

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

MINUTES

REGULAR MEETING
SANTA ANA BOARD OF EDUCATION

Tuesday, August 12, 2003

CALL TO ORDER

The meeting was called to order at 4:45 p.m. by Board President Avila. Dr. Yamagata-Noji, Mr. Richardson, and Mr. Palacio were also present. Mr. Tinajero arrived at 5:00 p.m.

Cabinet members present were Dr. Mijares, Dr. Bennett, Dr. Stabler, Mr. Best, Mr. Sharp, Ms. Araujo-Cook, and Dr. Bratcher. Dr. Stainer was not present.

MEETING RECESSED AND RECONVENED

At 4:45 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 6:20 p.m.

There were approximately 50 members of the community and District staff in the audience.

PLEDGE OF ALLEGIANCE

The meeting was opened with the Pledge of Allegiance led by Dr. Yamagata-Noji.

SUPERINTENDENT'S REPORT

Dr. Mijares called attention to student artwork displayed in the Board Room from Martin Elementary school.

The Superintendent thanked two business entities for their support of Madison Elementary School. Madison's MIND Institute received a donation of \$20,000 from Neil Ruby, President of the local McDonald's co-op and Board member of the Ronald McDonald House Charities. Mr. Ruby toured the facility and saw the Madison kids in action, performing music and manning computers. The following day, more than 100 Madison students took a field trip to Ricoh Electronics, Inc. and went booth to booth, learning about bats, origami, and science. They helped Ricoh Electronics, Inc., celebrate their 30th anniversary. The children at Madison Elementary and Ricoh Electronics, Inc., have been school business partners since 1990.

Dr. Mijares announced that Santa Ana Board of Education Clerk Rob Richardson co-chaired the "National Kids Day" event sponsored by the Santa Ana Boys and Girls Club held at the Eddie West Field. It is an event that is held on the first Saturday of August, every year. The Boys and Girls Club provided back packs donated by community organizations, filled with school supplies to over 200 students. Also, in attendance was City Councilman Mike Garcia. Mr. Richardson said that the Boys and Girls program services students from ages six through 19.

He encouraged Santa Ana students to participate in the Boys and Girls Club which offers full-time and year-round services.

The Superintendent announced that Edgar Vargas, Century High School graduate, recently participated in his first professional boxing match which was sponsored by the Oscar de la Hoya's Golden Boy Productions Studio. Edgar was touted a local hero at the Irvine Marriott, where he won his first professional bout. Edgar is scheduled to box again on August 28th.

Dr. Mijares announced that Camp OCHSA (Orange County High School of the Arts) is slated to begin October 7th. This is an early opportunity for children to get involved in the arts. Applications and information will be sent to all parents of 4th, 5th and 6th grade students in Santa Ana. Applications are due to OCHSA by September 19th.

An *Education First* video featured Santa Ana students Gustavo Vasquez and Junior Garibay who were provided the opportunity to spend a day with the Barnum and Bailey Ringling Brothers Circus to assist with feeding and watering down the elephants. Professional Baseball player Scott Spiezio was also working while encouraging the students to put their emphasis on *Education First*.

PRESENTATION

Charter School Application for the Proposal of Therapeutic Education Center (TEC) Charter School of Santa Ana

Dr. Stabler presented information on the proposed Therapeutic Education Center (TEC) Charter School of Santa Ana. He said that the school is proposing a school environment that offers a well-rounded educational opportunity that challenges students in grades K-12 to attain excellence. TEC would service students currently receiving services from Olivecrest Treatment Center. Olivecrest services children that are homeless, abused, or otherwise in need of extensive special care. He said that the charter law permits individuals and organizations to request a school district to authorize a new charter school within the district's boundaries. Dr. Stabler said that criteria for establishing a charter calls for signatures from 50 percent of the teachers expected to work in the school and that petitions address basic elements such as the school's educational program, measurable student outcomes, the governance structure of the school, and other items mutually agreed to by the petitioners and the sponsoring board. He said that he read the application and it complied with the charter criteria. He provided a copy of the District's boiler plate and stated that the charter would not be asking for land or location.

Dr. Donald Verleur provided an overview of Olivecrest. He said that Olivecrest offers services in residential care, shelters, adoption, foster, and O.C. mental health and described how Olive Crest and the TEC Center would link together to form the charter. He said that there are approximately 30 at risk SAUSD students currently receiving services from Olivecrest at this time. He introduced Ms. Kennedy, a consultant for the proposed charter school.

Ms. Kennedy spoke on behalf of the proposed charter. She described the type of students that the proposed charter would enroll and described expectations. The charter would foster a care system that would build healthy families by meeting emotional and educational needs. Teachers would teach and have specialists teach with them. She said that she has found that students may run away from home, but come to school. She said that students would be from all over Orange County.

Dr. Yamagata-Noji asked for an explanation of what TEC and Olivecrest offered. Dr. Verleur explained the difference and said that TEC is the

educational component of Olivecrest. Dr. Yamagata-Noji asked that this information be provided in writing.

Mr. Richardson inquired about the boundary of the facility. Dr. Stabler stated that he would research the boundary.

Mr. Palacio inquired about the number of students to be enrolled and where students would come from. Dr. Verleur stated that there could be two or three Santa Ana students and others may come from out of the county.

Dr. Yamagata-Noji asked Dr. Verleur what has been done in terms of working with the county to assure that the students receive the proper education and support that is needed.

Dr. Verleur stated that the State of California offers independent studies where students pick up assignments on a weekly basis. Dr. Yamagata-Noji responded that it appears that the county is remiss in providing programs which are mandated and could this be the reason for wanting to start a charter school. Dr. Yamagata-Noji asked for a clearer explanation for requesting this particular type of charter. She asked that the explanation include an enrollment plan, District's participating, number of teachers, budget, and MOU.

Mrs. Avila asked that with the growing student population if he foresees provisions for a larger school facility. Dr. Verleur responded that the school will have a limited number of 90 students and Home Builders of America would build a facility for them, which would be no cost to the District.

