

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

**Thursday • March 4, 2010
5:30 P.M. • Closed Session
7:00 P.M. • Regular Session**

MINUTES

1. CALL MEETING TO ORDER

Board President Ortega called the meeting to order at 5:35 p.m.

2. ESTABLISH QUORUM

A quorum was established.

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

Board Members Absent: n/a

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 item:

A. Public Employee Employment/Discipline/Dismissal/Release

5. CALL TO ORDER – REGULAR SESSION

Mr. Ortega called the meeting to order at 7:00 p.m.

6. PLEDGE OF ALLEGIANCE

Mr. Ortega invited the audience to join together in reciting the Pledge of Allegiance.

7. REPORT OF CLOSED SESSION DECISIONS

No action was taken

8. ADOPTION OF AGENDA

Motion No. 67

It was moved by Mrs. Nichols, seconded by Dr. Deligianni, and carried by a vote of 7-0 to adopt the March 4, 2010 agenda.

9. ANNOUNCEMENTS AND ACKNOWLEDGMENTS

Item 9.A. Superintendent's Report

Dr. Dreier recognized the Teachers of the Year and Classified Employees of the Year as follows:

Teachers of the Year

- Lauren Johnston, McPherson Magnet, First Grade
- Andrew Castro, Cerro Villa Middle School, Algebra I/Drama
- Stacy Castiglione, Villa Park High School, Theater Arts/English

Classified Employees of the Year

- Martha Martinez, Library Media Tech , Esplanade Elementary
- Kathy Stephens, P.E. Attendant, Villa Park High School
- Lana Nicol, Office Business Manager, El Rancho Charter Middle School

As a follow-up from the last Board meeting regarding Leg Co Chair Larry Cohn's statements about SB 64, Dr. Dreier commented that research found that this bill is not pertinent to the current budget year, and therefore, a resolution will not be brought forward at this time.

Item 9.B. Board Presidents Report

Mr. Ortega thanked staff for researching SB 64 in a timely matter. He also thanked the members of Leg Co for bringing forward information regarding SB 64. Mr. Ortega asked if there could be consensus from the Board to allow Leg Co to speak on behalf of the District when they are in Sacramento as to the importance of bills such as SB 64. (Leg Co will travel to Sacramento to present their 2010 platform on March 15-16.)

Board members generally responded that SB 64 does not contain content that is relevant to the current budget and that the language in the 2010 Legislative Coalition Platform allows the Leg Co members to address the legislators regarding educational funding.

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

Mr. Ledesma remarked on his meaningful and motivational reading experience to a second grade and a second/third grade combination class at Running Springs Elementary School for *Read Across America Day*.

Mr. Wayland noted that he attended Orange High School's *Welcoming Night* for incoming eighth graders. He commended Orange High for their remarkable program.

Mrs. Moffat congratulated Serrano Elementary School who was validated this past week as part of the application for Distinguished School.

Item 9.D. State of the School Report – School Updates

Each SACBE representative gave a brief update regarding activities, academics, testing and sports at their school.

Item 9.E. Proclamation Declaring the Week of March 1-5, 2010 as the “Week of the School Administrator”

The Board adopted a proclamation honoring Orange Unified School District administrators for their leadership of the educational process to insure successful student achievement, citing the first week of March as “Week of the School Administrator.” Mr. Ortega presented the proclamation to Tim Biland, chairperson of Leadership Team Orange, who accepted the proclamation on behalf of all District school administrators.

10. APPROVAL OF MINUTES

None

11. PUBLIC COMMENT: Non-Agenda Items

Speakers

Lawrence and Barbara Vern, a subcontractor working on the Yorba Middle School modernization project, addressed the Board regarding non-payment for work completed on site.

12. ACTION ITEMS

Item 12.A. Multi-Year Budget Reductions Based on the January 2010-11 Governor's Budget Proposal

On January 6, 2010, the Governor delivered his final State-of-the State address before a joint session of the Legislature acknowledging the state faces a budget gap of \$19.9 billion for 2009-2011. The impact to the District is an additional reduction of \$6.1 million beginning 2010-11 fiscal year. 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 \$15.3 million for 2011-12. These cuts must be identified, approved by the Board, and reported to the Orange County Department of Education by March 15, 2010.

