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

#### MINUTES

# REGULAR MEETING SANTA ANA BOARD OF EDUCATION

July 27, 2004

#### CALL TO ORDER

The meeting was called to order at  $4:55~\rm p.m.$  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, Dr. Stabler, Mr. Sharp, Dr. Stainer, and Mrs. Araujo-Cook.

Dr. Bennett officiated the Board meeting due to the absence of the Superintendent Mijares.

### MEETING RECESSED AND RECONVENED

At 4:55 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 30 members of the community and District staff in the audience.

### PLEDGE OF ALLEGIANCE

The meeting was opened with the Pledge of Allegiance led by student Isaias Velazquez from Wallace Davis Elementary School also a member of the Boy Scouts of America Cub Pack #530.

## REPORT OF ACTION TAKEN IN CLOSED SESSION

By a vote of 5-0, the Board took action to ratify the Master Contract and Individual Service Agreement between the SAUSD and Speech and Language Development Center for a disabled student as named in Closed Session for the 2003-04 school year.

By a vote of 5-0, the Board took action to ratify the Master Contract and Individual Service Agreement between the SAUSD and Mardan School for disabled students as named in Closed Session for the 2003-04 school year.

By a vote of 5-0, the Board took action to ratify the Master Contract and Individual Service Agreement between the SAUSD and Pacific Child and Family Associates for a disabled student as named in Closed Session for the 2003-04 school year.

By a vote of 5-0, the Board took action to authorize the continuation of the Master Contract and Individual Service Agreements between the SAUSD and the Speech & Language Development Center for disabled students as named in Closed Session for the 2004-05 school year.

By a vote of 5-0, the Board took action to authorize the continuation of the Master Contract and Individual Service Agreement between the SAUSD and Coyne & Associates for a disabled student as named in Closed Session for the 2004-05 school year.

By a vote of 5-0, the Board took action to authorize the continuation of the Master Contract and Individual Service Agreement between the SAUSD and Prentice School for a disabled student as named in Closed Session for the 2004-05 school year.

By a vote of 5-0, the Board took action to approve the recommendation of the expulsion readmission panel to readmit the former students with identification numbers 099847, 101163, 300833,123355, 127447, 141055, 195710, 195277, 094586, 096636, 173913, 133866, 130137, and 107451 to a District school for the fall semester of the 2004-05 school year.

#### SUPERINTENDENT'S REPORT

Attention was directed to the beautiful artwork posted in the Board room this evening. Across the room, Heninger Elementary School artists used a variety of mediums to express their young talents. On another wall, artists at Davis Elementary School presented Reading Quilts—a blend of creative artistic and literary skills.

Congratulations to the staff of Cesar E. Chavez High School. Recently, the Accrediting Commission of the Western Association of Schools and Colleges granted the school a six-year term of accreditation. This action occurred after a careful study by a visiting committee, which noted many admirable aspects of the school, including the quality of instruction. Thanks and congratulations go to Principal Maggie Rosette for her leadership during this accreditation process.

Back-to-School Night at Roosevelt Elementary was special and quite different this year. The new 850-seat wing displayed evidence of student achievement. A brief video clip provided a glimpse of the excitement. Invited guests were parents, students, and community who came together for the celebration of the modernization and opening of a newly modernized school.

Middle College High School is currently accepting applications for enrollment for 10th, 11th and 12th grade. The campus is located on the Santa Ana College campus. Some students take college classes and high school classes concurrently. Students from last year's graduating class were accepted at Cal State Fullerton, University of Arizona, Brigham Young University, Bethune Cookman University and UCI, to name just a few. Please call the Middle College High School or the Public Information Office for more information.