Overview of Intra-District and Inter-District Enrollment (BPs and ARs 5116.1 and 5117)

Dr. Lewis Bratcher presented information on the Intra-District and Inter-District enrollment process currently in place. He addressed Intra-District Open Enrollment Board Policy 5116.1(a) and Inter-District Open Enrollment Board Policy 5117, which interacts with the "No Child Left Behind" Act. He stated that each year the Board of Education must conduct an annual review of its Board Policies and Administrative Regulations on Open Enrollment pursuant to Education Code Sections 35160.5 and 48980.

Dr. Bratcher presented specific information as he discussed the policies. He said that the California Education Code and the No Child Left Behind (NCLB) Act are in a conflict in terms of what they see as a priority for students in the open enrollment policy. The NCLB Act recommends that schools shall give priority to the lowest achieving children from low-income families. The California Education Code states that the law requires that intra-district transfers be determined in a random, unbiased basis (i.e. lottery). Dr. Bratcher stated that under the Board Policy 5116.1, it states that the District's Superintendent or designee shall establish procedures for the selection and transfer of students among District schools in accordance with the law, Board Policies, and Administrative Regulations. It also states that parents/guardians of any student who resides within the District boundaries may apply to enroll their child in any District school, regardless of the location of residence within the District. It also states that the governing Board desires to provide enrollment options that meet the diverse needs and interests of District students which includes fundamental, traditional, and charter schools. Board Policy 5117 states that the Superintendent or designee may approve inter-district attendance agreements which are in the best interest of the student and are consistent with District needs.

Dr. Bratcher stated that the Board will be asked to be adopt a policy that addresses the No Child Left Behind Act which states if a district school receiving Title I funds is identified for program improvement, corrective action, or restructuring, all students enrolled in that school shall be provided an option to transfer to another District school or charter school.

Mr. Tinajero asked if the policy would affect fundamental schools. Mr. Bratcher stated that the provisions of the lottery as stated come from an opinion from the State Department of Education which would apply to fundamental schools.

Mrs. Avila inquired about the waiting lists at fundamental schools and if a lottery system is used to determine the waiting list enrollment. Dr. Bratcher stated that the waiting list was clarified under the language by a legal opinion when the lottery was established. The students would enroll in the order names were placed on the wait list, as enrollment continued throughout the year.

Mr. Tinajero inquired about new students wishing to enroll in their neighborhood school, such as a fundamental schools, would schools accommodate those students if capped. Mr. Bratcher stated that they too would have to be put on the waiting list.

Mr. Palacio stated that every year fundamental schools have vacancies at the start of the year, and inquired if interested students had priority to enroll before schools provide lottery enrollment at the fundamental schools. Dr. Bratcher stated that the lottery is for all interested students to enroll in fundamental schools. Every student who applies would be eligible for the lottery.

Mr. Palacio inquired about students from under achieving schools. Would they be included in the lottery or would they have priority. Dr. Bratcher stated that there is a conflict with No Child Left Behind and the Education Code policies.

Mrs. Avila inquired about the timeline for "under-achieving" letters going home to parents. If letters are sent home early enough, it would provide parents the option to enroll their student in another school. Dr. Bratcher stated that if a Title I school fails to meet the criteria for two consecutive years the No Child Left Behind Act comes into effect.

Mr. Richardson inquired about students in under-achieving elementary schools and the necessity of every parent being informed of the option to transfer. He said then how do we define "transfer" if a student is transferring from fifth grade to sixth grade. Dr. Bratcher stated that when a child promotes from fifth grade to sixth grade or from elementary to intermediate that it may be considered a transfer if the student does not enroll into their neighborhood school.

Dr. Yamagata-Noji said that the Board Policy must be written as to the intent of the Board. She asked that "space availability" be added to the Board Policy.

Board members questioned the Board Policy which states: Priority "**may**" be given to siblings of students already in attendance in that school and priority "**shall**" be given to students whose parent/guardian is assigned to that school as his/her primary place of employment. Board members requested that interpretation on may/shall be looked into.

Dr. Yamagata-Noji asked that under the heading: All Other Schools that there be clarification on the Board Policy which states that students not in a Title I school follow the unbiased enrollment process.

Dr. Yamagata-Noji said that there was a law passed years ago for employees of the District to be provided priority enrollment for their children. She then asked about the criteria for students being released from SAUSD to other schools.

Mr. Palacio echoed Dr. Yamagata-Noji relative to students being released to outside schools. He also inquired about SAUSD releasing student athletes and vice-versa. Dr. Bratcher stated that in regards to athletes, the District should have guidelines in place and according to CIF regulations all inter-district transfers must be completed by May 15th of each year to qualify for CIF regulations. Concerning intra-district transfers, the deadline is February 14th. He said that if a family relocates they can enroll into their home school and be eligible for CIF.

Parental Exception Waiver Request Process

Dr. Mijares introduced the item and said that the parental exception waiver process as provided under Proposition 227 is being presented and carefully crafted with the assistance of Mr. Tim Cary and Mr. Paul Hamill from Timothy M. Cary & Associates. What Mr. Cary presented is what is believed to be the Administrative Regulation. Dr. Mijares said that Administration has been diligently working with this for several weeks in order to produce a regulation which provides English Language Mastery. A Blue Ribbon Commission was established to critically examine the philosophy and methodology of the SAUSD's English language instruction and assure that students master the English language as quickly and as comprehensively as possible. He introduced co-chairs of the Blue Ribbon Commission Mr. Al Amezcua and Mr. Manuel Esqueda, who were present. Dr. Mijares stated that although the process is quite simple, there are some areas within the process that are vague which has caused much attention to this matter. He said that the District has worked with the parents to assure that this is what they want. Dr. Mijares introduced Howard Bryan, Director of ELD Bilingual Programs, who presented the item.

Mr. Bryan and Mr. Cary presented the Parental Exception Waiver Request process. Mr. Cary stated that Proposition 227 was adopted by the voters in 1998. Previous State review including Comite and CCR review proved the District to be in compliance with the law. After careful review of current practices, it was discovered that some vagueness existed in the Administrative implementation of the waiver process, therefore, new criteria and processes to improve the current process have been established. Based on the review, it was believed that District staff should adopt better practices and procedures for English learners, which would include criteria based review of parent waiver requests; and a more objective approach in analyzing student progress English skills acquisition as part of that process; and an implementation process that is closer to the spirit of the law; and improved educational outcomes.

