

Santa Ana Unified School District
1601 E. Chestnut Avenue
Santa Ana, California 92701

MINUTES

REGULAR MEETING
SANTA ANA BOARD OF EDUCATION

November 9, 2004

CALL TO ORDER

The meeting was called to order at 4:50 p.m. by Board President Richardson. Other members in attendance were Dr. Yamagata-Noji, Mr. Tinajero, Mrs. Avila and Mr. Palacio.

Cabinet members present were Dr. Bennett, Mr. Trigg, Mr. Sharp, Dr. Stainer, Dr. Bratcher, and Mrs. Araujo-Cook.

MEETING RECESSED AND RECONVENED

At 4:50 p.m., the Regular meeting was recessed to Closed Session to consider real estate negotiations, legal matters, personnel matters, special education contracts, and student discipline issues.

The Regular meeting was reconvened at 6:15 p.m.

There were approximately 45 members of the community and District staff in the audience.

PLEDGE OF ALLEGIANCE

The meeting was opened with the Pledge of Allegiance led by Mr. Tinajero.

SUPERINTENDENT'S REPORT

Attention was directed to the beautiful artwork posted in the Board Room from Muir Fundamental Intermediate School.

A volunteer event called *Paint Your Heart Out, Santa Ana* was a big success! Recently, more than 500 community volunteers painted 34 homes in Wilshire Square, Pio Pico, Lowell, and Heninger Park for senior, disabled and low-income homeowners. Project leader Mary Guzman reported that about 30 students from Century High School and 45 from Saddleback High School participated in the event. Special thanks go to Jeanie Weis at Century and Simone Eichenberger at Saddleback for their support. Saddleback students Ryan Goins and Justin Seeley each contributed more than 18 hours of their time and labor.

Students and teachers at Century High School participated in a mock election, using state-of-the-art electronic voting systems, sponsored by the Youth Leadership Initiative. American Government teacher James Oveson has collaborated with the Youth Leadership Initiative for the past two years. His students have become active participants in the democratic process and learned more about American politics. The results of the election at Century mirrored the voice of California voters, with John Kerry winning the majority of votes. (No school board voting was done!) Thanks to James Oveson and the students of Century High School.

The Superintendent announced that Wednesday, November 10, at 5 p.m., a reception will be held at the Libreria Martinez Books & Art Store for retiring State Senator John Vasconcellos. Senator Vasconcellos has served California more than 38 years as an assembly member and senator in Northern California. He has been a great partner to our District, especially during our bid for land from the Tustin Marine Base. He thanked the Senator for supporting our efforts and for heading up numerous education committees that have greatly benefited Santa Ana children.

On August 13, 2004, the American Civil Liberties Union and California officials reached a settlement agreement in the class action education lawsuit *Williams v. California*. The ACLU and other groups on behalf of California students who attended substandard schools in California filed the lawsuit. The Williams lawsuit, originally filed in May of 2000, charged the State with reneging on its constitutional obligation to provide students with the essentials necessary for education. The settlement requires that all students have books and that schools be clean, safe, and provide qualified teachers. It provides nearly \$1 billion to accomplish the goals and \$800 million over four years to make emergency repairs in the lowest performing schools.

Mr. Trigg stated that when the Williams settlement passed legislature, many bills were approved together and some are partially in conflict with each other. He said that it was difficult to provide facts regarding the specifics due to the conflicts. One assurance is that mathematics, language arts, science, and social science textbooks must be available and/or will be purchased for each student. A resolution will be brought forward at the next Board meeting with more information. He added that a call for a public hearing would also be placed on the Agenda at the following meeting.