# RECOGNITION

# Superintendent's BRAVO! Award - Kent Gibbs

Due to the absence of the Superintendent Dr. Stainer presented Mr. Kent Gibbs the Superintendent's Bravo! Award. Dr. Stainer said that Mr. Gibbs has made exceptional contributions to the students of the SAUSD through his commitment to programs focused primarily on the underrepresented youth of Orange County. Under his leadership, quality programs were expanded and new

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concepts implemented resulting in greatly increased opportunities for students to access Boy Scouting. These alternative programs reached families that normally were not familiar with the traditional program. Kent's commitment to expand participation began by the hiring of positive role models and leaders from the community to provide counsel and guidance through service on Scout committees and on the Scout Board. Parents and students were mentored and trained to eventually take over as leaders. He then created the "Two in One" program to combine soccer and the Scouts program and currently serves approximately 1,400 members. The program's success has led to replication across the nation. He has also expanded the Learning for Life Programs, providing character development for positive decision making for both boys and girls, currently serving approximately 15,000 SAUSD students; over 50% of students served countywide. Mr. Gibb's ongoing commitment to outreach to the Santa Ana community has made a positive difference in the lives of SAUSD students and their parents.

Because Mr. Gibbs has demonstrated every quality that exemplifies what the Bravo! Award was created to honor; Superintendent Mijares selected Mr. Kent Gibbs to receive the award. On behalf of the District and Board, a plaque was presented in recognition of his ongoing commitment, passion to serving the youth of Santa Ana, and for his support to the SAUSD. With him were his wife, staff, students, parents, youth soccer players, and community members.

## APPROVAL OF MINUTES

It was moved by Mr. Richardson, seconded by Dr. Yamagata-Noji, and carried 5-0, to approve the Minutes of the Regular Board meeting of July 13, 2004.

## APPROVAL OF CONSENT CALENDAR

The following item was removed from the Consent Calendar for discussion and separate action: Adoption of Resolution No. 04/05-2571 - Approval of Contract for State Preschool Funding for 2004-05 Program Year and Adoption of Resolution No. 04/05-2572 - One-Time-Only Pre-kindergarten Child Care Resource Program Contract for State Preschool for 2004-05.

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

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 Carver Elementary \$1,811 for instructional supplies

