

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

**Thursday • April 16, 2009
6:30 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 6:38 p.m.

2. ESTABLISH QUORUM

A quorum was established.

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

3. PUBLIC COMMENT ON CLOSED SESSION AGENDA ITEMS

None

4. ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 6:39 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 7:34 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

Yellow Sheet Item

Item 14.I. Study Trips

Canyon High School Boys Tennis Team to Ojai, California, April 23-25, 2009

Motion No. 93

It was moved by Mr. Ortega, seconded by Dr. Deligianni, and carried by a vote of 6-1 (Absent: Wayland) to adopt the April 16, 2009 agenda.

9. ANNOUNCEMENTS AND ACKNOWLEDGMENTS

Item 9.A. Superintendent's Report

Dr. Dreier announced that on April 17-18, the Community Foundation of Orange will host the Foundation Games. Kindergarten through 8th grade students throughout the District will be participating. Everyone is invited and encouraged to attend this annual community event.

Item 9.B. Board President's Report

Mr. Ledesma commented that our budget continues to unfold. He reminded everyone that in May there are going to be some very critical votes that will potentially impact our budget.

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

Outstanding Customer Service Incentive Program

The Board of Education recognized Kathy Thomas, Office Manager from Olive Elementary School, as the recipient of the Outstanding Customer Service Award for the month of April. Mr. Ledesma presented Mrs. Thomas with a Certificate of Recognition.

Mrs. Moffat commented on her attendance at the open house at El Modena High School and expressed her appreciation to the staff.

Item 9.D. State of the School Report – Cerro Villa Middle School

Paul Yim, student representative from Cerro Villa Middle School, gave a brief presentation regarding academics and student activities at Cerro Villa Middle School.

Item 9.E. Board Proclamation – School Bus Driver's Day – April 27, 2009

Each year the fourth Tuesday of April is designated as School Bus Driver's Day by the State of California to officially recognize school bus drivers for their services to our school children. Mr. Ledesma presented the Board Proclamation to Pam McDonald, Director of the Transportation Department, who accepted the Proclamation on behalf of all District bus drivers.

Item 9.F. Board Proclamation – School Nurse Day – May 6, 2009

Mr. Ledesma presented the Board Proclamation officially recognizing school nurses for their services to students and staff to Helen Burzumato, Lead Nurse, Health Services Department, who accepted the Proclamation on behalf of all District school nurses.

Michelle Bautista was selected by her peers as the Orange Unified School District School Nurse of the year for 2009 and was presented with a Certificate of Recognition by Mr. Ledesma.

10. APPROVAL OF MINUTES

March 12, 2009 (Regular Meeting)

March 26, 2009 (Regular Meeting)

Motion No. 94

It was moved by Mr. Ortega, seconded by Mrs. Smith and carried by a vote of 6-1 (Absent: Wayland) to approve the minutes of the March 12, and March 26, 2009 regular meetings.

11. PUBLIC COMMENT: Non-Agenda Items

Speakers

The following individuals spoke in opposition to closing Silverado Elementary School and asked the Board to reconsider the action taken to close the school:

1. Andrew Tonkovich
2. Jeff Wilson (*Dr. Wilson read a letter to the Board of Education asking that the matter of reconsideration of closing Silverado School be placed on the May 12 agenda.*)
3. Chay Peterson
4. Tim Thompson
5. Tina Stellhorn

The following individuals spoke in opposition to the possible combining of the two Crescent Elementary Schools due to safety issues and other matters:

1. Laura Montano
2. Christy Raney
3. James Blackwood

12. ACTION ITEMS

Item 12.A. Tentative Agreement between Orange Unified School district and Orange Unified Education Association for 2008-09 Contract Negotiations

This item pertains to the attached Tentative Agreement between the Orange Unified School District and the Orange Unified Education Association for the 2008-09 contract negotiations. Under the terms of the Collective Bargaining Agreement, the parties agreed to open the entire contract for negotiations for 2008-09. This Tentative Agreement provides for a new three-year Collective Bargaining Agreement, effective July 1, 2008 through June 30, 2011, between the Orange Unified School District and the Orange Unified Education Association. This Tentative Agreement concludes contract negotiations between the Orange Unified School District and the Orange Unified Education Association for 2008-09. The Tentative Agreement between the Orange Unified School District and the Orange Unified Education Association maintains the 2007-08 rates of compensation for the 2008-09 school year for all employees represented by the Orange Unified Education Association.

