

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

MINUTES

REGULAR MEETING
SANTA ANA BOARD OF EDUCATION

January 26, 2009

CALL TO ORDER

The meeting was called to order at 3:50 p.m. by Board President Hernández. Other members in attendance were Mr. Palacio and Mr. Reyna. Mr. Richardson arrived at 3:55 p.m.; Dr. Yamagata-Noji arrived at 4:05 p.m.

Cabinet members present were Ms. Russo, Dr. Olsky, Mr. Murrey, Mr. Lopez, Mr. Mendez, Mr. Ayala, Ms. Lohnes, and Mr. Dixon.

PUBLIC PRESENTATIONS

Board President Hernández asked those wishing to address the Board in matters pertaining to Closed Session to step to the podium.

There were no speakers to address the Board regarding Closed Session items.

RECESS TO CLOSED SESSION

The Regular meeting was immediately recessed to Closed Session to consider student discipline issues, legal matters, and personnel matters.

RECONVENE OPEN MEETING

The Regular meeting reconvened at 6:05 p.m.

PLEDGE OF ALLEGIANCE

The meeting was opened with the Pledge of Allegiance led by Mark Mendez, ninth grade student at Century High School.

REPORT OF ACTION TAKEN IN CLOSED SESSION

Mr. Hernández reported that the Board had taken the following actions in Closed Session:

By a vote of 4-0, the Board took action to ratify the acceptance of a resignation in lieu of termination for a classified employee as named in Closed Session.

Moved:	Hernández	___	Richardson	___	Yamagata-Noji	___	Palacio	<u>x</u>	Reyna	___
Seconded:	Hernández	___	Richardson	___	Yamagata-Noji	___	Palacio	___	Reyna	<u>x</u>
Vote:	Ayes	<u>4</u>	Noes	<u>0</u>	Abstain	_____	Absent	<u>Dr. Yamagata-Noji</u>		

By a vote of 5-0, the Board took action to approve the Workers' Compensation Compromise and Release in the amount of \$25,000 to a classified employee to resolve all issues.

Moved:	Hernández	___	Richardson	<u>x</u>	Yamagata-Noji	___	Palacio	___	Reyna	___
Seconded:	Hernández	___	Richardson	___	Yamagata-Noji	___	Palacio	<u>x</u>	Reyna	___

Vote: Ayes 5 Noes 0 Abstain Absent

SUPERINTENDENT'S REPORT

Ms. Russo began her report by welcoming two members of the Saddleback High School Chamber Singers and their director Mimi Schloss. All those present were treated to an individual performance by each of these talented young people. They will be involved in the SAUSD Annual Art Song Competition on February 3 and 4, 2009, at Segerstrom's theatre at 6 p.m. Miguel Hernandez performed "Dove Sei, Amato Bene?" by Handel and Jasmine Lopez gave a solo of "Come Raggio di Sol" by Antonio Caldara. Members of the Board congratulated each student for achievement in the choral music program.

January 22nd was the opening of a second Nicholas Academic Center offering free interactive after-school academic and mentoring services. The Center is located on the Valley High School campus. A brief Channel 31 video was aired showing the opening.

The Superintendent reminded the community that open lottery registration for alternative fundamental schools for the 2009-10 school year begins on February 2 and continues through February 18. Parents of elementary and intermediate students may apply at each site Monday through Friday during school office business hours. Results will be posted at each school site by February 27. Open registration for 9th grade students if February 3 through 10 and will be posted by school site by February 12.

Santa Ana High NJROTC is hosting the State Air Rifle Match Championship event this Saturday, January 31. Top individual and team qualifiers will be invited to the Western Regional Championships in Colorado in March. The Superintendent offered best wishes to member of the Saint team!

Ms. Russo announced that the Orange County Black History Cultural Faire will be held Saturday, February 7. It will highlight many family and youth activities including a walk through Black History exhibit, slot car races, health information, college display, bookmobile, as well as performances by several SAUSD student groups.