Diamond Elementary Panasonic Microwave

Edison Elementary \$1,000 for student activities

Heninger Elementary \$1,500 for instructional supplies

### Heninger PTA \$2,000 for instructional supplies ### Maria S. Juarez

Donors Washington Mutual Bank Mr. Roy Kaplan Princeton, NJ

Ms. Barbara Scott Aliso Viejo

Wal-Mart Foundation Mr. Edwin Y. Yap Santa Ana

Mrs. Diana Maloziec Huntington Beach

Jackson Elementary \$500 for instructional supplies

Martin Elementary \$191 for instructional supplies

Monroe Elementary \$500 for instructional supplies and RIF program

Muir Fundamental Elementary \$2,189 for student library

Muir Fundamental Elementary \$1,000 for student supplies and incentives

Muir Fundamental Elementary \$211 for instructional supplies

Washington Elementary \$53 for supplies

Lathrop Intermediate \$103 for student body activities

Villa Fundamental Intermediate \$1,000 for math supplies

Saddleback High \$2,775 for pitching machine

Santa Ana High Refrigerator for Girl's Athletics

Santa Ana High \$150 for Leadership Academy and mini-boot camp

Santa Ana High \$190 for Leadership Academy and Mini-boot camp

Santa Ana High \$1,000 for Cross Country Camp

School Police Services \$100 for drug/weapons detection canine

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School Police Services

Wal-Mart Foundation Mr. Edwin Y. Yap Santa Ana

Target Mr. Gregg Steinhuf Minneapolis, MN

Committed Active Neighbors, (CAN) Ms. Marcia Long Seattle, WA

Muir PTA Mrs. Anabel Jimenez Santa Ana

Wal-Mart Foundation Mr. Edwin Y. Yap Orange

Muir PTA Mrs. Anabel Jimenez Santa Ana

Verizon Long Distance Ms. Pamela Harris-Straughn Minneapolis, MN

Target Mr. Gregg Steinhuf Minneapolis, MN

Sam's Club Irvine

Saddleback High Student Body Santa Ana

Ms. Eileen Jones Santa Ana

Jewish War Veterans of USA Orange County Post #760 Mr. Greg Lee Costa Mesa

Grampaw Pettibone Squadron, Inc. Mr. James Menees Anaheim

Rotary Club of Santa Ana Mr. John Castillo Santa Ana

Ifex, Inc., Industrial Formula Exchange Mr. Zoilo Ruiz

Santa Ana Elks Bingo Charity Mr. Robert Hatch Santa Ana

Lees Ms. Catherine Thomas Duarte, CA

Orange

JJJ Floor Covering Mr. James David Garrett Anaheim

Bat Jac Glass Company Mr. Matt Burge Santa Ana

Refrig Supplies Distributor Total Control

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\$500 for drugs/weapons detection canine

Mr. Andy McNeil Lake Forest

School Police Services

\$500 for drugs/weapons detection canine

Medical Air Care, Inc. Mr. Woody Philhower

Cypress

School Police Services

\$200 for drugs/weapons detection canine

Fields Devereaux Architects and Engineers

Mr. Emad Handy Los Angeles

Approval of purchase orders issued June 23 through July 14, 2004, to purchase materials, supplies, etc., with funds previously approved.

Approval of warrant listings prepared July 8 through June 13, 2004, to pay budgeted District financial obligations.

Food Services Statement of Operations - April 30, 2004.

Food Services Statement of Operations - May 31, 2004.

Approval of Donated Space Agreements between the Santa Ana Unified School District and the County of Orange for property located at various school sites.

Approval of amendment to agreement with Desmond Marcello & Amster (DM&A) to provide additional services for fixture and equipment appraisal services and litigation support services for Joe K. Otsuka Elementary School for an additional amount not to exceed \$36,000 for a total amount not to exceed \$81,000.

Authorization to extend and upgrade the existing contract with Pitney Bowes for upgrading of the District postage meter.

Authorization to dispose surplus miscellaneous furniture, pursuant to Education Code Sections 39520 and 39521, Board Policy and Administrative Regulation 3270.

<u>Authorization to dispose obsolete textbooks</u>, pursuant to Education Code Sections 39520 and 39521, Board Policy and Administrative Regulation 3270.

Approval of Special Populations Symposium to be held at the Doubletree Hotel on August 30, 2004, and the follow-up staff development activities.

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

<u>138957</u> - Lathrop Intermediate

for violation of Section (b), that the Board expel her from the schools of the District and that she may apply for readmission on or after July 27, 2005.

<u>146425</u> - Lathrop Intermediate

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

<u>174160</u> - Lathrop Intermediate

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.

<u>198007</u> - Lathrop Intermediate

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

304456 - Lathrop Intermediate

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.

131327 - Spurgeon Intermediate for violation of Section (a), that the Board expel her from the schools of the District for the spring semester 2003-04 school year, that the expulsion order be suspended until June 156, 2004, and that she be permitted to return to a District school/program on a probationary status.

## Approval of Extended Field Trips:

Santa Ana High School - Debate Summer Debate Camp Howard University Washington, D.C. July 1-11, 2004 (Thursday-Sunday)

Valley High School - Youth Leadership National Council for Community and Education Partnership Annual Conference Washington, D.C.
July 24-28, 2004 (Saturday-Wednesday)

Century High School - Girls Basketball San Diego Classic Tournament San Diego, California July 15-18, 2004 (Thursday-Sunday)

Century High School - Boys Basketball Summer Basketball Classic Tournament Denver, Colorado July 16-19, 2004 (Friday-Monday)

ADOPTION OF RESOLUTION NO. 04/05-2571 - APPROVAL OF CONTRACT FOR STATE PRESCHOOL FUNDING FOR 2004-05 PROGRAM YEAR

AND

ADOPTION OF RESOLUTION NO. 04/05-2572 - ONE-TIME-ONLY PRE-KINDERGARTEN CHILD CARE RESOURCE PROGRAM CONTRACT FOR STATE PRESCHOOL FOR 2004-05

Mrs. Avila removed the two items and explained the reason for her casting a negative vote. She believes that the K-12 educational system should not include a preschool program. She added that students have ample time to garner education and that preschool children should be at home with their parent(s) and not in a structured environment.

