-0 to adopt the March 12, 2009 agenda, including the revised Item 12.C, as stated above.

9. ANNOUNCEMENTS AND ACKNOWLEDGMENTS

Item 9.A. Superintendent's Report

Dr. Dreier remarked on a number of District celebrations:

- At the OCDE Regular Board meeting, the Title I Academic Achievement award was presented to California Elementary School. This is the second time that California has been recognized for their achievement as a Title I school. Principal Cindi Paik accepted the award on behalf of California Elementary.
- Briley Lewis, a 7th grader from Cerro Villa, won 1st place in the Orange County Scripps National Spelling Bee. Briley will go to Washington, D.C. on May 26th to compete in the National Spelling Bee.
- Two OUSD students were honored at the 10th Annual Holocaust Art & Writing Contest at Chapman University on March 6th. Gloria Gallardo, 9th grade student at Orange High, received 1st place in the High School Division, Prose Category, and Agnes Nguyen, 8th grade student at Portola Middle School, received 2nd place in the Middle School Division, Prose Category.
- El Rancho Charter Middle School earned 1st place in the 2009 Science Olympiad Orange County Competition for Junior High School on February 27. El Rancho will advance to the state competition in April.
- Ed Kissee was selected by ACSA, Region 17, as the Personnel Human Resources Administrator of the Year; Jacque Keefe was also selected as Confidential Employee of the Year. This is the second year in a row that an OUSD employee has received the Confidential Employee of the Year recognition in Region 17.
- Canyon High School Boys Basketball won the first round of Division III AA State regionals on Tuesday night and is playing the second round of the regionals against Ocean View High School tonight.

Item 9.B. Board President's Report

Mr. Ledesma stated that even though some dramatic decisions will be made this evening, the Board must stay on top of our budget and basically track it all the way to June because of what may be changing at the federal funding level and at the state level, while the election in May will

also impact the budget. The Board will be consistent in tracking the budget; further decisions can be made to June. This evening the Board will make decisions at this point in time.

Mr. Ledesma commented on his visit to Villa Park Elementary School and thanked Principal Larry Hausner for taking the time to show him around the school. Mr. Ledesma highlighted a few items at the school such as the new auditorium, which used to be the library, as well as the technical developments that have been implemented in the classrooms. Mr. Ledesma urged fellow Board members to visit the schools; each OUSD school is a "jewel" in and of itself.

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

Mrs. Moffat commented on her visit to Villa Park High School at their Spring Sports Assembly. She remarked on the students' performance as to their sense of humor, wittiness and creativity as it reveals their sense of community and inclusiveness.

10. APPROVAL OF MINUTES

February 12, 2009 (Regular Meeting) February 26, 2009 (Regular Meeting) March 5, 2009 (Work/Study Session)

Motion No. 81

It was moved by Mr. Ortega, seconded by Mr. Wayland, and carried by a vote of 7-0 to approve the minutes of the February 12, and February 26, 2009 regular meetings and the March 5th work/study session.

11. PUBLIC COMMENT: Non-Agenda Items

Jan Miller, President of OUEA, thanked board members for their years of service to the District. Speaking on behalf of the teachers, Mr. Miller stated that the teachers take exception to speakers at the meetings who have dismissed any OUSD school as a "bad school." Mr. Miller reiterated that there are no "bad schools" in the District. Through his visits to schools, Mr. Miller has witnessed the excellent education offered to all OUSD students.

12. ACTION ITEMS

Item 12.A. Resolution No. 30-08-09 to Expand Interfund Transfers of Special or Restricted Fund Moneys

On October 16, 2008, the Board of Education approved Resolution No. 16-08-09 to Establish Temporary Interfund Transfer of Special or Restricted Fund Moneys between specific funds. With the global economic crisis and continuing credit market restrictions, it is now necessary to expand the temporary interfund transfers and add other funds that were not included in the resolution that was approved on October 16th. Resolution No. 33-08-09 is required to have the flexibility to borrow between all funds for short-term cash flow issues in order to meet current payment obligations. The amounts transferred are accounted for as temporary borrowing between funds or accounts and shall be repaid in the same fiscal year, or in the following fiscal

year, if the transfer takes place within the final 120 calendar days of a fiscal year.

Motion No. 82

It was moved by Dr. Deligianni, seconded by Mr. Ortega, and carried by a vote of 7-0 to approve Resolution No. 33-08-09 to expand temporary interfund transfers of special or restricted fund moneys.