UPDATE ON SCHOOL BUILDING PROGRAM

Mr. Hills provided an update and review on the school building program. Also included were aerial views of the various schools in progress:

Manuel Esqueda Elementary School:

- Construction began September 2003
- Project 78% complete
- Anticipated completion date is January 2005
- Contract price is \$15,380,000

Segerstrom High School:

- Construction began May 2002
- Project 55% complete
- Anticipated completion date is August 2005
- Contract price is \$53,000,000

Hector G. Godinez Fundamental High School:

- Construction began October 2003
- Project 47% complete
- Anticipated completion date is January 2006
- Contract price is \$66,000,000

Heroes Remediation/Demolition Project:

- Construction began August 2004
- Completion date is October 2004
- Current Completion Status 100%
- Contract price \$589,000

Mountain View High School: (Corner of Raitt/McFadden Streets)

- Construction began October 2004
- Anticipated completion is March 2006
- Current completion status is at 1%
- Construction contract is \$11,387,000

Lincoln Elementary Modernization:

- Construction began September 2004
- Completion date is March 2005
- Current completion status is at 21%
- Contract Price is \$2,360,000

Jackson Elementary Modernization:

- Construction began September 2004
- Current completion status is at 8%
- Completion date is July 2005
- Contract price is \$2,500,000

Hoover Elementary Modernization:

- Start date is December 2004
- Completion date is September 2005
- Contract price is \$2,700,000

Lowell Elementary Modernization:

- Start date is December 2004
- Completion date is September 2005
- Contract price \$2,300,000

McFadden Intermediate Modernization:

- Start date is December 2004
- Completion date is September 2005
- Contract price is \$4,100,000

Roosevelt Elementary Modernization:

- Start date is December 2004
- Completion date is August 2005
- Contract price is \$2,720,000

Lathrop Intermediate Modernization:

- Start date is June 2005
- Completion date is May 2006
- Contract price is \$4,300,000

Sierra Intermediate Modernization:

- Start date is February 2005
- Completion date is September 2005
- Contract price is \$1,200,000

Fremont Elementary Modernization:

- Start date is December 2004
- Completion date is May 2005
- Contract price is \$2,900,000

Qualified Zone Academy Bonds (QZAB) Science and High Learning Centers:

- Construction began May 2004
- Anticipated completion is December 2004
- Current completion status is 97%
- Contract price is \$3,390,000

Projects completed totaled \$44,000,000; Total costs for active projects are \$176,000,000; and combined costs for ongoing and completed projects are \$220,000,000.

Mr. Hills stated that Post-Occupancy Surveys were distributed to school sites for evaluation to assist in future projects.

Dr. Yamagata-Noji suggested that a discussion item be agendized soon concerning the new Manuel Esqueda Elementary and Segerstrom High Schools. She said that staffing and other pertinent information must be provided to the parents and community.

Dr. Yamagata-Noji inquired about student placement from Fremont Elementary to the new Manuel Esqueda Elementary School while the school is being modernized. A meeting with the parents, teachers, and District staff is scheduled for next week.

Dr. Yamagata-Noji suggested that a presentation concerning Manuel Esqueda Elementary and Segerstrom High School be placed on the agenda for the next Board meeting. She added that clarification is yet to be received concerning the Raitt Street closure. She said that another concern is the traffic flow with three schools in close proximity.

Mr. Tinajero asked for a current traffic report for the area surrounding Segerstrom High and Thorpe and Greenville Fundamental Elementary Schools.

Mr. Richardson asked that District include the PTA and others who might be interested in receiving information concerning the new schools.

APPROVAL OF MINUTES

It was moved by Mr. Tinajero, seconded by Dr. Yamagata-Noji, and carried 5-0, to approve the Minutes of the Regular Board meeting of October 26, 2004.

APPROVAL OF CONSENT CALENDAR

The following item was removed from the Consent Calendar for discussion and separate action: Approval of Appointment of Audit Firm to Conduct Performance and Financial Audit of Measure C Funds.

It was moved by Dr. Yamagata-Noji, seconded by Mr. Palacio, and carried 5-0, to approve the remainder of the Consent Calendar.

The following gifts were accepted subject to the condition that the District does not guarantee maintenance of the items or expenditure of District funds for their continued use.