It was moved by Dr. Yamagata-Noji, seconded by Mr. Palacio, and carried 4-1, Mrs. Avila dissenting, to adopt Resolution No. 04/05-2571 - approval of contract for State Preschool funding for 2004-05 program year and Resolution No 04/05-2572 - to adopt the one-time only Pre-kindergarten Child Care Resource Program Contract for State Preschool for the 2004-05 school year.

The resolutions are attached to the Minutes of the meeting.

ADOPTION OF RESOLUTION NO. 04/05-2573 - TRANSFER BUDGETED FUNDS FROM DISTRICT'S UNRESTRICTED GENERAL FUND TO DISTRICT'S DEFERRED MAINTENANCE FUND AND DISTRICT'S SELF INSURANCE FUND

Mr. Palacio asked for clarification on the item. Mr. Palacio inquired about the two separate transfers for the two fiscal years. Dr. Stabler stated that from time to time, the District must transfer funds from its Unrestricted General Fund into other District funds to meet the budgeted requirements of those funds. The Adoption would authorize a transfer of \$650,000 for the 2003-04, fiscal year and \$2.2 million into the District's Deferred Maintenance Fund as the District's matching share for the 2004-05 fiscal year, authorize the transfer of \$992,000 for 2003-04, and \$1.2 million into the District's Self-Insurance Fund to cover the property damage and liability insurance premiums for the District for the 2004-05 fiscal year. Dr. Stabler stated that funds were budgeted but not transferred during the 2003-04 budget year. He said that although there was sufficient reasoning for not making the transfer, it should have occurred when the Board approved the budget last summer. He said that the

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Self Insurance Fund was able to pay costs incurred during the 2003-04 budget year and the \$992,000 transfer was necessary to bring the fund's reserve back to a balance. Dr. Stabler stated that it was necessary to make the transfer at the end of the year.

Dr. Yamagata-Noji inquired if the Self Insurance Fund transfer would cover the entire year. Dr. Stabler responded affirmatively. He stated that the amount is what was budgeted and presented at the start of the year. He said that the Business Services Department regularly transferred funds into the Self Insurance Fund during the year. He added that this is an official transfer to reconcile the fund. Dr. Stabler stated that he would provide a clearer understanding in Week In Review.

It was moved by Mr. Richardson, seconded by Mr. Tinajero, and carried 4-1, Mr. Palacio dissenting, to adopt Resolution No. 04/05-2573 - to transfer budget funds from the District's Unrestricted General Fund into the District Deferred Maintenance Fund and Self Insurance Fund.

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

## CALL FOR A PUBLIC HEARING CONCERNING LEASE OF SCHOOL DISTRICT PROPERTY

Dr. Stabler said that AT&T Wireless is interested in leasing a small section of the Saddleback High School campus for the purpose of installing a cellular telephone tower. Prior to entering into a lease, the District must conduct a Public Hearing, declare the property as surplus, and allow other interested parties to bid for the lease. The call for bids, award, and Public Hearing will occur at the August 24, 2004, Board meeting.

Mr. Tinajero inquired about the monthly revenue the District is expected to receive for the cellular telephone tower installation. Dr. Stabler responded approximately \$1,200 monthly. Mr. Tinajero asked that a portion of that money be utilized to install the scoreboard, which was purchased by fundraising efforts by parents at Saddleback High School. Board concurred with Mr. Tinajero's recommendation.

It was moved by Mr. Richardson, seconded by Mr. Tinajero, and carried 5-0, to call for a public hearing concerning the lease of school District property.