The Board received a staff report; "Governor's Budget Proposal" on February 18, 2010. The report identified the budget adjustments under study to comply with AB1200 reporting requirements and submission to the Orange County Department of Education.

There are three vehicles for adjusting budgets in school districts; administratively, by board action, and by negotiating changes to employee bargaining unit agreements. The proposed budget reductions are segregated into three levels: Level 1 – Administrative; Level 2 - Board of Education; and Level 3 - Negotiable. There are no Level 1 reductions at this time. The fiscal impact is approximately \$17.1 million for fiscal years 2010-11 and 2011-12.

Discussion

Mr. Ledesma suggested adding the option of a one to two percent roll back in salaries for employees to save the 29 teaching positions and adjust the 33 to 1 class size ratio.

Dr. Deligianni stated that she agreed with Mr. Ledesma.

Mrs. Moffat commended Dr. Dreier and staff for their collaboration in this painful process.

Mrs. Smith noted that any decision made at this point will hurt the classroom. Decisions made will have to include the cooperation of the associations.

Mrs. Nichols noted that decisions specific to the presentation had to be made in order to meet our obligation to the County by March 15.

Mr. Wayland asked that surplus properties be looked at as a potential for generating income.

Speakers

Brian Krstich expressed his concern for the budget proposals for full-day kindergarten for effectiveness and safety reasons based on the size of the class.

Angel LaMarca spoke in support of the elementary music program for fifth and sixth grade and keeping the grant money for its intended use.

Motion No. 68

It was moved by Mrs. Nichols, seconded by Mrs. Smith, and carried by a vote of 7-0 to approve the Level 2 and Level 3 ongoing budget reductions.

Item 12.B. Annual Public Hearing and Authorization: Tier III Categorical Funding Flexibility Transfer

The California State Department of Education gives school agencies the authority to use each of 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 each of these programs is authorized for five years—from the current year through 2012-13. The Tier III programs are:

Program	Resource Code
Pupil Testing (STAR, CAHSEE, CELDT, etc.)	0000
Oral Health	0000
Advanced Placement (AP) Fee Waiver	0000
Supplemental Instruction Programs	0000
Class Size Reduction (Grade 9)	1200
Community Day School	2430
Deferred Maintenance	6205
Community Based English Tutoring (CBET)	6285
ROC/P	6350
Adult Education	6390
School Safety Block Grants (Carl Washington)	6405
Arts and Music Block Grant	6760
CAHSEE Intervention Grants	7055
Counselors, Grades 7-12	7080
Gifted & Talented Education (GATE)	7140
Instructional Materials Fund	7156
High Priority Schools	7258
PAR	7271
Certificated Staff Mentoring Program	7276
International Baccalaureate	7286
AB466 Staff Development Math & Reading	7294
AB75 Principal Training	7325
Specialized Secondary Programs	7370
Pupil Retention Block Grant	7390
Teacher Credentialing Block Grant	7392
Professional Development Block Grant	7393
Targeted Instructional Improvement Block Grant	7394
School & Library Improvement Block Grant	7395

Public Hearing

The Board President closed the regular meeting of the Board of Education and opened the public hearing at 8:36 p.m.

Speakers

None

The Board President closed the public hearing and reopened the regular Board of Education meeting at 8:37 p.m.