SAUSD Senior Transition Day will be held on Friday, February 20th, from 8:30 a.m. to 2 p.m. at Santa Ana College. The event is designed to introduce Special Education students to the options and opportunities available to them as they transition from high school to adult life.

The District is hosting a free parent mini-conference serving the Southeast Asian community on Saturday, February 21 from 8 a.m. to 3 p.m. at Century High School. There will be a community fair, workshops, resources, and useful information for parents.

Ms. Russo asked that members of the Board and audience join her in congratulating Juan Lopez, Associate Superintendent of Human Resources, on being selected as the 2009 Negotiator of the Year by the Association of California Administrators. The award was presented at the organization's symposium for negotiators and negotiation teams held January 24-25 in San Diego.

The Superintendent drew attention to the creative student artwork displayed by Diamond third graders and Hoover students.

PUBLIC PRESENTATIONS

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

The following attendees spoke regarding the high school graduation requirements: Mark Mendez, Century student; Gerry Oxx, Santa Ana High School staff member; Karen Crow, Valley High School staff member; Michael Moss, Valley High School staff member; Jennifer Ruvalcaba, Century High School staff member; Victoria Zaragoza, parent; and Salvador Hernandez, Saddleback High School staff member.

PRESENTATIONS

Mr. Hernandez received Board consensus to change the order of the agenda to accommodate members of the audience interested in the presentation and discussion regarding high school graduation requirements.

PRESENTATION #5 - Impact of State and Federal Mandates on High School Graduation

The District's graduation requirements are the highest in Orange County. The proposal is to adjust the District's graduation and course requirements to align with other school districts in the County.

Ms. Russo stated that in the 2001-02 school year, the Board approved a credit requirement increase from 220 to 240 credits for graduation. This was done to raise the academic expectations for all students by providing additional rigor, and to move from a 6-period day to a 7-period day for all freshman students. The additional 7-period day requirement was funded by categorical money. This funding only lasted a year and a half, but the 240 credit requirement remained.

She stated that what the Board has for consideration at this meeting is a proposal which will give an opportunity for students to take courses to meet UC/CSU requirements and for students needing intervention to take remedial courses to assist them in graduating. At the last Board meeting, during the initial presentation of this topic, members of the Board raised questions which have been addressed and are to be presented in this update.

Ms. Miller, Director of Secondary Education, reviewed some of the challenges students are faced with, in particular those who need English Learner support classes, CAHSEE support, and intervention support for English Language and Math. These students are currently relying solely on alternative programs, summer school, etc. to retake courses, improve GPA or just meet requirements for graduation. She emphasized that there is no change to the courses which are needed to meet the University of California or California State University requirements. She reviewed with the Board the courses which have been considered for change from a requirement to an elective: Health; College and Career Planning; World Geography; and Earth Science. She clarified that the HIV/AIDS State-required curriculum would be embedded into Biology.

Ms. Miller provided answers to questions posed at the previous Board meeting. She further answered questions as the presentation proceeded. She emphasized that elements are in place to assure that students receive college and career counseling. Similar information is also provided to parents.

In discussion, Mr. Palacio pointed out that some aspects of Board Policies have not been implemented. It was the direction of the Board that the Administration develop a plan to assure implementation of Board Policy.

Ms. Russo indicated that part of the review of this and other policies is to monitor implementation, making sure all elements are in place.

Ms. Miller concluded the presentation by stating that the next step in the process is the consideration of a revision of Board Policy 6146.1 which has been placed on this agenda for first reading.

**3.0 BOARD POLICY (BP) 6146.1 - GRADUATION REQUIREMENTS - SENIOR HIGH SCHOOL
(REVISION: FIRST READING)**

Dr. Yamagata-Noji expressed her appreciation for the comments made during the Public Presentation portion of the meeting. She emphasized that changing from 240 to 220 could be misinterpreted as a lowering of standards when, in fact, it is a measure to help students experiencing additional needs or requirements. She voiced frustration that the Administration has previously recommended courses and now says that those courses are not necessary. She stated her preference that Health and College and Career Planning be maintained as a required one-year course which would also include study skills, library skills, critical thinking, and public speaking. She indicated that she would prefer getting away from units or credits and working towards prescribed pathways.