Motion No. 95

It was moved by Mrs. Nichols, seconded by Mr. Ortega, and carried by a vote of 6-1 (Absent: Wayland) to ratify the Tentative Agreement between the Orange Unified School District and the Orange Unified Education Association.

Item 12.B. Initial Reopener Proposal to the Orange Unified Education Association for 2009-10 Reopener Negotiations – Public Hearing

The attached initial proposal to the Orange Unified Education Association (OUEA) for 2009-10 was presented for the Board's information and review. The proposal will be referred to the OUEA's representatives to begin the negotiation process.

Public Hearing

Mr. Ledesma closed the regular meeting of the Board of Education at 8:43 p.m. and opened the public hearing at 8:44 p.m.

Speakers

The following individuals spoke regarding the counselor-to-student ratio and stated that there is a great need to keep the current counselor positions; that school counselors are an integral part of the school helping students identify, work toward, and achieve goals upon graduation:

1. Shameeron Paur
2. Patti Maize
3. Max Saltarelli
4. Mike Walker

Mr. Ledesma closed the public hearing and reopened the regular Board of Education meeting at 8:59 p.m.

Item 12.C. Classified Position Elimination, Hours Reduction, and Work Year Reduction

On March 12, 2009, the Board of Education took action to adopt the SACS Financial Reporting Documents/Second Interim Report and Transfer Resolution No. 32-08-09. This "second interim" resolution has incorporated the previously approved Level 1, 2, and 3 Multi-Year Budget Reductions which are based upon the February 20, 2009 state adopted budget. With this resolution, the Board of Education has taken action to reduce certain expenditures related to classified service for the 2009-10 school year.

Based on the provisions of the Education Code, the Board must take separate action to effect specific reductions and/or the elimination of positions. Due to the lack of work or lack of funds, classified services will be reduced or eliminated for the 2009-10 school year as attached.

These staffing adjustments are accomplished by reducing hours of identified positions, reducing annual work days, and/or by eliminating positions. The incumbents in the identified positions, depending on seniority, may have rights to retain their current hours by displacing less-senior

employees in the same job classification or rights to displace less-senior employees in their former classification.

The position eliminations, hours reductions, and work days reductions connected with this process may result in layoffs. Education Code sections 45101, 45114, and 45117, Board Policy 4317.3, and Article 14 of the OUSD/CSEA Collective Bargaining Agreement stipulate the provisions and timelines for layoff due to lack of work and/or lack of funds.

This Board item is also subject to completion of the procedures contained at section 14.460 of the OUSD/CSEA Collective Bargaining Agreement. Under the Education Code, affected employees are given notice of layoff not less than 45 calendar days prior to the effective date of the layoff.

Speakers

The following individuals spoke in support of the Nutrition Network Program and asked that the nutrition network project coordinator position be pulled from the list of positions to be eliminated until the Board has the opportunity to further discuss and research the impact this position has on our students and on the District's financial resources:

1. Sharron Tipple
2. Kathy Lundberg
3. Laurie Cornforth
4. Debbye Karaffa
5. Jasmine Martinez
6. Isabel Dorantes
7. Patti Maize

Cheryl Ezra, President of Nohl Canyon School Association, spoke on behalf Nohl Canyon's tech assistant and the parent group. Mrs. Ezra asked for reconsideration of the proposed release of the tech assistants and noted that part of Nohl Canyon's tech assistant's salary comes from the parent group (60%) and has been the case for the past ten years. She highlighted on the money the school raised for improved technology at the schools, i.e., laptops for teachers, SmartBoards Elmos, and LCD projectors

Motion No. 96

It was moved by Mr. Ortega, seconded by Mrs. Smith, and carried by a vote of 6-1 (Absent: Wayland) to approve the reduction of hours, reduction in work year and/or elimination of the positions listed on the attached pages and authorize the Superintendent or designee to give notice of layoff to the affected employees effective 45 days following notification.

Mrs. Moffat pulled two items for separate consideration: Nutrition Network Project Coordinator (1) and the Technology Assistants (33).

Mr. Ledesma clarified that the vote will be as noted above, excluding the Technology Assistants

(33 positions) and the Nutrition Network Project Coordinator (one position). These positions will be voted on separately.