Motion No. 69

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

Item 12.C. Second Interim Financial Report and Transfer Resolution No. 20-09-10

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, 2010 (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 27,293.74 (not including District charter schools) reflects a total increase of 29.01 compared to December 2009 estimates (Attachment B). An anticipated 210.71 decline in ADA activates the declining enrollment protection provided by the passage of AB1446. The net increase of 29.01 in ADA is due to the exclusion of the Non-public Schools and Community Day School ADA from the declining enrollment protection calculation. The following chart is a summary composition of 2009/10 ADA:

<u>ADA</u>	
OUSD	26,687.68
OUSD declining enrollment protection	210.71
Non-Public Schools	44.94
Community Day School	58.14
County Special Education	21.35
County Community Schools	243.03
Adult Education	27.89
Subtotal	27,293.74
El Rancho Charter	1,123.22
Santiago Charter	962.08
Subtotal (Charter School Only)	2,085.30
GRAND TOTAL	29,379.04

Revenue Limit: The 2009/10 4.25% cost of living adjustment (COLA) net with an 18.355% Revenue Limit deficit represents no change as compared to the December 2009 estimates. The net increase of \$240,975 reflects the increase in ADA and adjustments to charter state aid and in-lieu property tax transfers (Attachment C).

Federal Revenue: Federal income totaling \$23,669,374 includes an increase of \$731,936.

Special Education Entitlement	+	\$222,600
Special Education Preschool	-	8,608

Special Ed Preschool Local Entitlement	+	10,937
AP Fee Reimbursement	-	2,342
Title I Part A	+	120,307
Title I Part B, Reading First	+	54,496
Title II Part A Teacher Quality	+	21,097
Medi-Cal Reimbursement (LEA)	+	255,424
Title III Part A NCLB Sec 301	+	71,815
VTEA Title I Part C, Carl Perkins	-	20,388
Forest Reserve	+	6,598

Other State Income: State income of \$49,746,769 reflects a composite increase of \$1,118,712.

Economic Impact Aid	+	\$373,692
Community Day School Add'l Funding	-	49,560
Special Education	-	225,257
Primary Class Size Reduction	+	39,092
State Lottery	+	95,339
Adult Education	+	54,728
After School Education & Safety (ASES)	-	10,625
Chief Business Official Training	+	2,840
Class Size Reduction	+	802,252
Community Based English Tutoring	+	11,493
Community Day School – Tier III	+	100,915
Supplemental Instruction Programs	+	9,559
International Baccalaureate	-	1,320
Special Education - Low Incidence	+	308
Oral Health Assessment	+	606
Workability	+	16,947
Special Education – Mental Health	-	913
Supplemental School Counseling	+	29,192
CELDT Testing	+	10,045
CELDT Testing – Santiago Charter	+	1,140
Peer Assistance & Review	-	2,897
Specialized Secondary Program	+	60,147
Deferred Maintenance	-	199,011

Other Local Income: Local income totaling \$7,207,135 includes an increase of \$155,204.

ROP General	+	\$22,000
ROP Lottery Unrestricted	+	15,000
Beckman Science	+	105,000
All Other Fees / Contracts	-	13,612
Transfers of Apportionment from Districts	+	26,816

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

Ending Balance: The projected ending balance of \$22,613,187 is comprised of the following:

Revolving Cash	\$ 125,000
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Stores	150,000
Designated for Economic Uncertainties	7,080,151
El Rancho Ending Balance	1,000,000
Non-resident Tuition	56,127
Unappropriated Amount (Above 3%)	14,201,909

Transfer Resolution: Resolution No. 20-09-10 is the technical mechanism, which the Orange County Department of Education utilizes to authorize and input the information shown in the Second Interim Report.

Motion No. 70

It was moved by Mrs. Nichols, seconded by Mr. Ledesma, and carried by a vote of 7-0 to certify and approve the positive financial status as shown in the District Certification of the Second Interim Report for the Fiscal Year 2009-10, and authorize staff to implement the necessary transfers as shown in Transfer Resolution No. 20-09-10.

Item 12.D. Position Elimination and Reorganization, Including Classified (Bargaining Unit, Management, Supervisory, and Confidential) and Certificated Management Positions

As the result of the budget planning and implementation process for the 2010-11 school year, certain classified (bargaining unit, management, supervisory, and confidential) and certificated management positions have been identified for elimination and/or reorganization. This is an ongoing process whereby positions are reviewed and recommendations are made for the following school year.