Mr. Palacio again voiced concern that the plans made when the standards were raised to 240 were not fully implemented. He asked for assurance that any plan the Board brings into action now will be enforced. He also asked for the financial plan to go along with the proposed changes.

Mr. Richardson stated that he wasn't a member of the Board of Education in 2001-02 when the increase was made in the required credits, but he believes the Board and staff were trying to raise the standards. The problem arose when the special funding for the 7th period was cancelled and the District no longer had the tools.

Mr. Reyna asked for the counselor to pupil ratio at the intermediate level. Staff will provide that information. In response to a question, it was confirmed that parents and counselors meet together four times per year starting in the ninth grade.

Mr. Hernandez stated he could clearly see that the proposal did not change the rigor of the District's standards. He indicated that this proposal follows through with a goal he expressed when he was first elected to the Board and was grateful for the work that has taken place over the last year and a half. He emphasized that his hope is that students start preparation for their future in intermediate school and not wait until high school. He also supported the greater flexibility as offered in the proposal.

Dr. Yamagata-Noji asked for further backup on the participation level at the parent meetings referred to earlier.

The Board President stated that Board Policy 6146.1 has been presented at this meeting for first reading and therefore requires no action. The Administration plans to place adoption of the revisions on the agenda of the next Regular Meeting.

RECESS

The President called a recess at 7:55 p.m.

MEETING RECONVENED

The Regular Meeting was reconvened at 8:10 p.m.

PRESENTATIONS (CONTINUED)

#1 - Special Education Stop-Light Report

Ms. Russo asked that Ms. Lohnes, Assistant Superintendent, Support Services, step to the podium for the presentation of the Special Education progress report.

Ms. Lohnes introduced Principal Mark Bello, Mitchell School, who along with team members, reported on the Mitchell Child Development Center's Infant Preschool Program.

Mr. Bello emphasized that early intervention determines the future of the children served in this program. It begins at any time between birth and pre-school age, focusing on prevention, parents, and a program serving children with Autism or autistic-like behavior and another program through an intensive behavior intervention clinic. He highlighted the collaboration with Head Start to assist students who would benefit from participation with typical students. He further reviewed seven programs serving mild to moderate pupils and another program to assist moderate to severe-medically fragile youngsters. He spoke of the cooperative partnership with the Orange County Children's Therapeutic Arts Center (OCCTAC) as an example of an excellent collaboration which greatly benefits Mitchell children with special needs. He introduced Dr. Ana Jimenez-Hami from OCCTAC for a brief description of the services through that organization.

Ms. Laura Romero, parent, also addressed the Board with comments about how Mitchell's Infant Preschool Program has benefited both her son and her family.

Mrs. Lohnes gave a brief overview of other Special Education areas, including the following:

- Shared responsibility for and support of Special Education students by District and school site administrators
- Web-based IEPs
- Facility improvements for students with disabilities through Measure G
- Additional services related to the needs of the increasing number of students with Autism
- Best practices in assessments
- Implementation of reading grant
- Prevention interventions prior to Special Education referral
- *Serve Our Own* students with SAUSD programs
- System of staff development
- Parents of Students with Disabilities: support, education, and involvement
- Fundamental schools accessibility

#2 - Santa Ana Unified School District's Facilities Master Plan Update

Mr. Dixon, Assistant Superintendent, Facilities/Governmental Relations, stepped to the podium to introduce a presentation regarding the District's Facilities Master Plan. He stated that the passage of Measure G has given the District the ability to proceed with numerous projects. The Master Plan is the road map to address the District's facilities improvement needs. It has been prepared with input from District staff, school sites, and the community.

Mr. Darryl Taylor, Facilities Planner, reviewed with the Board four components of the Plan: needs analysis; capacity analysis; educational specifications; and finance plan. His comments covered the transition from the 1990s and early 2000-03 when the District was on a year-round schedule to accommodate yearly growth to recent years during which enrollment has slowed dramatically. He stated that current trends indicate enrollment may be flat or increasing and assured the Board that the District is proactive in monitoring this data. His discussion included a detailed review of the use of portables.