Board Discussion

Mrs. Smith wanted to assure the community that none of these budget scenarios are “thrown up here” without an intense amount of scrutiny of our own budget, our own programs and our District. When the District is in this deep of a crisis mode, unfortunately, you salvage what you can and you must pay attention to the classroom. The District is trying to keep as many teachers as possible and keep the class sizes as small as possible even though it is an extraordinary task. That means the support services are affected because we have to look at the bottom line. At the basis of everything is the classroom. We want to raise our achievement and the products and services that we provide to our children. However, we can’t afford the support services any longer. She encouraged everyone to direct their anger and energy toward Sacramento because they are the only ones who can make any changes. All we can do is react to the power that has been given us. We have to move forward.

Mrs. Nichols agreed with Mrs. Smith but objected to the process of signaling certain positions because it is her belief that we have attempted to cut something that doesn’t exist anymore. Executive cabinet needs the opportunity to address all the options available to our school children, parents and community members and to work creatively to see how we can address our technology needs. Mrs. Nichols added that if the special election does not go as promised, the District will be looking at cutting an additional \$16 to \$18 million. She encouraged everyone to work together to try to manage through the next few years as best as we can, in the most creative way we can, for our school children so that they can continue to succeed. As economic conditions improve, we can bring back the positions we had to cut, along with the programs.

Mr. Ortega agreed with the remarks made and commented that there should be more outrage with Sacramento. That is where all the anger needs to be directed.

Motion No. 96 carried by a vote of 6-1 (Absent: Wayland) to approve the reduction of hours, reduction in work year and/or elimination of the positions listed on the attached pages and authorize the Superintendent or designee to give notice of layoff to the affected employees effective 45 days following notification, excluding the Technology Assistants (33 positions) and the Nutrition Network Project Coordinator (one position).

Motion No. 97

It was moved by Mrs. Smith, seconded by Mrs. Nichols to consider the elimination of the Technology Assistants and the Nutrition Network Project Coordinator separately.

Discussion

Mrs. Moffat asked for separate consideration of these positions because she analogized this to

the same kind of situation as the consent agenda, where the consent agenda passes without discussion. She wanted to discuss these two items because she felt there was some further information that needed to be brought forward, not because she was making a value judgment between programs and others. Mrs. Moffat clarified that the grant program (Nutrition Network Project) does entail a cost to the District. Although there is benefit of the program and money that comes to the District, it also exacts a cost to the District. Some of the reimbursements are over a year in arrears, which represents a significant cash flow issue. The District has had to pay interest or lose interest on the absent monies that we have fronted expenditures for, but not have received the reimbursement for, which is in the tens of thousands of dollars and not recoverable. Mrs. Moffat asked if there was time sensitivity to taking this action.

Dr. Dreier explained that because the Board takes action, does not mean that we have to execute that action. If the administration finds that there are other ways to do this and not incur this kind of cost and encroachment on the general fund, then we do not have go ahead with that. The focus is on the students, the classrooms and doing everything we can to preserve a quality education in Orange Unified.

Mr. Ledesma commented that all positions are sorely needed in this District. However, we will find a way to fill the void.

Motion No. 97 carried by a vote of 6-1 (Absent: Wayland) to eliminate the Technology Assistants and the Nutrition Network Projector Coordinator positions.

Item 12.D. Proposed Board Policy Revisions – First Reading

The District's Board Policies were reviewed and updated beginning April 2005. As new state and federal laws and regulations are enacted, affected policies must be revised or updated.

The following Board Policies were presented for a first reading:

- BP 0510 School Accountability Report Card
- BP 5112.1 Exemptions from Attendance
- BP 5113.2 Work Permits
- BP 5116.1 IntraDistrict Open Enrollment
- BP 5131 Conduct
- BP 5131.1 Bus Conduct
- BP 5131.7 Weapons and Dangerous Instrument
- BP 5137 Positive School Climate
- BP 5145.12 Search and Seizure

Dr. Brown gave a brief summary of each board policy. Further, she suggested deleting the third paragraph under the title, Possession/Use of Cellular Phones and Other Mobile Communications Devices, on page 39 of the agenda, beginning with the words, "If a disruption occurs...."

Motion No. 97

It was moved by Mrs. Nichols, seconded by Mr. Ortega, and carried by a vote of 6-1 (Absent: Wayland) to accept the attached proposed Board Policy revisions, including the deletion of the paragraph as noted above on page 39, for a first reading.