Mr. Cary then summarized the revision of District practices for English learners as follows:

- There will be new specific District criteria for considering parent waiver requests.
- Revised decision-making process on parent waiver requests, with final decision on waiver requests made by Superintendent, based on District criteria that include information on special needs and objective data on student English growth.
- Objective, ongoing monitoring of student progress in English growth, with more frequent information provided to parents on their child's progress in English skills acquisition.

- Annual structured English immersion placement at the beginning of each school year for all English learners with less than reasonable fluency, starting with 2003-04 kindergarteners.

Mr. Cary provided information on the proposed Parental Exception Waiver request process as follows:

SAUSD Waiver Review Criteria

Criteria developed by the District shall be utilized by the principal and educational staff at each school site to gather and analyze evidence in support of their recommendation to the Superintendent to approve or deny parent exception waiver requests, in accordance with Board policy and administrative regulations.

Criteria for Review Factors

Reasons for the waiver and special needs stated in the waivers that are found to exist.

Students are meeting requirements for English language growth based on measurements that include: Progress in prior or existing educational placement, or progress in SEI and progress in meeting (District) English Language Development standards and benchmarks as defined by NCLB.

Special Needs

Reasons that may establish special needs include: Emotional or psychological needs, educational needs, and physical needs.

Measurements of Student Growth

Measurement of the student's growth in acquiring English in the student's prior educational placement and in the English immersion classroom may include the following measurement tools:

- STAR Results
- CELDT test scores
- Hampton Brown Into English test scores
- Writing sample
- Open Court/DRA scores
- Information on the student's participation in SEI class

Sections 311(b) and ((c)

The principal and educational staff will use the factors mentioned previously for the following:

- Section 311(b) of the Education Code (Children 10 and over)
- Section 311(c) of the Education Code (Children under 10 with special needs)

Mr. Bryan stated that the following information includes the "waiver" process:

Approval/Denial Timeline

- After the student has completed 30 calendar days in an English language classroom, the District begins the approval or denial process for submitted parental exception waivers.
- After analyzing the parent waiver request, the principal and educational staff must provide a written report to the Superintendent providing the basis for their recommendation to approve or deny the waiver request.

- The Principal and educational staff will make a recommendation to the Superintendent on each waiver request received. The Superintendent will make the final decision on waiver requests.

Mr. Cary stated that the kindergarten class of 2003-04 will be the first students to adhere to the new process.

Revision of Waiver Review Process for Kindergarten Students

- To date, the District has received approximately 600 waivers for EL Kindergarten students for the 2003-04 school year submitted in the Spring.
- Parents of these students will be told that they will have to resubmit a waiver after the school year begins. If a parent does not resubmit a waiver, the child will remain in SEI.
- All Kindergarten students will be placed in SEI classes.
- Parents may submit a waiver into an alternative program after the student has started school.
- Waiver requests for all Kindergarten students will be reviewed using the proposed new criteria.
- The application of the waiver review criteria for Kindergarten students will rely heavily on information received from the parent/guardian regarding the student's special needs and the reasons for the waiver request.

The waiver process for a Kindergarten student will be that the parent/guardian will be able to submit a waiver request once the school year has begun.

Approval/Denial of Kindergarten Waivers

- If the parent waiver request is approved, then the kindergarten students will be placed in the alternative program requested. If the parent waiver request is denied, the student remains in the SEI class. Parents will have a meeting with the principal where an explanation will be discussed and the appeal process will be explained. Whether the student is in the alternative placement or SEI placement, parents will receive data on an on-going basis.
- In all subsequent years, all current Kindergarten EL students in the 2003-04 school year will be placed in the SEI class until they meet criteria for English Mainstream or are waived into an alternative program.
- Parents have the right to place their children in an English Mainstream class at any time.
- All students who are new to the District will be placed in an SEI class for at least 30 days at the beginning of each school year.
- Waiver requests will not be accepted prior to the beginning of each school year.

Mr. Cary provided information on the process for the continuing English Learner (EL) Student:

- Any waivers that have been granted for continuing English Language students who are in first grade or above or that were approved at the end of the 2002-03 school year or at the beginning of the current school year will not have to be resubmitted or reviewed will be "grandfathered"
- Continuing EL students will not be placed in the District's SEI program for 30 days or in subsequent years if they have already completed the 30 days in an SEI program and their parents continue to submit a waiver request that is approved.
- After the new waiver criteria and process are implemented by the District, all new waiver requests will be reviewed based on the new criteria. Even though these continuing EL students are having their waivers "grandfathered," it will be required that waivers be reviewed annually at the beginning of each school year using the new waiver criteria process. If a waiver is denied, the student will remain in SEI.

Criteria for Continuing EL Students

- Information provided by the parents will be used to determine if the student has special needs. The test score data noted above will then be utilized to determine whether the student's special needs can be better met in an alternative program that would also promote rapid English growth.
- Parents/guardians will be provided updates on their child's progress in English throughout the school year.
- Parents/guardians are informed that if their child does not show growth in English sufficiently to meet District benchmarks, a waiver request is more likely to be denied.
- If a child is placed in SEI, parents/guardians will continue to receive test scores data to show growth in English.

Mr. Cary stated that the new administrative procedures have been designed and modified not only to enhance each student's ability to learn English and be successful as a student, but also to protect the District and the school Board against costly and unnecessary litigation.

Mrs. Avila asked where in the law it indicates that 6,000 students are exempt from following what the law requires. She said that those students do not have to process a waiver annually or do not have to go through 30 days instruction and those students will continue in a bilingual program.

Mr. Cary stated that there is nothing in the law that indicates children are exempt from the law. He stated that the California Department of Education, Comite process, and CCR Review, state that a one-time, 30-day placement is required. These students still have to process a waiver annually however. He said that this is the purpose of the proposal tonight. He then reiterated the process.