Item 12.B. Public Hearing: Categorical Funding Flexibility Transfer

The California State Department of Education gives school agencies the authority to use the categorical funds received from the state for Tier III programs for "any educational purpose, to the extent permitted by federal and state law." The flexibility to transfer funds from these programs is authorized for five years-from the current year through 2012-13. Any school agency that wants to exercise this transfer authority is required to hold a public hearing on the matter.

Public Hearing

Mr. Ledesma closed the regular meeting of the Board of Education and opened the public hearing at 7:23 p.m.

Speakers

No speakers

Mr. Ledesma closed the public hearing and reopened the regular Board meeting at 7:27 p.m.

Motion No. 83

It was moved by Mrs. Nichols, seconded by Mrs. Moffat, and carried by a vote of 7-0 to authorize the Superintendent or designee to transfer funds for Tier III programs into the General Fund for any educational purpose, as allowed by law, through 2012-13.

Item 12.C. Multi-Year Budget Reductions Based on the February 20, 2009 State-Adopted Budget

Introduction

Dr. Dreier clarified the recommendation. She reminded the audience that these reductions do not take into consideration what resources may come to the District through the Federal Stimulus Act. The Orange County Department of Education will not allow the District to use those possible resources in our accounting. When the Board of Education adopted the current year's budget last June, this budget was well-balanced and conservatively managed. The last six months were unexpected and unprecedented. The history of this District's fiscal responsibility is confirmed by the FCMAT report, which will be posted on the web site. Dr. Dreier reviewed the many steps taken by the District to address the fiscal crisis.

Mr. Christensen gave a power point presentation regarding the multi-year budget reductions based on the February 20th state adopted budget. The presentations illustrated the historical

progression of the 2008-09 budget; the approved Level I administrative funding adjustments (already approved by Dr. Dreier and in process of implementation); staff recommendations for Level 2 Board of Education funding adjustments; and staff recommendations for Level 3 negotiable funding adjustments.

On February 20, 2009, the Governor approved the state's mid-year budget cuts for 2008-09 and budget for 2009-10. The impact to the Orange Unified School District is a reduction of \$3.2 million in general fund revenue for the current year, and a reduction of \$7.7 million in 2009-10. Due to the impact of inflationary pressures on the District, contractual obligations with our employee groups, and the requirement to have a balanced budget in the current and following two years, the general fund budget must be reduced by \$38.3 million for 2010-11, including \$15.3 million for 2009-10. These cuts must be identified, approved by the Board, and reported to the Orange County Department of Education by March 15, 2009.

There are three levels of fund management in school districts: 1) administrative discretionary, 2) board discretionary, and 3) negotiable (requiring agreement between boards and the unions). The Level 1 reductions have been approved by the Superintendent and implementation has started. The balance of reductions needed is \$33.1 million through 2010-11, including \$11.8 million in 2009-10.

Public Comment

Jan Miller, complimented the Board for the FCMAT report. Mr. Miller commented on the proposed salary reduction and noted that sacrifices must be made. However, he hoped that the Board of Education would make all necessary and prudent reductions before coming to employees with the expected request for sacrifice.

The following individuals spoke in opposition to closing Silverado Elementary School and urged the Board to allow one more year to find the necessary funds and resources to organize the school as a science and technology charter or magnet school:

- 1. Laura Bennett
- 2. Deborah Johnson
- 3. Chay Peterson
- 4. Sharla Brady (from the Tucker Wildlife Sanctuary)
- 5. Andrew Tonkovich
- 6. Charla Harris
- 7. Tim Thompson

Kari Tucker urged the Board to continue their "thoughtfulness" toward the GATE program in the District

Marjan Dunn spoke in support of the GATE program and clarified funding for the program.

Jeanne Matson, parent and a speech & language specialist for the District, urged the Board not to reduce teacher salaries as proposed.

Board Discussion

Mr. Ledesma noted that the Board will be voting on all the listed reductions, but will only discuss the Level II at this meeting. Level I is in the area of the Superintendent; Level 3 is negotiable. Level 2 will be considered in one group as is done with consent items.

Item Pulled from Level 2

• Silverado Elementary (Level 2, Item D); pulled by Dr. Deligianni

Dr. Deligianni spoke in support of keeping Silverado Elementary School open, noting that the school is in the process of securing a state charter and is in the process of securing the necessary money. Dr. Deligianni moved to postpone the closure of Silverado Elementary School for one year.

Mr. Ledesma cautioned to hold off on the motion to give other Board members an opportunity to speak.

Mrs. Moffat spoke in favor of deleting the closure of Silverado Elementary School from inclusion in the list of recommended budget reductions because prior to and during these discussions, Silverado occupies a unique place within that community. Not only does this school provide excellent education, it is an integral part of the community and family life.