Gifts

Carver Elementary
44 back packs with school supplies

Garfield Elementary
\$115 for instructional supplies

Donors

Office Depot*
Signal Hill

Target Stores
Mr. Gregg Steinhuf

	Minneapolis, MN
Kennedy Elementary Popcorn machine	AIG/VALIC Mr. KC Braun Anaheim
Jackson Elementary \$98 for field trips	Target Stores Mr. Gregg Steinhuf Minneapolis, MN
Muir Fundamental \$304 for office use	Target Stores Mr. Gregg Steinhuf Minneapolis, MN
Walker Elementary \$675 for field trips	Walker Parent Group Santa Ana
Santa Ana Unified School District \$1,000 for 2004 Parent Conference	Nuestra Casa Mortgage Mr. Robert F. Gallegos Santa Ana
School Police Services \$1,000 for drugs/weapons Detection canine	JRH Construction Mr. John Hundley Tustin
School Police Services \$1,000 for drugs/weapons Detection canine	CR & R Incorporated Mr. George Lazaruk Stanton

Approval of purchase orders issued October 13, through October 26, 2004, to purchase materials, supplies, etc., with funds previously approved.

Approval of warrant listings prepared October 19, through October 27, 2004, to pay budgeted District financial obligations.

Approval of Change Order No. 3 for Bid Packages 85, 86, 87, 91, 93, 101, and 102, for construction of the Manuel Esqueda Elementary School project for a credit of (\$36,173.32) for a revised total construction cost of \$15,571,133.52.

Approval of Project Change Order No. 1 for the Removal Action Work Plan (RAW) and demolition of existing structures located at the Heroes Elementary School project for a credit of (\$6,075.20) for a revised total construction cost of \$582,924.80.

Approval of substitution of Spates Engineering for McGuire Contracting as the listed concrete subcontractor for construction of the Mountain View School project.

Approval of substitution of Gilbert and Stearns for Fielding Electric as the listed electrical subcontractor for construction of the Mountain View High School project.

Approval of substitution of J's Pipeline for Suttles Plumbing & Mechanical as the listed site utilities subcontractor for construction of the Mountain View High School project.

Authorization for disposal of obsolete textbooks, pursuant to Education Code Sections 39520 and 39521, Board Policy and Administrative Regulation 3270.

Adoption of Resolution No. 04/05-2587-One-Time-Only Instruction Materials contract for State Preschool for 2004-05. A copy of the Resolution is attached to the Minutes of this meeting.

Approval of additional funding for the Weed and Seed Safe Haven Program at Kennedy Elementary for the 2004-05 school year.

Approval of license agreement between the Santa Ana Unified School District and Educational Standards Certification, Inc. "Teachscape" for online Open Court staff development training services for the 2004-05 school year.

Approval of revised job description of Executive Director - Human Resources.

Approval subcontract agreement between the Santa Ana Unified School District and The Regents of the University of California, Irvine for the 2004-05 School Year. This item was unintentionally left off the Minutes of 10-26-04.

Approval of recommendations for the administrative hearing panels to expel the students for the recommended terms and with the recommended remediation conditions.

140070 - Carr Intermediate
for violation of Section (c), that the Board expel him from the schools of the District for the remainder of the fall semester 2004-05 school year and that the expulsion order be suspended formerly the spring semester of the 2004 of the 2004-0-5 school year, and that he be permitted to return to a District school/program on a probationary status during that time period.

127971 - Lathrop Intermediate
for violation of Section (a), that the Board expel him from the schools of the District for the remainder of the fall semester 2004-05 school year and that the expulsion order be suspended for only the spring semester of the 2004-05 school year, and that he be permitted to return to a District school/program on a probationary status during that time period.

147246 - Spurgeon Intermediate
for violation of Section (m), that the Board expel him from the schools of the District for the remainder of the fall semester 2004-05 school year and that the expulsion order be suspended for only the spring semester of the 2004-05 school year, and that he be permitted to return to a District school/program on a probationary status during that time period.

120891 - Santa Ana High
for violation of Section (b), that the Board expel him from the schools of the District and that he may apply for readmission on or after June 15, 2005.

138931 - Villa Fundamental Intermediate
for violation of Sections (a, b), that the Board expel him from the schools of the District for the remainder of the fall semester 2004-05 school year and that the expulsion order be suspended for only the spring semester of the 2004-05 school year, and that he be permitted to return to a District school/program on a probationary status during that time period.

115336 - Santa Ana High
for violation of Section (c), that the Board expel him from the schools of the District and that he may apply for readmission on or after June 15, 2005.