Mrs. Avila stated that a new criteria has been added that is not in the law. She asked if the information presented tonight are guidelines that the District will follow.

Mr. Cary stated that this is a summary. There are detailed procedures and guidelines that have been created that have been provided to the Board that will be implemented beginning tomorrow and the District will move forward with the new process and procedures.

Mrs. Avila stated that if a student is under 10 years old, speaks English, scores at grade level, and has special needs, they may apply for a waiver. She stated that a new criteria which tests students to determine if they've learned enough English in a Spanish classroom is not a criteria. She said that she objects to those new criteria.

Mr. Cary referred to Education Code Section 311 (c), which states that children under 10 with special needs and with an informed belief by the principal and educational staff that the child has a special need (physical, emotional, psychological, and educational) is identified, the next step would be to determine if an alternate course and educational study would be better suited to the overall educational development, given the special need.

Mrs. Avila stated that the Superintendent is to examine the waiver request and the teacher recommendation to determine whether an alternative placement is better suited for the special needs student. She said that she is concerned about the criteria. Special needs do exist and special needs do interfere with the student learning English. She believes that the Superintendent would agree with the teacher and would not see the data reflecting the concerns.

Mr. Cary reiterated information previously stated.

The Board continued to make comments relative to what was mentioned during the presentation and those questions were addressed. Mr. Cary stated that every question will be taken into consideration.

Dr. Yamagata-Noji stated that this is an emotional issue and there are various opinions, but what staff and legal counsel have attempted to do is to inform the District that the process can be improved in terms of compliance and the overall goal is English language acquisition. She said that the key is communication with parents. She said that this Board must have confidence with Administration to work with parents and that waivers are the exception, not the rule. The District is attempting to become compliant.

Mrs. Avila stated that there is a problem with the 6,000 students currently in the bilingual program and that kindergarteners will not be held to the same standards. Mr. Bryan stated that the continuing students were placed in the bilingual program due to waivers being approved at the start of the school year. He said that all waivers will be reviewed to assure that they meet the requirements and parents will be contacted if there is a discrepancy.

Mrs. Avila said that the law indicates that every year parents must sign new waivers. Mr. Bryan stated that the waivers were signed before the school year began and that this has been an allowed practice that is now being changed. Parents were previously informed that waiver requests could be turned in before school starting and since they were informed of this, the District will honor it. He said that to change the process midstream is a question of due process. Mrs. Avila stated that students must be in an SEI program at the start of the year.

Mr. Cary stated that there is a reasonable decision made not to disrupt a child or parents' life. The parents were provided rules and the parents abided by those rules and to change it now would not be fair. He said that beginning tomorrow the new process will be implemented.

Mrs. Avila inquired about students not being placed in English immersion next year. Dr. Mijares responded that every year, the waiver must be completed. The issue is submitting to the 30-days in SEI each year. The State Department of Education states that EL students requesting waivers have to go through 30 days of structured English immersion once. Mrs. Avila stated that the law states that every year you must have 30 days of Structured English immersion. Dr. Mijares stated that the practice will begin now. Dr. Mijares stated that current kindergarteners will be first grade students next year and each subsequent year students will be placed in SEI.

Board discussion ensued. Mr. Richardson and Mr. Tinajero supported staff and Administration's proposals. They brought up questions such as communication.

Mr. Tinajero said that those parents who favor bilingual education are not happy about their child having to remain in SEI for 30-days then complete a waiver to show cause for their student to be placed in bilingual classes. He said that he agrees with Administration. The proposed process, and the District moving in the right direction to comply with the law.

Mr. Richardson said that this is an extremely difficult issue. He requested that objective data be included in the policy to identify special needs. He also requested that ARs reflect a format of communication with parents which also include requirements and goals intended. He urged Administration to communicate with all schools to provide clear and consistent information regarding the waiver process in a timely manner.

Mr. Bryan stated that Dr. Mardel Kolls, Director of Research and Evaluation, will be providing student progress identifying students growth at the end of each year. He said that Dr. Kolls would utilize benchmark growth targets for each report card period to show whether children are progressing adequately in English. This is to keep in compliance with the NCLB act as well. Mr. Bryan stated that his department will meet with parents to make sure that they receive the necessary information.

Dr. Noji requested that District Administration return to the Board on a regular basis concerning the progress of tracking student growth in English.

Mr. Palacio suggested that communication take place at PTA, DELAC, and individual school meetings to assure that everyone is educated in this process.

Mrs. Avila asked for clearer Administrative Regulations and Board Policies relative to the exception waiver. She said that District should expect to have higher achieving SAUSD students. She then inquired about the District's purchase of 6,000 Spanish textbooks. Dr. Mijares responded that if SAUSD selects an alternative program, the District owes it to the parents and children to make sure that the program is excellently delivered and the District did order the Open Court series. She asked if new textbooks would be purchased for the newly enrolled students. Dr. Mijares responded that the District has no other choice but to purchase new books for new incoming students. Mrs. Avila asked Dr. Stabler if the District in its budget situation could afford to purchase new textbooks. Dr. Stabler stated that this fiscal year, the District will be allotted \$27 for each student per the Instructional Materials Block grant. Textbooks will be supplied to students per the criteria that were previously approved which were Open Court grades K-3 and language arts grades 6-12, any other books would not be available at this time. Mrs. Avila inquired

about the textbook rule about not being able to purchase more than one textbook per child. Dr. Stabler stated that there is one adoption and funds available for any replacements that are necessary.

Mrs. Avila stated that she is concerned with the data collection. If students are doing well and acquiring English they will continue in bilingual classes and that is not what Proposition 227 states. She said that Proposition 227 states that students must be placed in structured English immersion classes and if they can't learn in English due to special needs they can request to waive out. Mr. Cary stated that the proposal tonight is not what was just described. He then provided information on the waiver process once again.

Mr. Palacio stated that it has always been a priority of the SAUSD to teach English. The number of students in bilingual education over the past five years has decreased by over 50%. He said that the District is putting the house in order by providing parental choice with a set of criteria. He said that it is not a victory either way, but providing structure for SAUSD students. He said that the SAUSD is in compliance and is basically refining. It is important that there be an orderly process and communication is essential.