Classified position elimination and/or reorganization recommendations connected with this process may result in layoffs. Education Code sections 45114, and 45117, Board Policy 4317.3, and Article 14 of the OUSD/CSEA Collective Bargaining Agreement stipulate the provisions and timelines for classified layoff due to lack of work/lack of funds. Under the Education Code, affected classified employees shall be given notice of layoff not less than 45 days prior to the effective date of the layoff. The process for the elimination and/or reorganization of certificated management positions is governed by Education Code sections 44951 and 44955, along with Board Policy 4317.3. Under the Education Code, affected certificated management employees shall be given notice of release and/or reassignment by March 15, 2010.

Elimination of Classified Position(s)	Number of Positions
Administrative Secretary	2
Attendance/Health Clerk	1
Attendance Technician	2
Custodian	22
Gardener/Groundskeeper	1
Head Custodian	1
Heat/Vent/Air Condition Technician	1
Instructional Assistant – Regular	11
Library Media Technician II	1
School Bus Driver/Driver Instructor	1
School Community Assistant	25

School Office Manager	1
School Secretary (HSAP)	4
Senior Food Service Assistant	1
Senior Mechanical Repair Technician	1
Senior Secretary	1
Senior Staff Clerk	2

Elimination of Management/Supervisory/Confidential Position(s)	Number of Positions
Executive Director, Human Resources (effective 12-31-10)	1
Executive Secretary I	1

Reorganization of Management/Supervisory/Confidential Position(s)					
Position(s) Eliminated	Pay Range	Number	New Position(s)	Pay Range	Number
Director, Risk Management	103	1	Director, Risk Management	87	1
Senior Executive Director, Pupil Services/SELPA	128	1	Executive Director, Pupil Services	127	1

Motion No. 71

It was moved by Mrs. Nichols, seconded by Mrs. Moffat, and carried by a vote of 7-0 to approve the elimination and/or reorganization of the classified positions listed on the attached page and authorized the Superintendent or designee to give notice of layoff to the affected classified employees effective not less than 45 days following notification. Additionally, the Board approved the elimination and/or reorganization of the certificated management positions listed above and authorized the Superintendent or designee to give notice of release and/or reassignment to the affected certificated management employees not later than March 15, 2010.

Item 14.E. Resolution No. 21-09-10: Layoff of Certificated Employees Due to a Reduction or Discontinuance of Particular Kinds of Services

The California Education Code permits the layoff of certificated employees serving in programs that are being discontinued or reduced at the conclusion of the school year. It also authorizes the reassignment of such employees into programs that are not being reduced or discontinued, subject to certain requirements. Board authorization of this resolution is required in order to layoff certificated employees whose programs are being discontinued or reduced after the 2009-10 school year.

Motion No. 72

It was moved by Mrs. Nichols, seconded by Mrs. Moffat, and carried by a vote of 7-0 to adopt the proposed resolution.

Item 14.F. Public Hearing: Special Education Local Area Plan – 2009-10 Annual Service and Budget Plan

The California State Department of Education requires each Special Education Local Plan Area (SELPA) to submit their Annual Service and Budget Plan to the Board of Education for approval and adoption. This public hearing enables the Orange Unified SELPA to comply.

Public Hearing

The Board President closed the regular meeting of the Board of Education and opened the public hearing at 8:46 p.m.

Speakers

None

The Board President closed the public hearing and reopened the regular Board of Education meeting at 8:47 p.m.

Motion No. 73

It was moved by Mrs. Nichols, seconded by Mrs. Smith, and carried by a vote of 7-0 to adopt the 2009-10 Annual Service and Budget Plan. (See attached plan.)

13. INFORMATION/DISCUSSION ITEMS

No Items

14. CONSENT ITEMS

Motion No. 74

It was moved by Mrs. Nichols, seconded by Dr. Deligianni, and carried by a vote of 7-0 to approve the consent items.

Item 14.A. Gifts

The following gifts and attached list of cash donations totaling \$28,003.80 was donated to the District for use as indicated. A letter of appreciation will be forwarded to the benefactors.