13. INFORMATION/DISCUSSION ITEMS

Item No. 13.A. Legislative Coalition – Committee Report

On March 31 – April 1, 2009, members of the Legislative Coalition traveled to Sacramento to visit with legislators to discuss education issues and present the District's Legislative Platform. Chairperson, Larry Cohn, gave an update on the trip and current Legislative Coalition information.

Mr. Cohn announced that Legislative Coalition will hold a Town Hall meeting on April 27th, 7:00 p.m. to 9:00 p.m., to discuss the pros and cons of the propositions put forth for the May 19th California Statewide Special Election.

14. CONSENT ITEMS

Motion No. 98

It was moved by Mr. Ortega, seconded by Mrs. Nichols, and carried by a vote of 6-1 (Absent: Wayland) to approve the consent items.

Item 14.A. Gifts

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

- Class set of reading books, math tiles, bulletin board supplies, pens, pencils, markers, scissors, and multiplication CDs to 3rd grade classes at McPherson Magnet School, donated by Dave and Michelle Tabb
- Thirty reams of colored paper and card stock to Chapman Hills ES, donated by ibReprographics, Suzy Freeman
- One computer processor to be used in the library at Cerro Villa MS, donated by Hamed Ghorbanian
- Two HP Laserjet Printer, one HP Officejet; and printer cartridges to be used in the attendance office at Cerro Villa MS, donated by Tom Burton
- Twenty-five Angels baseball game tickets to students who have perfect attendance for a two-week period at La Veta ES, donated by Angels Baseball

- o Four large glass display cases to be used in schools, donated by the City of Villa Park

Item 14.B. Purchase Orders List

The Board approved the Purchase Order List dated March 16 through April 1, 2009 in the amount of \$523,277.23. See attached Purchase Orders Lists.

Item 14.C. Warrants List

The Board accepted the Warrants List dated March 16, through April 1, 2009 in the amount of \$3,325,120.70. See attached Warrants Lists.

Item 14.D. Contract Services Report – Administrative Services

The following contract service items for Administrative Services were approved.

DATA DIRECTOR SOFTWARE

The District uses software to guide instructional decisions and actions to improve academic success. The current software provider’s contract expires in June 2009, giving us an opportunity to review additional companies’ offerings and upgrade to a more current and comprehensive product. Reviews of other districts’ software providers indicated great success with the Data Director product. A demonstration of the software was attended by teachers and administrators and met with extremely positive feedback. This contract will provide the licensure necessary for District use for the initial year and includes five days of staff training. Additionally, the contract is renewable for up to two years, at the District’s discretion.

Fiscal Year 2009-2010	\$210,000
Fiscal Year 2010-2011	\$205,000
Fiscal Year 2011-2012	\$205,000

Various Restricted Funds.....not to exceed.....\$620,000

HARRINGTON GEOTECHNICAL

The District needs to retain the services of a civil engineering firm to conduct subsidence monitoring at Linda Vista Elementary School. Earth movement, due to expansive soils, has caused movement and cracking of the slab. This contract will allow for establishment of a baseline and monitor the school for a period of one year to ascertain the extent of movement in the building. Harrington Geotechnical has the experience and availability to provide these services.

General Fund.....not to exceed..... \$19,750

OFFICE DEPOT, PIONEER STATIONERS, INC., SCHOOL SPECIALTY, AND SOUTHWEST SCHOOL & OFFICE SUPPLY PRICE AGREEMENT

The Board has previously approved District utilization of the price agreement Bid No. 12-08 between Santa Ana Unified School District (SAUSD) and Office Depot, Pioneer Stationers, Inc.,

School Specialty and Southwest School & Office Supply for the procurement of instructional and office supplies. The agreement is annually renewable for two additional one-year terms. The District has continuing requirements for instructional and office supplies. Accordingly, this agreement should be renewed for the first option term, valid through April 22, 2010. Expenditures are made from all sites, programs, and approved department budgets. This is not a request for any additional budgetary appropriation.

Item 14.E. Resolution No. 33 Authorizing Application to the Director of Industrial Relations, State of California for a Certificate of Consent to Self-Insure Workers' Compensation Liabilities

In 2008, the District's Certificate to Self Insure Workers' Compensation Liabilities was deactivated in favor of a full-insured program. The current economical environment has created the need for the District to reevaluate self-insurance. Self-funding would require reactivation of the previous certificate with the State. The Board approved the Resolution Authorizing Application to the Director of Industrial Relations, State of California, for a Certificate of Consent to Self-Insure Workers' Compensation Liabilities.