Mrs. Avila inquired about submitting the waiver on the first day of school versus 30 days following school. Mr. Cary stated that the law allows it. Mr. Bryan stated that it is the parent's prerogative to submit a waiver request and the District can not act on the request for 30 days. Mr. Cary stated that the law states that the District must act upon the request within 10 days or 20 instructional days or whichever is later.

Mrs. Avila stated that she believes what is being recommended violates the law and puts the District into legal jeopardy. The process enables easy access for kindergarten students to receive waivers. She said that it also allows 6,000 students to continue in bilingual education. Mr. Cary stated that he respectfully disagrees and stated that it actually makes it more difficult to meet the criteria where there were no criteria before. Mrs. Avila recommended the information suggested tonight be provided in the Administrative Regulation.

PUBLIC COMMENTS/PRESENTATIONS

Mark Feldman, Attorney for USS Cal Builders, stated that USS Cal Builders looks forward to continuing working with the SAUSD and successfully completing the project at Segerstrom High School.

Victoria Zaragoza, Santa Ana Resident, Co-chair for DELAC thanked Mr. Bryan for working diligently with the parents of Santa Ana on behalf of the exception waiver criteria. She urged the Board to move forward in considering the county property described on the Agenda. She said that the District needs more schools.

Pedro Castillo, Santa Ana Resident, thanked the Administration and Superintendent for placing Ms. Nogales-Talley at Lathrop. He urged the District to provide the assistance necessary to improve morale at the school and that the guidance and environment at the school site will provide positive results in the students.

Maria Arias, Santa Ana Resident, stated that she is a volunteer and is very involved in her children's schools. She urged the Board to postpone any decisions concerning the waiver process until the next school year to provide time for parents, staff, and teachers to arrange for the new process rather than making hasty decisions.

Jeanne Carter, Santa Ana Resident, addressed the Board concerning the new high school on behalf of Armstrong Ranch Neighborhood Association. She said that the Association is concerned about the following:

- Bells (ringing two times every 15 minutes)
- Noisy (2000 students)
- Heavy traffic
- Crossing guards are necessary
- Stadium usage (traffic and parking - limits)
- Truancy at South Coast Plaza
- Tagging

Michael Charles, Audience member, addressed the Board concerning the 6,000 waivers and read statements from Education Code 305. He addressed Spanish textbook concerns and voiced his concerns about bilingual education.

Jennifer Charles, SAUSD teacher, addressed the Board concerning the parent exception waiver process. She provided information concerning student achievement and referred to the Website for results. She urged an English Structured program for SAUSD students.

Robert Munoz, Santa Ana Resident, presented concerns regarding the approval of appointment of a financial planning and management firm to augment planning, budgeting, scheduling, and progress tracking of the school building program. He's concerned because of the previous firm overlooking Measure C funds who he believes wasted time and money and asked that the Board consider the costs that could effect children's education by approving the item.

Michael Murphy, SAUSD teacher, addressed the concerns about mathematics. He spoke in favor of Algebra A and B to provide a chance for those students who need the slower pace mathematics to achieve success in mathematics.

The following community members addressed the Board in opposition of bilingual education. They voiced concerns regarding low performing students, the enforcement of Proposition 227 as it was intended, urged those 6,000 parents to reconsider the waivers, and asked the Board to enable students to succeed by providing English-only instruction.

Beatriz Salas, Santa Ana Resident
Lupe Moreno, Santa Ana Resident
Dave Hoen, Santa Ana Resident

APPROVAL OF MINUTES

It was moved by Mr. Tinajero, seconded by Mr. Richardson, and carried 5-0, to approve the Minutes of the Regular Board meeting of July 22 2003.

APPROVAL OF CONSENT CALENDAR

The following items were removed from the Consent Calendar for discussion and separate action: Approval of Submission of Improving Teacher Quality State Gants Program Proposal, Extending the Pathway Project to Grades 4-5 Grant, to the California Postsecondary Education Commission (CPEC) at Various District Schools.

It was moved by Mr. Richardson, seconded by Mr. Palacio, 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

Adams Elementary
\$615 for Student Body

Santiago Elementary
\$2500 for Third Grade Math
Textbooks

Santiago Elementary
\$500 for Third Grade Math
Textbooks

Santiago Elementary
\$1098 for Third Grade Math
Textbooks

Santiago Elementary
\$500 for Third Grade Math
Textbooks

Washington Elementary
2 Guitars for After School
Guitar Group

Saddleback High School
\$100 for AASU Scholarship

Saddleback High School
\$100 for Cheer Program

Saddleback High School
\$1,000 for AASU Scholarship

Valley High School
\$5,000 for Global/Finance
Academy

Mitchell School
\$500 for Equipment Supplies for
Special Olympics and APE

Donors

Target
Ms. Debbie Linch
Minneapolis, MN

Floral Park Neighborhood Association
Mr. Chris Ahearn
Santa Ana

LJMC Corporation,
Ms. Tina Estrada
Santa Ana

Santa Ana Realty, Inc.
Mr. Steve Doughty
Santa Ana

Seven Gables Real Estate
Ms. Sandra DeAngeles
Tustin

Mr. Bruce Gove
Ontario

Ms. Myra Castro
Santa Ana

American Properties Funding Co.
Mr. Jerry Stile
Tustin

Ms. Jo D. Kelly
Santa Ana

Bank of the West
Mr. Dan Wilson
Newport Beach

Council for Exceptional Children
Mr. Gerald Him
Huntington Beach

Approval of purchase orders issued July 9 through July 24, 2003, to purchase materials, supplies, etc., with funds previously approved.

Approval of warrant listings prepared July 10 through July 31, 2003, to pay budgeted District financial obligations.