- Musical goods/supplies to Yorba MS, donated by Adams's Music Studio
- \$620 travel expense to attend the California School Boards Association (CSBA) annual conference in San Diego, donated by Kathryn Moffat (declined reimbursement)
- \$150 travel expense to attend the joint conference of CSBA Delegate Assembly members and members of the California League of Cities in Sacramento, donated by Kathryn Moffat (declined reimbursement)

Item 14.B. Purchase Orders List

The Board approved the Purchase Order List dated February 1, through February 21, 2010 in the amount of \$271,529.05. See attached Purchase Orders Lists.

Item 14.C. Warrants List

The Board of Education approved the Warrants List dated February 1 through February 21, 2010 in the amount of \$3,266,594.36. See attached Warrants List.

Item 14.D. Contract Services Report – Administrative Services

The following contract service was approved.

WESTMARK PRODUCTS, INC.

The District awarded Bid No. FC6018 – Wood and Plastic Covered Casework – Sycamore Elementary School to Westmark Products, Inc., on June 19, 2008. Change Order 4 decreases the value of the contract and does not add any additional time to the contract. Change Order 5 increases the value of the contract and does not add any additional time to the contract. The scope was reviewed and found to be reasonable by the architect, construction manager and staff. This Change Order falls within the allowable maximum of 10% per the Public Contract Code.

Special Reserve/Capital Projects.....\$5,622

J.D. DIFFENBAUGH, INC.

The District awarded Bid No. FC6019 – Modernization – Yorba Middle School to J.D. Diffenbaugh, Inc., on June 18, 2009. Change Order 2.c, increases the value of the contract and does not add any additional time to the contract. The cost and scope were reviewed and found to be reasonable by the architect, construction manager and staff. This Change Order falls within the allowable maximum of 10% per the Public Contract Code.

Special Reserve/Capital Projects.....\$ 19,885

Item 14.E. Acceptances of Completed Contracts and Filing of Notices of Completion

The following contract was accepted by the Board:

BID No. FC6018 – Plastic Covered and Wood Casework

Project:	Sycamore ES, Modernization
Original Board Approval:	June 19, 2008
Original Purchase Order:	901567, 901567-01, 102646, 102646-01
Completion Date:	July 2, 2009
Contractor:	Westmark Products, Inc
Original Contract:	\$ 348,805
Change Orders:	\$ 19,709
Total Project Amount:	\$ 368,514
Fund(s):	Special Reserves (40)

Item 14.F. Personnel Report

The Board approved the attached Personnel Report.

Item 14.I. Contract Services Report – Educational Services

The Board approved the following contract services for Educational Services.

ASTRONOMY 4 YOU

Astronomy 4 You is a company based in Orange County that provides science demonstrations in the area of astronomy. Participants will be able to observe the planets and stars through four large telescopes. This presentation will be held at Anaheim Hills Elementary School’s Science Night for students and parents. The cost of the program is \$300. There is no impact to the general fund since the cost will be paid by funds donated from individual parent organizations.

Elementary Education.....not-to-exceed\$300

MOTIVATIONAL MEDIA ASSEMBLIES

Motivational Media Assemblies (MMA) will present two multi-media presentations – one at Villa Park High School and one at El Modena High School, Spring 2010 – entitled “One Day”. These presentations will be part of the Students Stand Against Drugs and Drinking (S.T.A.N.D.) week provided in conjunction with the Orange Police Department. The assembly challenges young people to make healthy choices and build strong character. Motivational Media Assemblies are a powerful way to present a life-changing message in a format that young people can relate to. Materials will be provided for pre and post presentations for the students. Fiscal impact will be the expenditure of restricted categorical fund monies.