## CHANGE IN AGENDA ORDER

APPROVAL OF AGREEMENT BETWEEN CITY OF SANTA ANA AND SANTA ANA UNIFIED SCHOOL DISTRICT FOR THE USE OF POLICE DEPARTMENT RANGE FACILITY FOR THE 2004-05 SCHOOL YEAR

It was moved by Mr. Palacio, seconded by Mr. Tinajero, and carried 5-0, to approve the agreement between the City of Santa Ana and the Santa Ana Unified School District for the use of the Police Department Range Facility for the 2004-05 school year.

### APPROVAL OF NEW RECOMMENDED JOB DESCRIPTION: PIANO ACCOMPANIST

It was moved by Mr. Tinajero, seconded by Mr. Palacio, and carried 5-0, to approve the new recommended job description: Piano Accompanist.

The job description is attached to the Minutes of this meeting.

#### APPROVAL OF PERSONNEL ACTION

Dr. Yamagata-Noji inquired about the Safe Schools/Healthy Grants program and consultant listed in the Personnel Calendar. Chief Miyashiro answered basic questions and said that Ms. Barbara Cummings, SAUSD Psychologist, would provide a report in Week In Review to address other areas requested by Dr. Yamagata-Noji. In addition, Board member Palacio requested that page A-3 from the Personnel Calendar be removed for discussion in Closed Session.

It was moved by Dr. Yamagata-Noji, seconded by Mr. Palacio, and carried 5-0, to approve the Personnel Calendar with the exclusion of page A-3.

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

#### 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.

Pat McGee, 507 S. Euclid St., Santa Ana, addressed the Board concerning gender equity and discrimination laws. He referenced a letter and a Legal Advisory from State Superintendent of Public Education, Mr. Jack O'Connell.

BOARD POLICY (BP) AND ADMINISTRATIVE REGULATION (AR) 1312.3 - <u>UNIFORM COMPLAINT</u> PROCEDURES (UCP) (FOR: ADOPTION)

Dr. Stainer provided information on the item. She said that the District's current Uniform Complaint Procedures must be revised to conform to the No Child Left Behind (NCLB) federal mandates and State law. State and federal guidelines require the District to establish a uniform system of processing complaints of unlawful discrimination and alleged violations of federal or State laws or regulations for those activities or programs specified in Title 5. She said that it is required that the school district annually disseminate written notification of the District's Uniform Complaint procedures (UCP) to employees, parents/guardians, district/school advisory committees, and interested parties. Dr. Stainer stated that the Board must adopt the Board Policy and Administrative Regulation to be in full compliance. Dr. Stainer then proceeded to identify the revisions on the Administrative Regulation (AR) and Board Policy (BP).

Mrs. Avila stated that she requested a letter to go to State Superintendent O'Connell on behalf of the SAUSD, requesting additional clarification on the language. Dr. Stainer stated that another District sent a letter requesting the same information and the response was received by all districts.

Mrs. Avila stated that members of the Board are being requested to approve the State recommended language which would change the current language in the AR and BP. She said that Board members have leeway in terms of approving or revising the language. She is recommending an alternative language that was adopted by Westminster School District, which she believes does not discriminate nor does it refer to gender distinction, which is a departure from the existing practice. She said that society has always made a distinction in gender and believes if the language is approved, that it would create confusion. Therefore, she is recommending an alternative language other than the State's recommendation. She said that the intent of the law is to do away with discrimination, where there would be respect and understanding and the language recommended by the State is contrary. She is asking the Board to consider submitting alternative language that conforms to the law and does not allow discrimination, disrespectful conduct, or confusion.

Mr. Palacio stated that if one has issues concerning the law, the direction would be to follow the legislative process and address those issues. He said that Board cannot discriminate against anyone and does not intend to. He added, that Board has a responsibility, which is to abide by the law and he would not support the alternative language.

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Mrs. Avila said that the concern is not about the law, it is that the Board agrees to the regulation, which was written by the OCDE.