<u>Awards</u>	<u>Vendors</u>	<u>Amount</u>
Computer Equipment at King Elementary	Arey-Jones Educational Solutions	218,000
Computer Equipment at Spurgeon Intermediate	Arey-Jones Educational Solutions	339,400
Computer Equipment at MacArthur Fundamental Intern.	Apple Computers Inc.	172,720
Maintenance on Avaya Telecommunication Equipment Districtwide	Avaya, Inc.	713,000
Service and Repair the District's Computer Controlled Energy Management and Security System	Western Power Systems	112,200
Construction of Segerstrom High School Project	USS Cal Builders	2,984,000
	USS Cal Builders	4,378,000
	USS Cal Builders	582,000
	Graycon, Inc.	2,932,000
	Letner Roofing	945,000
	Continental Marble	372,480
	Dow Diversified	752,522
	Kern Steel	4,835,000
	USS Cal Builders	3,470,000
	Best Interiors	2,219,783
	EllJay Acoustics	235,886
	John Jory Corp.	1,362,146
	Saunders & McMillin	494,000
	Penn Air	155,000

Approval of renewal of contract with Twining Laboratories as soil testing and construction material testing consultants for construction of buildings at Jackson, Lincoln, Roosevelt, and Washington Elementary Schools in the amount of \$75,000 for a new contract total of \$275,000 through June 30, 2004.

Approval of renewal of contract with James Thernes & Associates, Inc., in the amount of \$15,000 to provide assistance for the Hazard Mitigation Grant Program (HGMP) through June 30, 2004.

Accept the July 20, 2003, completion of contract with JRH Construction Company, Inc., in the amount of \$1,231,150.84 for the construction of Sierra Intermediate Expansion project.

Approval of submission of a Southern California Edison grant to implement the Wilson Alternative Power Generation Project at Wilson Elementary School.

Approval of submission of a Southern California Edison grant to implement the magnets, electricity, and literacy project at Wilson Elementary School.

Approval of submission of the English Language Acquisition Program (ELAP) application for funding to the California Department of Education for the fiscal year 2003-04.

Ratification of extension of \$766,723 for an additional 12 months of services for 2003-04 school year for the Kinder Readiness Pre-Kindergarten Program (Proposition 10) State School Readiness Initiative.

Approval of agreement with Timothy M. Cary & Associates as a District legal consultant for fiscal year 2003-04.

Authorization of disposal of Verizon cellular phones.

Authorization of disposal of surplus miscellaneous property.

Acceptance of the Risk Management Department Workers' Compensation Claim Report for the fourth quarter of 2002-03.

Approval of Student Teaching Agreement with Biola University.

Ratification of Student Teaching Agreements with Argosy University, Concordia University, and University of California, Irvine.

Ratifications/Approval of Extended Field Trips:

Jefferson Elementary
Orange County Marine Institute Pilgrim Program
Dana Point, California
October 28 - 29, 2003 (Tuesday-Wednesday)

Saddleback High School
Cross Country Team
Cross Country Training Camp
Mt. Laguna, California
August 16-23, 2003 (Saturday-Saturday)

Santa Ana High School
St. Mary's College Basketball Team Camp
Moraga, California
July 31 - August 3, 2003 (Thursday - Sunday)

Jefferson Elementary
Orange County Marine Institute Pilgrim Program
Dana Point, California
October 28 - 29, 2003 (Tuesday-Wednesday)
Saddleback High School
Cross Country Team
Cross Country Training Camp
Mt. Laguna, California
August 16-23, 2003 (Saturday-Saturday)

Santa Ana High School
St. Mary's College Basketball Team Camp
Moraga, California
July 31- August 3, 2003 (Thursday - Sunday)

The Board took action to approve the recommendation of the Administrative Hearing Panel to expel a student for the recommended term and with recommended remediation conditions:

084743 - Century High School

for violation of Section c and j, that the Board expel him from the schools of the District for the fall semester, 2003-04 school year, that the expulsion order be suspended until January 15, 2004, that he be permitted to return to a District school/program on a probationary status, and that the student be assigned a rehabilitation plan consisting of 25 hours of community service as a condition for his readmission pursuant to California Education Code 48916 and the rules and regulations of the Santa Ana Unified School District.

APPROVAL OF SUBMISSION OF IMPROVING TEACHER QUALITY STATE GRANTS PROGRAM PROPOSAL, EXTENDING THE PATHWAY PROJECT TO GRADES 4-5 GRANT, TO THE CALIFORNIA POSTSECONDARY EDUCATION COMMISSION (CPEC) AT VARIOUS DISTRICT SCHOOLS

Mrs. Avila inquired about the validity of the grant and questioned the extension. She asked how one provides two hours of Open Court and provide the services of this grant. Dr. Bratcher stated that Pathway comes from UCI. It is a strategy for increasing and developing writing skills.

Mrs. Sela Longacre provided information on the grant. She clarified that the grant is not a program rather a focus on professional development on how to utilize effective strategies. She said that it would not supplant Open Court.

Dr. Bratcher offered insight into the grant program proposal. He provided information on students who utilized the pathway strategies compared to students who did not which were found to score significantly lower. These are methodology and teaching strategies for teachers.

Dr. Yamagata-Noji stated that students do not do enough writing. She agreed with the strategies of the program.

It was moved by Dr. Yamagata-Noji, seconded by Mr. Tinajero, and carried 4-0, Mr. Palacio was not present, to approve the submission of Improving Teacher Quality State grants program proposal, extending the Pathway Project to Grades 4-5 grant, to the California Postsecondary Education Commission (CPEC) at Davis, Harvey, Hoover, Jackson, Jefferson, King, Lowell, Monroe, Monte Vista, Pio Pico, Roosevelt, Santiago, Taft, Thorpe Fundamental, Walker, Washington, and Wilson elementaries, Mendez Fundamental, Sierra, Spurgeon, and Willard intermediate schools.

IDENTIFICATION OF PROPERTY LOCATED AT MCFADDEN AVENUE AND GRAND AVENUE, OTHERWISE KNOWN AS COUNTY PROPERTY AS A POSSIBLE FUTURE LORIN GRISET ELEMENTARY SCHOOL SITE AND APPROVAL TO INITIATE NEGOTIATIONS WITH THE OWNERS FOR PURCHASE OF THIS PROPERTY

Dr. Mijares introduced the item and said that the District has been interested in this site for a while. He then introduced Ms. Brown.