Title IV and TUPE.....not-to-exceed.....\$1,449

Item 14.H. Study Trips

The following study trips were approved by the Board of Education:

Villa Park High School –Mock Trial Team, San Jose, CA – March 19–21, 2010

Villa Park High’s Mock Trial Team, under the direction Michelle Stewart, will travel to San Jose to participate in the Mock Trial State Competition. Students will have the opportunity to support fellow students who have advanced to the state finals and to further develop their skills of our legal system, analytical ability, and presentation skills. Six female students will be accompanied by one female adult chaperone and will stay at the Fairmont Hotel, San Jose. Transportation will be provided by the coach who will have an approved District driver’s certificate on file prior to the trip.

Total cost per student is \$100 and scholarships are available. Students will miss one day of school. A substitute will be required, funded by boosters.

Panorama ES – 5th Grade Classes – Catalina Island Marine Institute – Catalina – March 24-26, 2010

The fifth grade students from Panorama Elementary School, under the direction of Dana Encheff and Lindsay Krill, will participate in the Catalina Island Marine Institute - Guidance Discoveries Program. This program is aligned with the State’s Content Standards in Science. Activities during the day and evening will allow students the opportunity to participate in sampling and analyzing offshore animals, explore tide pools and investigate terrestrial plant and animal adaptations. 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 by individual parent organizations. The cost will not exceed \$300 per student, and scholarships are available. No substitute is required.

Orange High School - Cheer - Anaheim – March 25-28, 2010

Orange High’s Cheer, under the direction of Carrie Woodson, will travel to Anaheim to participate in the Cheer USA Nationals. Students will apply their skills in a competitive atmosphere with high schools from around the country and will apply knowledge to real life D Quadrant learning. Twelve female students will be accompanied by two female chaperones and will stay at the Anaheim Marriott. Transportation to Anaheim will be provided by District bus, funded by Cheer, and parents will provide return transportation for their student. The cost per student is \$293 and scholarships are available. A substitute will be required, funded by Cheer.

Orange High School – Future Farmers of America – Fresno, CA – April 17-20, 2010

Orange High’s Agriculture Department, under the direction of Patti Williams, will travel to Fresno to

participate in the FFA State Leadership Conference. Students will learn leadership skills, personal skills and abilities, agriculture awareness goals setting, college and employment opportunities. Five male students will be accompanied by one female and one male adult chaperone and will stay at the Piccadilly Inn, Fresno. Transportation will be provided by Orange High's District agriculture truck. The cost per student is \$220 and scholarships are available. Students will miss two days of school. A substitute will be required, funded by the Perkins Grant.

Item 14.I. Expulsion of Student: Case No. 09-10-29

The Board upheld the administrative recommendation.

Item 14.J. Expulsion of Student: Case No. 09-10-30

The Board upheld the administrative recommendation.

Item 14.K. Expulsion of Student: Case No. 09-10-31

The Board upheld the administrative recommendation.

Item 14.L. Expulsion of Student: Case No. 09-10-32

The Board upheld the administrative recommendation.

Item 14.M. Expulsion of Student: Case No. 09-10-33

The Board upheld the administrative recommendation.

Item 14.N. Expulsion of Student: Case No. 09-10-34

The Board upheld the administrative recommendation.

Item 14.O. Contract Services Report – Pupil Services

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

AUGUSTIN EGELSEE, LLP

As the result of an agreement in OAH Case No. 2009110045, the District agrees to pay the parent of a special education student in satisfaction of educational costs and reasonable attorneys' fees and costs.

Special Education not to exceed \$20,000

SOUTH COAST THERAPY

Services are required to provide occupational and physical therapy to special education students during the 2009-10 school year.

Special Education not to exceed \$9,500

15. PUBLIC COMMENT: Non-Agenda Items

Speakers

None

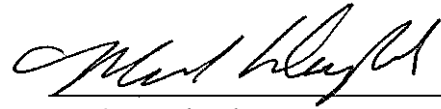
16. OTHER BUSINESS

Mrs. Smith suggested a ballot measure that commits our legislators to part time and then use that funding for education exclusively.

Mr. Ortega expressed his appreciation to the Board of Education for making the tough decisions that had to be made. He thanked the staff members who worked so diligently on the budget.

17. ADJOURNMENT

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



Mark Wayland
Clerk of the Board