Mr. Ortega spoke in favor of deleting Silverado Elementary School from the list for one year to allow the school the opportunity to move forward in the direction that they need to move forward in. Having patrolled the Silverado neighborhoods, Mr. Ortega noted that it is a unique community and there is reason to be concerned about security measures at the school should it be closed. He also noted that the 8 ½ mile drive on Santiago Canyon Road is not very safe.

Mrs. Smith addressed other issues that have not been noted for the public in closing our small school. She stated that many parent and community members have spoken to her regarding the severe budget cuts that must be made. Mrs. Smith felt it was her obligation to speak for the other students as well as for the employees to say that to "not close Silverado" would be asking our students and employees to absorb those costs in addition to the other proposed budget cuts. She noted that her job as a Board member is to ensure that all students are educated equitably.

Mrs. Nichols shared that she agrees with Mrs. Smith because the District has cut so many components from the students' opportunities over the years while maintaining a semblance of a strong instructional program. She noted that she could not in good conscience ask employees to take on more with less pay while keeping a small school with declining enrollment open. However, she added that she believes that with the work that has gone in to what the

community has put together, there may be an alternative. Mrs. Nichols noted that the enrollment numbers are not there for a successful environmental charter to make the school be successful in one year.

Mr. Wayland asked for Board consideration to keep Silverado open for kindergarten through first grade. In this were to happen, there would not be a need for a principal or a secretary; there would be a teacher and a staff member for maintenance. The school would not be completely closed; it would not be open for vandalism; it would allow Silverado to still explore the charter opportunity.

Motion No. 84

It was moved by Mrs. Moffat, seconded by Dr. Deligianni and tied by a vote of 3-3-1 (Abstain: Wayland) to eliminate from Level 2, item D, *Close Silverado Elementary School*, from the recommended budget reduction.

The roll call vote was as follows:

1.	Moffat	Aye
2.	Nichols	No
3.	Ledesma	No
4.	Ortega	Aye
5.	Wayland	Abstain
6.	Smith	No
7.	Deligianni	Aye

Legal counsel, Spencer Covert, stated that it takes four affirmative votes to take action.

Motion No. 85

It was moved by Dr. Deligianni, seconded by Mr. Ortega and carried by a vote of 7-0 to reconsider the vote.

Reconsideration of the Vote

The roll call vote for reconsideration of Motion No. 84 was as follows:

1.	Smith	No
2.	Deligianni	Aye
3.	Nichols	No
4.	Moffat	Aye
5.	Wayland	No
6.	Ledesma	No
7.	Ortega	Ave

Motion No. 84 failed by a vote of 3-4 to eliminate the closing of Silverado Elementary School from the list of budget reductions, Level 2. (Close Silverado Elementary School will remain on the list.)

Motion No. 86

It was moved by Mrs. Smith, seconded by Mrs. Nichols, and carried by a vote of 7-0 to approve Level 2 and Level 3 budget reductions totaling \$33.1 million through 2010-11, including \$11.8 million in 2009-10.

By call of the chair, the meeting recessed at 9:28 p.m.

The meeting reconvened at 9:47 p.m.

Item 12.D. Second Interim Financial Report and Transfer Resolution No. 32-08-09

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, 2009 (Column C), but also projects anticipated revenues and expenditures known to date (Column D). The District will file a positive certification in regard to the ability to meet its financial obligations.

Average Daily Attendance (ADA): The total budgeted attendance of 27,042.35 (not including District charter schools) reflects a total increase of 121.11 in ADA with a 95.615% attendance rate as compared to December 2008 estimates. This consists of a 103.19 increase in Orange Unified ADA, along with a 17.93 increase in special education and community day (OCDE) pass through (Attachment B).

Revenue Limit: The revenue limit calculations of \$157,594,251 provided by the Orange County Department of Education are based upon the most recent State Department of Education information. The effect of this revenue limit reduction is a net decrease in the amount of \$5,054,961 (Attachment C).

Federal Revenue: Federal income totaling \$14,854,681 includes a slight increase of \$85,818.

Other State Income: State income of \$52,196,081 reflects a composite increase of \$2,121,908.

Other Local Income: Local income totaling \$8,206,950 includes a decrease of \$358,576.

Expenditures: Expenditures have been adjusted to conform to site and program budgets to date.

Ending Balance: The projected ending balance of \$16,386,208 consists of the following:

Designated for Economic Uncertainties	7,413,669
El Rancho Ending Balance	800,000
Non-resident Tuition	56,127
Unappropriated Amount (Above 3%)	7,841,412

Motion No. 87

It was moved by Mrs. Nichols, seconded by Mr. Ortega, and carried by a vote of 7-0 to certify and approve the positive financial status as shown in the SACS Financial Reporting Documents/Second Interim Report and Transfer Resolution No. 32-08-09.