151544 - Carr Intermediate
for violation of Section (m), that the Board expel him from the schools of the District for the remainder of the fall semester 2004-05 school year and that the expulsion order be suspended for only the spring semester of the 2004-05 school year, and that he be permitted to return to a District school/program on a probationary status during that time period.

136227 - McFadden Intermediate

for violation of Sections (a, b), that the Board expel him from the schools of the District for the remainder of the fall semester 2004-05 school year and that the expulsion order be suspended for only the spring semester of the 2004-05 school year, and that he be permitted to return to a District school/program on a probationary status during that time period.

138885 - Villa Fundamental Intermediate

for violation of Sections (a, b), that the Board expel him from the schools of the District and that he may apply for readmission on or after June 15, 2005.

149915 - Carr Intermediate

for violation of Sections (c, j), that the Board expel him from the schools of the District for the remainder of the fall semester 2004-05 school year and that the expulsion order be suspended for only the spring semester of the 2004-05 school year, and that he be permitted to return to a District school/program on a probationary status during that time period.

141108 - Willard Intermediate

for violation of Section (c), that the Board expel him from the schools of the District for the remainder of the fall semester 2004-05 school year and that the expulsion order be suspended for only the spring semester of the 2004-05 school year, and that she be permitted to return to a District school/program on a probationary status during that time period.

118349 - Valley High

for violation of Section (c), that the Board expel her from the schools of the District for the remainder of the fall semester 2004-05 school year and that the expulsion order be suspended for only the spring semester of the 2004-05 school year, and that she be permitted to return to a District school/program on a probationary status during that time period.

199704 - Valley High

for violation of Section (b), that the Board expel him from the schools of the District and that he may apply for readmission on or after June 15, 2005.

122849 - Saddleback High

for violation of Section (b), that the Board expel him from the schools of the District and that he may apply for readmission on or after January 15, 2005.

130964 - Saddleback High

for violation of Sections (c, j), that the Board expel him from the schools of the District and that he may apply for readmission on or after June 15, 2005.

107451 - Saddleback High

for violation of Section (c), that the Board expel him from the schools of the District and that he may apply for readmission on or after June 15, 2005.

148974 - McFadden Intermediate

for violation of Section (b), that the Board expel him from the schools of the District for the remainder of the fall semester 2004-05 school year and that the expulsion order be suspended for only the spring semester of the 2004-05 school year, and that he be permitted to return to a District school/program on a probationary status during that time period.

153949 - Mt. View High

for violation of Section (b), that the Board expel him from the schools of the District for the balance of the fall semester, 2004-05 school year, that the expulsion order be suspended until January 15, 2005, and that he be permitted to return to a District school/program on a probationary status.

Ratification/Approval of Extended Field Trips:

Santa Ana High School - NJROTC
State Finals Qualifications
Sahuarita High School
Sahuarita, Arizona
(December 12-14, 2004)

APPROVAL OF APPOINTMENT OF AUDIT FIRM TO CONDUCT PERFORMANCE AND FINANCIAL AUDIT OF MEASURE C FUNDS

Dr. Yamagata-Noji inquired about the item. Mr. Trigg stated that Measure C is not a Proposition 39 Bond, but that the Board wanted to be held to a higher degree of accountability, therefore created the Bond Oversight Committee. He said that the independent financial and performance audit is a part of the oversight committee's first annual report and complies with Proposition 39. The item requests Nigro, Nigro & White, PC to conduct a performance and financial audit of Measure C funds.

Dr. Noji inquired about the reconciliation of an additional audit.

Mr. Trigg stated that the District's external audit firm Vavrinek, Trine, Day & Co. conducts an annual audit of all funds. If the audit firm of Nigro, Nigro & White were approved, they would review the existing audit. He said that this is a contractual obligation to the Board. He said that the Bond Oversight Committee (BOC) would most likely be present when results of the audit are presented to the Board. Mr. Trigg stated that the difference between a financial audit and a performance audit is that the financial audit looks at transactions and handling of funds and the performance audit looks at the efficiency of projects as it relates to the expenditure of funds.