Mr. Tinajero echoed Mr. Palacio. He said that Board is upholding the law and the main issue is protecting the students against discrimination. Mrs. Avila stated that the item was in fact taken to the proper channels in legislation. She said that she too believes that an alternative language would benefit students and protect the student from discrimination.

Dr. Yamagata-Noji stated that she spends a lot of time interpreting laws, writing policy and procedure recommendations during the course of her workday. She agrees with the language recommended by the State. She then read a portion of the recommended language, which reads: "The District shall follow UCP when addressing complaints alleging unlawful discrimination based on age, sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or physical or mental disability in any program or activity that receives or benefits from State financial assistance."

Mr. Richardson read a portion of the recommended language which states: "The Board acknowledges and respects students and employee rights to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts." He said that the issues relate to sexual harassment, and that what the real concern is what the victim is feeling. He said that the uniform complaint procedures are intended to protect the rights of the student.

It was moved by Mr. Palacio, seconded by Mr. Tinajero, and carried 4-1, Mrs. Avila dissenting, to implement Administrative Regulation (AR) 1312.3 <u>Uniform Complaint Procedures</u> and adopt Board Policy (BP) 1312.3 <u>Uniform Complaint Procedures</u>.

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

## Mr. Tinajero:

• Thanked Dr. Stabler for providing the report concerning the wireless cell tower and thanked Dr. Yamagata-Noji for supporting the efforts of the scoreboard with funds/revenue from cell tower

# Mrs. Avila:

• Said that the cancer drive was very successful in raising money for cancer research and thanked all who participated

### Dr. Yamagata-Noji:

- Asked that the District provide advance information on the Open House
- The report received from staff concerning lockers/backpacks was misunderstood. She would like an overall report (understands issues of lockers). She said that weight is the problem, and the wear and tear on the students. She wants an understanding as to how the District might help students deal with the weight issue. Would like information in WIR
- Requested a report concerning bell schedules and transportation. She questioned the need to coordinate schedules and asked if this would save the District money
- Board is yet to receive a follow-up report in reference to Algebra as a requirement, number of students taking Algebra, and the number of students passing Algebra

# Mr. Richardson:

• Attended the Roosevelt Elementary Open House event which was very nice. Many parents, teachers, community members, and administration attended.

- The Back to School Night commemorating the 850-seat wing at Roosevelt Elementary was also a special event where parents and students enjoyed the newly modernized school. He commended Diego, a  $4^{\rm th}$  grade student who took him on a tour throughout the school.
- Announced "Kids Day," Sunday, August 1, 2004 At the Santa Ana Bowl sponsored by the Boys and Girls Club of Santa Ana. There will be backpacks and school supplies provided to all students. The Orange County Teachers Federal Credit Union was one of the sponsors.

At the conclusion of the Regular Action Calendar, it was the consensus of the Board to add an un-agendized item to the Agenda.

Mr. Richardson called for a vote in favor of adding an item to the Agenda.

It was moved by Mr. Richardson, seconded by Mr. Palacio, and carried 5-0, in favor of adding an un-agendized item to the Agenda.

CANCELLATION OF AUGUST 24, 2004 REGULAR MEETING OF THE BOARD OF EDUCATION

It was moved by Mr. Richardson, seconded by Mr. Tinajero, and carried 5-0, to cancel the regularly scheduled meeting of the Board of Education of August 10, 2004, with the stipulation that should business dictate, that Board would call for a special meeting prior to the next meeting of the Board of Education of August 24, 2004, if necessary.

### RECESS TO CLOSED SESSION

At 7:40 p.m., the Regular Meeting was recessed to Closed Session to consider personnel matters and negotiations.

By a vote of 5-0, the Board took action to approve page A-3 from the Personnel Calendar excluding the extension of contracts for district personnel.

## ADJOURNMENT

There being no further business to come before the Board, the Regular Meeting was adjourned at 8:10 p.m.

## FUTURE MEETING

The next regularly scheduled meeting of the Board of Education will be held on Tuesday, August 24, 2004, at 6:00 p.m.

ATTEST:

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