13. INFORMATION/DISCUSSION ITEMS

No Items

14. CONSENT ITEMS

Pulled Item

Item No. 14.I. Pupil Services, Contract Services Report

Pulled by Mr. Wayland.

Motion No. 88

It was moved by Mrs. Nichols, seconded by Mr. Ortega, and carried by a vote of 7-0 to approve the consent items excluding Item No. 14.I.

Item 14.A. Contract Services Report – Administrative Services

The following contract service items for Business Services were approved.

NTD ARCHITECTURE

The District requires the professional services of a qualified architect for an HVAC upgrade for the locker room and multi-purpose room buildings at McPherson Magnet School. Two firms submitted proposals on the project and NTD Architecture was the least expensive. NTD Architecture will provide all structural, mechanical, electrical and architectural drawings necessary to develop complete plans and specifications for approval by DSA and for bidding. Additionally, the firm will provide construction meeting support and ensure closeout of the project by DSA. NTD Architecture has the experience and availability to perform this project. Special Reserve.......not to exceed................\$45,420

SMITH-EMERY LABORATORIES

The District requires material testing and geotechnical investigation services on construction projects. On July 24, 2008, the Board approved Smith-Emery Laboratories to provide services for the Multi-Purpose Room/Lunch Shelter addition at Anaheim Hills Elementary School. It is necessary to increase the amount by \$1,870 as a result of an increase in the scope of work. All

fees are based on an hourly basis and include laboratory testing, as required. CFD 2005-1 (Tremont)...... not to exceed.......\$1,870

Item 14.B. Purchase Orders List

The Board approved the Purchase Order List dated February 12 through March 1, 2009 in the amount of \$219,192.57. See attached Purchase Orders Lists.

Item 14.C. Warrants List

The Board accepted the Warrants List dated February 12 through March 1, 2009 in the amount of \$1,540,680.57. See attached Warrants Lists.

Item 14.D. Gifts

The following item and attached list of cash donations were donated to District for use as indicated. A letter of appreciation will be forwarded to the benefactors.

• One Wheelchair, Walker and Gait Walker to be used for special needs students at Canyon Hills School, donated by Matthew & Whitney Messens

Item 14.E. Personnel Report

The Board approved the attached Personnel Report.

Item 14.F. Study Trips

The Board approved the following study trips:

El Modena High School - Speech and Debate Team - San Diego, CA - March 28 - 29, 2009 El Modena High School's Speech and Debate Team under the direction of coach, Molly Chertock, will travel to San Diego for the Southern California National Forensic League District Qualification Tournament. Competition speech increases the students' ability to speak in the public arena and meets California State Standards in English. Students will compete against other Southern California schools for the opportunity to attend the "Stars Fell on Alabama" National Speech Tournament in June 2009. Nine male and two female students will be accompanied by three male and two female adult chaperones and will stay at the La Quinta Inn, San Diego. Parents will provide transportation for their student. The cost per student is \$65 and scholarships are available. Students will not miss any school days. No substitute will be required.

Orange High School - Marine Corps Junior Reserve Officer Training Corps (JROTC) - Fort Irwin, CA - April 6 -10, 2009

Orange High School's Marine Corps JROTC under the direction of Lt. Col Ruthenberg and Master Sergeant Aguilar, will travel to U.S. Army Fort Irwin during spring break. Students will experience rappelling, land navigation, physical fitness training, defensive martial arts, simulated and authentic firearms training, and military equipment orientation. Twenty-three male students and twenty-seven female students will be accompanied by three female and three male chaperones and will stay in barracks. Transportation will be provided by District buses and

reimbursed by JROTC ASB funds. There is no cost per student. Students will not miss any school days. No substitutes will be required.

<u>La Veta Elementary-4th Grade Gifted and Talented Education (GATE) - Ocean Institute, Dana</u> Point, CA - April 13-14, 2009

The 4th Grade GATE students from La Veta Elementary will participate in an overnight trip to experience first-hand knowledge of life on a tall ship sailing to California during the California Gold Rush in 1848. Students attending the program are responsible for the program cost. There is no impact to the general fund. The student cost may be supplemented by funds donated from individual parent organizations. The cost is \$95 per student and scholarships are available. No substitute will be required.