14.F. Liability Claim No.98/09-009

The Board rejected Liability Claim No. 08/09-009.

Item 14.G. Personnel Report

The Board approved the attached Personnel Report.

Item 14.H. Contract Services Report – Educational Services

The following contract service items for Educational Services were approved.

WORKSHOPS ON WELLNESS

Sabrina Bradley, Health Educator and Marra Williams, Certified Health Education Specialist from Workshops on Wellness will provide 2 one-day Certified First Aid/Cardiopulmonary Resuscitation classes for Child Development Services Staff on Saturday, May 2, 2009 and Saturday, June 6, 2009. The trainings are a mandated job requirement by the California Department of Education.
Child Development Servicesnot-to-exceed \$4,960

SCHOLASTIC READ 180

Staff is requesting approval for the second payment of Read 180. The first payment in the amount of \$49,296 was approved by the Board on Education on February 12, 2009. READ 180 is a research-based, computerized intensive reading intervention program for readers below proficient level. This program strategically addresses individual student needs through adaptive and instructional software, high interest literature and direct instruction in reading and writing skills. The Enhancing Education Through Technology (EETT) grant will fund 30 READ 180 licenses with staff training at a cost of \$33,168.75 per school for the following schools: Lampson, West Orange and Jordan. The total cost with the tax increase is \$99,506.25.
Educational Technology not-to-exceed \$50,211

SOPRIS WEST

School Districts are required to provide equitable share of federal monies to the private schools within their attendance boundaries. Sopris West will conduct three Professional Development Training Days at St. John's Lutheran School on April 20th, May 18th and June 11th for the improvement of the school's writing program. These in-services will empower educators to be proficient with new teaching methods resulting in improved student achievement. Facilitator fees, materials and travel expenses to be included.

Title II, Part A not-to-exceed \$7,000

Item 14.G. Study Trips

The Board approved the following study trip:

El Modena High School - Cross Country Team - Idyllwild, CA August 10-14, 2009

El Modena High School's Cross Country team, under the direction of coaches John Ahern and Tom Weber, will travel during summer break to the Annual Summer Cross Country Running Camp in Idyllwild. The running camp provides an environment and conditions where runners can concentrate on training, and at the same time build team unity. El Modena's Cross Country team has won nine CIF championships, the most of any school in Orange County history, and has qualified for CIF playoff competition the last twenty-three years in a row. Thirty-two male and twenty-eight female students will be accompanied by five male and three female adult chaperones and will camp in tents at the Riverside County State Park. The cost per student is \$165 and scholarships are available. Transportation will be provided by parents who will have an approved District driver certificate on file prior to the trip. Students will not miss any school days. No substitutes will be required.

Item 14.J. American Indian Education Application

The Board authorized the Superintendent or designee to submit the American Indian Education Application to the U.S. Department of Education.

Item 14.K. 2009-10 Carl D. Perkins Career & Technical Education Improvement Act of 2006

The Board authorized the Superintendent or designee to submit the application for the Carl D. Perkins Career and Technical Education Improvement Act of 2006.

Item 14.L. Expulsion of Student: Case No. 08-09-15

The Board voted to uphold the recommendation of the Administrative Hearing Panel.

Item 14.M. Contract Services Report – Pupil Services

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

VICKI JOHNSON, CCC-SLP

Services are required to provide speech and language services to special education students

as required by law during the 2008-09 school year
Special Education not-to-exceed \$32,000

SUSAN H. NORWELL, M.A.

Services are required for the purposes of assessment and classroom consultation for a student with special needs during the 2008-09 school year.

Special Education not-to-exceed \$900

Item 14.N. Orange Unified SELPA – S.U.C.S.E.S.S. Project

The Board approved the 2008-09 SELPA – S.U.C.S.E.S.S. Project.

15. PUBLIC COMMENT: Non-Agenda Items

No speakers.

16. OTHER BUSINESS

Mrs. Moffat commented on the need for counselors at the high schools, and emphasized that although there are budget cuts, the District will find ways to meet the needs of the students.

17. ADJOURNMENT

By call of the chair, the meeting adjourned at 10:30 p.m.


Mark Wayland
Clerk of the Board