It was moved by Dr. Yamagata-Noji, seconded by Mr. Richardson, and carried 5-0, to approve the appointment of Nigro, Nigro & White, PC to conduct a performance and financial audit of Measure C funds.

ADOPTION OF RESOLUTION NO. 04/05-2585 - AUTHORIZATION OF SIGNATURES FOR THE RISK MANAGEMENT REVOLVING CASH FUND AND APPOINTMENT OF CUSTODIANS PURSUANT TO EDUCATION CODE 42800 REQUIREMENTS

It was moved by Mr. Palacio, seconded by Mrs. Avila, and carried 5-0, to adopt Resolution No. 04/05-2585 - Authorization of signature of Donald L. Trigg and Kelvin Tsunozumi for the Risk Management Revolving Cash Fund and appointment of custodians pursuant to Education Code 42800 Requirements.

A copy of the Resolution is attached to the Minutes of this meeting.

ADOPTION OF RESOLUTION NO. 04/05-2586 - AUTHORIZATION OF SIGNATURE FOR THE REVOLVING CASH FUND AND APPOINTMENT OF CUSTODIAN PURSUANT TO EDUCATION CODE 42800 REQUIREMENTS

It was moved by Mr. Palacio, seconded by Mrs. Avila, and carried 5-0 to adopt Resolution No. 04/05-2586 - Authorization of signature of Donald L. Trigg for the Revolving Cash Fund and appointment of custodian pursuant to Education Code 42800 requirements.

A copy of the Resolution is attached to the Minutes of this meeting.

APPROVAL OF SUBMISSION OF PARTNERS FOR HEALTH GRANT TO THE HEALTHCARE FOUNDATION OF ORANGE COUNTY THROUGH ST. JOSEPH HOSPITAL AND THE CENTER FOR HEALTHCARE REFORM OF ST. JOSEPH HOSPITAL

Mrs. Avila stated would be casting a dissenting vote because she believes that it is not the responsibility of the school district to enroll students in Government health care programs.

It was moved by Mr. Tinajero, seconded by Mr. Palacio, and carried a 4-1, Ms. Avila dissenting, to approve the submission of the Partners for Health Grant to the Healthcare Foundation of Orange County through St. Joseph Hospital and the Center for Healthcare Reform of St. Joseph Hospital.

APPROVAL OF PERSONNEL ACTION

It was moved by Mr. Palacio, seconded by Mr. Tinajero, and carried 4-0, Mrs. Avila not present, to approve the Personnel Calendar as presented.

Dr. Bratcher addressed questions regarding the ratifications of two consultants, funding, services, and the integration within other program offerings in the District. Dr. Bratcher explained the process of categorical funds and how those are allocated for school improvement.

Dr. Noji expressed concerns regarding the depletion of grant funds and the affects to the budget. She also inquired about the process for data collection, feedback, and success of programs. Dr. Bratcher stated that the items pertain to training, therefore, when the funds are no longer there, the programs can continue.

A copy of the Personnel Calendar is attached to the Minutes of this meeting.

BOARD AND STAFF REPORTS/ACTIVITIES - REPORTS ON VISITS TO SCHOOLS, CONFERENCES ATTENDED, OR MEETINGS SCHEDULED

John Palacio:

- Announced that the HEEF 11th Annual Awards Celebration Honoring Educators event was a great success, with over 720 attendees and \$400,000 in scholarships.
- The League of United American Citizens, Santa Ana Council will be having its 2004 "Orange County Hispanic Women of the Year" Awards Banquet on Saturday, November 13, 2004, at the Santa Ana Performing Arts & Events Center.
- Announced the Orange County Boy Scouts Visionary Award Luncheon where Juan Lara, Assistant Vice Chancellor from UCI, will be honored, on Wednesday, December 1, 2004 at the Coast Anaheim Hotel.

Mr. Tinajero:

- Congratulated Santa Ana high School who competed at the USC Round-Robin Debate Tournament. Santa Ana had a great showing.
- Invited community to attend the Valley High v. Century High football game where the winner will advance to the playoffs. Good luck to both teams.
- Congratulations were conveyed to Mr. Richardson and Mrs. Avila for their dedication and their return to the Board for another term.