West Orange Elementary - 5th Grade Outdoor Science - Alpine Meadows - April 14 - 17, 2009 The 5thgrade students from West Orange Elementary will participate in the Orange County Department of Education's Outdoor Science School program. This five-day program provides students an opportunity to study science in a natural setting. Students will have the opportunity to explore established trails, investigate geological features, observe wildlife, and compare plant adaptations. Students will study the night sky through telescopes, participate in line and folk dances, create and perform science and nature skits. The students will develop an awareness and appreciation of the environment. The curriculum at the camp is aligned with the California Science Content Standards and the California Science Framework. Students attending the program from each participating school are responsible for the program cost. There is no impact to the general fund. The student cost may be supplemented by funds donated from individual parent organizations. The cost will not exceed \$150 per student and scholarships are available.

Item 14.G. Course Approvals: Expository Reading and Writing; Advanced Guitar The following courses were approved by the Board:

Expository Reading and Writing will prepare college-bound seniors for the literacy demands of higher education. Through a sequence of fourteen rigorous instructional modules, students in this year-long, rhetoric-based elective course develop advanced proficiencies in expository, analytical, and argumentative reading and writing.

Advanced Guitar is a year-long course in which students with the basic music theory and performance skills learned in Beginning Guitar can further their knowledge and skills by studying more difficult playing styles, theories, and techniques. Students will continue to explore and perform a variety of musical pieces using a range of styles and will improve and expand their knowledge of music vocabulary, playing techniques, and music theory, with specific application to the guitar. Students will learn connections to the other arts and subject areas, and study the types of careers that are available to them through music.

Item 14.H. Expulsion of Student: Case No. 08-09-14

The Board upheld the recommendation of administrative staff.

Item 14.I. Contract Services Report – Pupil Services

This item was pulled for discussion and separate action. See Motion No. 89.

Pulled Item

Item 14.I. Contract Services Report – Pupil Services

In response to Mr. Wayland's request for clarification regarding the costs for the two different firms to assist in litigation matters, Mrs. Hanson, Executive Director for Pupil Services, stated that this is in preparation for cases that **might** occur and that each of those firms have different areas of strength and expertise. Further, to avoid the appearance of a monopoly, the District uses two different firms, but it is for ongoing cases and cases that might occur during the remainder of this year.

Mr. Wayland requested a better understanding of the District's legal outlay and finances. Staff will follow up with his request.

Motion No. 89

It was moved by Mr. Wayland, seconded by Mrs. Nichols and carried by a vote of 7-0 to approve the Contract Services Report – Pupil Services as follows.

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

The services of Atkinson, Andelson, Loya, Ruud & Romo are required for the 2008-09 school year to assist the District in litigation of ongoing special education matters.

Special Education not-to-exceed \$50,000

PARKER & COVERT, LLP

The services of Parker & Covert, LLP, are required for the 2008-09 school year to assist the District in litigation of ongoing special education matters.

Special Education not-to-exceed \$98,000

THANH NHAN LAC LY

The services of Thanh Nhan Lac Ly are required for transcription of school work for visually impaired special education students during the 2008-09 school year.

Special Education not-to-exceed \$7,000

15. PUBLIC COMMENT: Non-Agenda Items

Jan Miller, as CTA liaison to the Advisory Commission on Charter Schools, affirmed that the small size of Silverado School and the viability of a charter would require more student attendance for success; he commented that although "times are tough," he believes that there are still some prudent and necessary reductions that did not occur tonight which will be a concern to all employees in the District. He thanked the Board for their hard work.

16. OTHER BUSINESS

Mrs. Moffat commented on the unfinished nature of the budget. If the budget improves, Mrs. Moffat asked what the process would be for reinstatement of some of the things that have been eliminated from the budget.

Dr. Dreier responded that as long as we are positively certified, the Board cannot revisit those decisions. She added that the Board will be kept apprised of the situation in upcoming meetings.

Mr. Ledesma suggested having "what if" scenarios prepared regarding the budget, i.e., What if we needed to cut another \$5 million? What if we have \$2 million positive?

Mrs. Moffat thanked and expressed her appreciation to the Superintendent and staff for their help and to have the information posted on the web site.

Mrs. Smith made a recommendation for the next agenda regarding Board members' stipend reduction. In a memo to the Board members, she proposed ideas about reducing the Board member stipend significantly. As we are reducing employees, it is much more difficult to reduce the number of Board members on a board from seven to five. Mrs. Smith suggested Board members be paid the equivalent of a five-member Board spread across seven, and then take whatever percentage cut comes forth. Mrs. Smith also proposed eliminating health and welfare benefits for the Board of Education.

Mrs. Nichols cautioned that the May Revise may further affect the budget. We have to wait until after the May Revise to see what the final budget will look like.

17. ADJOURNMENT

By call of the chair, the meeting adjourned at 10:13 p.m.

Mark Wayland Sow occasion Clerk of the Board

Vice President