Ms. Brown presented information on the property. She provided a density map that showed the surrounding area schools where adjustments would be made to alleviate overcrowding. She said that the plan would hold 850 students and is the exact configuration as the Lorin Griset plan. The District would take the overlay from the overcrowded schools. She said that this property would cost less than the Farmers sight. She said that tonight Administration is proposing the Board identify the property and approve the entering into negotiations with the County of Orange for the property.

It was moved by Mr. Tinajero, seconded by Mr. Richardson, and carried 3-0, Mrs. Avila and Mr. Palacio were not present, to identify the property located at McFadden Avenue and Grand Avenue otherwise known as the County Property, as the

possible future Lorin Griset Elementary School site and approve the initiation of negotiations with the owners for purchase of this property.

APPROVAL OF APPOINTMENT OF A FINANCIAL PLANNING AND MANAGEMENT FIRM TO AUGMENT PLANNING, BUDGETING, SCHEDULING, AND PROGRESS TRACKING OF SCHOOL BUILDING PROGRAM

Ms. Brown stated that a discussion was presented at the May 27, 2003, Board meeting with a 5-0 approved vote. She said that RFPs were advertised through the various newspapers including Minority/Women/Disabled Veterans Business Enterprise, and the Coalition for Adequate School Housing. She said the RFP and the newly adopted Board of Education Ethics Policy were distributed to 29 interested firms. She said that proposals were received from the following six firms:

- 3/D International
- Capital Program Management
- Colbi Technologies, Inc.
- SCOPE PM3, Inc.
- The Seville Group, Inc.
- Vanir Construction Management, Inc.

Ms. Brown stated that the following evaluation process was utilized:

- Proposals reviewed and evaluated by Administration
- Reference checks to individual school district clients
- Highest rated firm interviewed by the Facilities Planning and Construction Departments
- Second interview conducted by Superintendent and Cabinet

Ms. Brown stated that the recommendation was to appoint Capital Program Management, Inc. She stated that Capital Program Management, Inc., was founded in 1999 by four individuals who share over 80 years' combined project management experience and much school district experience. She provided information on the project approach such as:

- Tracking budgets and expenditures within the fund accounting system and reconciling them to the project budget tracking system.
- Uniform system of financial management procedures within the capital outlay program.
- Development of an updated capital outlay master plan.
- Consistent, reliable, and understandable methodology for reporting the financial status of the program on a regular basis to the Board of Education and Bond Oversight Committee.

Dr. Yamagata-Noji inquired about the breakdown of fees to explain the amount of \$766,000. Ms. Brown stated that it is approximately 400 hours per month divided amongst five to six staff members, depending on how good or bad the records are. Ms. Brown continued explaining expenditures.

Mr. Richardson inquired about the District's cash flow issues in comparison to the fee. He then inquired about the amount paid to the previous vendor. Ms. Brown responded that it was approximately \$9 million. He asked about the fee under Measure C. Ms. Brown stated that half of the cost will be reimbursable by the State.

Dr. Yamagata-Noji requested that Administration return with a more detailed budget.

Mr. Tinajero stated that he was under the impression that there was adequate staff to handle the financial planning and management.

Mr. Richardson stated that the Bond Oversight Committee Chairman contacted him regarding this item and stated that the management firm would be beneficial to the Bond Oversight Committee and to the District. Mr. Richardson stated that if the District is expected to move forward with the construction program, then he would encourage the Board to move forward with this plan.

Mrs. Avila inquired about the budget increase and if the information would be critical to the future of the District's construction project or if it is critical to the litigation.

Ms. Brown responded that due to shortage of staff who kept excellent records, there are filed documents that must be looked through to provide the documentation and information relative to the construction program concerning rising costs and other information. The information, once attained, will be provided to the Board.

Dr. Yamagata-Noji said that what the Board is requesting is greater detail.

It was moved by Dr. Yamagata-Noji, seconded by Mr. Richardson, and carried 4-0, Mr. Tinajero not present to approve the appointment of Capital Program Management, Inc., as a financial planning and management firm to augment the planning, budgeting, scheduling, and progress tracking of the school building program for an amount not to exceed \$766,000.

ADOPTION OF RESOLUTION NO. 03/04-2528 - APPROVING A NEW MEMBER FOR THE BOND OVERSIGHT COMMITTEE

It was the consensus of the Board to return this item to the next Board meeting.

ADOPTION OF RESOLUTION NO. 03/04-2532 - INITIATE AND ENFORCE A LABOR COMPLIANCE PROGRAM (LCP)

It was moved by Mr. Richardson, seconded by Mr. Palacio, and carried 5-0 to adopt Resolution No. 03/04-2532 - initiating and enforcing a Labor Compliance Program (LCP).

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

APPROVAL OF PERSONNEL ACTION

It was moved by Mr. Tinajero, seconded by Mr. Palacio, and carried 5-0 to approve the Personnel Calendar as presented.

A copy of the Personnel Calendar is attached to and becomes a part of the Official Minutes of the meeting.

DISCUSSION OF GIRAFFE AWARD CRITERIA FOR REVIEW

Ms. Araujo-Cook, Public Information Officer, stated that this item was presented to provide criteria and information as to the creation of the Giraffe Award. The Board of Education created the Giraffe Award to honor community members who make exceptional contributions to students, teachers, employees, schools or programs of the Santa Ana Unified School District. Each individual award is bestowed by the entire Board of Education as a collective body. Therefore, the Board desires to ensure and maintain the highest standard, prestige and special spirit of the Giraffe Award. She then presented the

following criteria for Boards approval and stated that a resolution will be brought forward at the next meeting for Board to adopt:

- The honoree will be a member of the Santa Ana community, either living within the community or maintaining such a high profile within the community that a strong relationship and identification with the Santa Ana community has been established.
- The honoree will be selected for work done, or contributions made, primarily in a volunteer capacity and not for work done, or contributions made, primarily for a salary, or in the regular course of the honoree's regular work or profession.
- The honoree will be a person whose personal and professional life serves as a good role model for the students of the Santa Ana Unified School District.
- Each honoree will be honored only once with this award.
- The Giraffe Award will be presented on a quarterly basis at a regular meeting of the Board of Education.
- Each quarter, all members of the Board of Education will nominate potential awardees and the full Board will vote on the nominees based on information provided on the nomination form. The nominee who receives the most votes will receive the award.
- The Board member that nominated the person selected to receive the award will present the award.