Mrs. Avila:

- Enjoyed going door-to-door visiting with the community and talking about education during elections.
- Enjoyed the Teacher-of-the-Year Awards banquet at Disneyland. The video show was phenomenal and inspiring.
- Enjoyed the HEEF scholarship awards celebration, which was outstanding.
- Santa Ana High School wrestling team is having a concert fundraiser Friday, November 12, 2004. Invited the community to come out and support.

Dr. Yamagata-Noji:

- Congratulated Mr. Richardson, Mr. Tinajero, and Mrs. Avila for their victory. Said that it is a pleasure working with them.
- Announced the tribute to John Vasconcellos, after 38 years of service. He will be retiring from the California State Legislature. He contributed to educational policy, health issues, and fiscal insight. A celebration will take place at Rueben Martinez' Libreria in Santa Ana on November 30, 2004.
- Stated that Mr. Palacio did a great job at the HEEF event. It was great to acknowledge the students of Santa Ana.
- Commended Mr. Rueben Martinez for his ongoing efforts, diligence, and contributions to the SAUSD.
- The Health and Safety event she attended at the District's parking lot offered by School Police and PTA was great. On that same day in the Board Room, she truly enjoyed a staff development inservice that was occurring. She said that the energy and training was outstanding.

Mr. Richardson:

- Mr. Raymond Ross will be presenting information concerning a reading program at the next Board meeting.
- Reminder that Thursday, November 18, 2004 at 7:00 a.m. is the Partners in Education Recognition breakfast. The event will be at the Sutton Place Hotel in Newport Beach.
- Veteran's Day, November 11, is a school holiday. He said to remember all veterans, military personnel, and to take a minute, pause and thank everyone for our freedom.

PUBLIC COMMENTS/PRESENTATIONS

President Richardson asked those members of the community who wished to address the Board to step forward as he called their names.

Don Harrelson, former SAUSD parent, expressed his concern of the recent break-ins at the 720 Fairview site.

Mike Murphy, SAUSD teacher, congratulated Board members for their return to the Board following elections. He also encouraged the return of Algebra A and B.

Victor Madrigal, SAUSD parent and PTA President, welcomed back Mr. Richardson, Mr. Tinajero, and Mrs. Avila. He said that we must continue educating students, hire the best-suited teachers, and support staff. He then invited the community to support Century High School's holiday pie fundraiser.

REPORT OF ACTION TAKEN IN CLOSED SESSION

By a vote of 5-0, the Board took action to approve payment to Kamoroff Client Trust Account, for attorney's fees.

By a vote of 5-0, the Board took action to ratify a nonpublic school contract and individual service agreement for the education of disabled pupils between the SAUSD and Therapeutic Education Center for the 2003-04 and 2004-05 school year.

By a vote of 5-0, the Board took action to ratify a nonpublic school contract and individual service agreement for the education of a disabled pupil between the SAUSD and Speech Pathology Associates for the 2004-05 school year.

By a vote of 5-0, the Board took action to ratify a nonpublic school contract and individual service agreement for the education of a disabled pupil between the SAUSD and Rossier Park Schools for the 2004-05 school year.

By a vote of 5-0, the Board took action to approve the workers' compensation compromise and release, for an employee as named in closed session in the amount of \$47,297.

By a vote of 5-0, the Board took action to approve the Workers' compensation settlement via a stipulated findings and award to an employee named in closed session in the amount of \$6,222.50, less PD advances currently in excess of \$30,000.

By a vote of 5-0, the Board took action to approve the workers' compensation compromise and release, to an employee named in closed session in the amount of \$23,000, less PD advances of slightly more than \$10,000.

By a vote of 5-0, the Board took action to approve the appointment of Richard Erhard to the position of Director of Special Education.

ADJOURNMENT

There being no further business to come before the Board, the Regular Meeting was adjourned at 8:15p.m.

FUTURE MEETING

The next regularly scheduled meeting of the Board of Education will be held on Tuesday, November 23, 2004, at 6:00 p.m.

ATTEST:

Al Mijares, Ph.D.
Secretary
Santa Ana Board of Education