It was the consensus of the Board to return this item with the following revisions and or suggestions:

- The Giraffe Award will be presented five times a year, once by each member of the Board, at a regular meeting of the Board of Education.
- On a rotating basis, members of the Board of Education will nominate potential awardees.
- The full Board of Education will be provided the name of each potential nominee for approval.

Mr. Palacio stated that he opposes the item. He explained that historically the Board has nominated anyone they wish. The proposal eliminates the majority rule process, eliminating 12 months to five, there would be many great people who would be eliminated. He said that there are too many exclusions and he sees it as having a chilling effect on the impact of individual Board members.

Mr. Richardson stated that some guidelines could be adjusted and when recognitions are provided each and every month the significance seems to lose its value.

Mr. Tinajero suggested that the Giraffe Award be provided once every two months or five times per year. He stated that he doesn't necessarily care for the full Board nominating a potential candidate because it has the opportunity to isolate individuals.

Dr. Yamagata-Noji stated that at one time the award was infrequent which made it more valuable. She said that it is important for individual Board members to make selections. She said that she has been disappointed in the actions of some Board members relative to their selection, but the Board will not always agree because of the different opinions. She said that her hope would be that Board would stay away from political purposes, but for those who have given of themselves to the District.

Mrs. Avila said that if the Board does select an employee it should be for the over and above and extracurricular work provided for the students that are other than their normal work routine. She recommended five per year or quarterly recognitions. She agrees that it should not be a Board vote, that it would be an individual choice.

Dr. Mijares stated that the recommendations would be compiled and brought back for Board's opinion.

Dr. Yamagata-Noji requested a list of all former Giraffe Award recipients.

DISCUSSION OF GUIDELINES TO AVOID ABUSE OF INTERACTION BETWEEN BOARD MEMBERS, AND BOARD MEMBERS WITH DISTRICT EMPLOYEES

Dr. Bennett stated that this item was requested by a Board member in order to discuss and consider guidelines of appropriate conduct to avoid inappropriate abusive comments and actions when interacting with other Board members, and Board members' interactions with employees of the District. He said that Board members hold a responsibility to represent their constituents and respect the District's individual Board members' duties and the administrative functions of its employees in accordance with Board Bylaw 9005 which was adopted in May 2003.

It was the consensus that all Board Members support Board Bylaw 9005.

Dr. Yamagata-Noji stated that this item contains general information and perhaps there could be some language to strengthen the bylaw or make it more specific.

Mr. Tinajero suggested that Board make suggestions and provide those to the Superintendent's office and return those suggestions to the Board for approval.

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

Mr. Richardson:

- He Co-chaired the "National Kids Day" event sponsored by the Santa Ana Boys and Girls Club held at the Eddie West Field. He said that Fluor Corporation donated more than 200 school backpacks that included school supplies that were personally donated by Fluor employees. He said that there was a salsa cook off and the winner was Taqueria Guadalajara in Santa Ana.
- He will be meeting with the Muir community, District staff, and School Police to address the traffic issue.

Mr. Tinajero:

- Congratulated Edgar Vargas who had his first professional boxing match at the Irvine Marriott. He was supported by Oscar de la Hoya's Golden Boy Productions Studio.
- He urged students to get involved in sports activities and provided positive statistics about students who are actively involved.
- He urged Santa Ana students to be a part of Pop Warner Football.
- Requested that Channel 55 post sports activities.
- Asked that Administration follow up on the Armstrong Neighborhood Association concerns.
- Mrs. Mary Lara, an active member in the community with TKO, will be receiving the Women of the Year Award from the Latino Police Officers Association. He congratulated her for all she does for Santa Ana children.

Dr. Yamagata-Noji:

- Requested that Channel 55 provide information such as Back to School Nite; school plays; fundraisers, etc., on a bulletin Board format as was once provided.
- Requested that a presentation be agendized regarding SAUSD's partnership with SAC.
- Requested that an open/closed "report" be provided at the next Board meeting concerning Valley High School and their upcoming WASC Accreditation Review.

Mrs. Avila:

- Visited some schools and was pleased to see that schools were organized and ready for the opening of school. However, she was disappointed that there were unopened boxes of Open Court materials. She said that the training will take place a month after school has opened. She requested a report in one month to show how the District is implementing Open Court.
- Asked that the Board consider viewing the 6,000 waivers.

Dr. Mijares stated that the legal opinion is forthcoming regarding the viewing of waivers. It is being advised that the full Board view the waivers together.

RECESS TO CLOSED SESSION

At 10:55 p.m., the Regular Meeting was recessed to Closed Session to consider personnel matters and negotiations.

MEETING RECONVENED

The Regular Meeting was reconvened at 12:00 a.m.

REPORT OF ACTION TAKEN IN CLOSED SESSION

By a vote of 5-0, the Board took action to ratify a contract with nonpublic schools (Devereux, Arizona) for the education of disabled pupil for the 2002-03 school year.

By a vote of 4-0, the Board approved the ratification of administrative leave without pay to an employee as named in Closed Session.

By a vote of 4-0, the Board took action in Closed Session to approve the appointment of Crystal Fitzgerald-Jimenez to the Position of Assistant Principal, assigned to McFadden Intermediate School, effective August 13, 2003.

By a vote of 4-0, the Board took action in Closed Session to approve the appointment of Jessica Banda to the position of Assistant Principal/ATM Resource Teacher, assigned to Monroe Elementary School, effective August 13, 2003.

By a vote of 4-0, the Board took action in Closed Session to approve the appointment of Donna Kertman to the position of Assistant Principal, effective August 13, 2003.

ADJOURNMENT

There being no further business to come before the Board, the Regular Meeting was adjourned at 12:03 a.m.

FUTURE MEETING

The next regularly scheduled meeting of the Board of Education will be held on Tuesday, August 26, 2003, at 6:00 p.m.

ATTEST:

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