Mr. Dixon reviewed financing and funding sources and briefly commented on the need to conduct an asset management review regarding any property which is not being used.

Accomplishments to date were summarized as follows:

- Quick Starts: playgrounds, painting, etc.
- Critically Overcrowded Schools: Projects are under construction and will replace 156 portable classrooms with permanent classrooms.
- Overcrowding Relief Grant: Five sites have been submitted to the State for review. Projects will replace 150+ portables with permanent classrooms.
- Career Technical Education: Approved for \$2.0+ million.

Dr. Yamagata-Noji emphasized that the District has been able to leverage its potential funding and asked that future presentations show the growth which has been achieved on State matches.

CHANGE IN ORDER OF AGENDA

Mr. Hernandez received consensus to bring forward the action item relating to adopting the Facilities Master Plan.

10.0 ADOPTION OF RESOLUTION NO. 08/09-2763 - AUTHORIZATION OF FACILITIES MASTER PLAN

It was the direction of the Board that the Resolution reflect a change directing staff to review and update the Master Plan annually.

It was moved by Mr. Palacio, seconded by Mr. Richardson, and carried 5-0, to adopt Resolution No. 08/09-2763, as amended above, as authorization of the Facilities Master Plan. A copy of the resolution is attached.

PRESENTATIONS CONTINUED

#3 - Impact of Governor's Proposed Budget on District's 2009-10 Budget

Mr. Murrey, Associate Superintendent, Business Services, presented an overview of the Governor's proposed 2008-09 State Budget and its impact on the District's budget as identified in the First Interim Report. He stated that the Governor and the Legislature are still deadlocked.

He reviewed the State's mid-year cuts for 2008-09, as follows:

- Elimination of Cost of Living payment for 2008-09
- Further reduction in Revenue Limit of 4.5%
- Deferral of payment for Revenue Limit and K-3 CSR from April to at least July (representing \$2.3 billion)

He next reviewed current proposals for the 2009-10 Budget, as follows:

- Zero Cost of Living Allowance payment
- Reduce K-12 revenue by \$1.1 billion and allow districts to reduce the school year by 5 days
- Suspend all other mandated activities, except for inter/intra district transfers and CAHSEE

Mr. Murrey informed the Board of several proposals intended to give districts some flexibility in the development of the 2009-10 budgets:

- Use of selected restricted categorical funds for any purpose
- Reduction of Routine Maintenance account to 1%
- Elimination of Deferred Maintenance match
- Reduction of General Fund reserve to half of what is currently required (i.e. SAUSD reserves reduced to 1%)

Mr. Murrey detailed the impact of these budget reductions to Santa Ana Unified School District, totaling an estimated additional mid-year cut to the 2008-09 unrestricted budget of \$21.9 million and even more cuts to the 2009-10 unrestricted budget that may exceed \$35.9 million.

He stated that the District, in the past, has strived to keep cuts as far away from the classroom as possible. But, with the latest round of cuts, this may no longer be possible. Cuts will impact students. He reiterated that the State's continued lack of adequate funding is causing educational program reductions and eliminations of classroom support. He then reviewed what steps can be taken to let legislators and the Governor know of the crises and to make suggestions which might relieve the negative outcome.

Staff responded to questions from Board members throughout the presentation.

Dr. Yamagata-Noji asked that the Administration move forward in giving clear and specific information to the public and to elected officials regarding the budget dilemma with respect to urban issues.

Mr. Reyna asked that a representative from Loretta Sanchez' office be requested to attend the next Board meeting at which a budget update is presented to become more aware of the severity of the situation.

#4 - Summarized Data of Williams Settlement Second Quarterly Report

Dr. Olsky, Deputy Superintendent, summarized the findings to be reported for the Williams Settlement Uniform Complaint second quarter. She stated that one complaint had been filed regarding a facilities condition, which had been immediately resolved. These findings will be reported to the Orange County Department of Education in accordance with Education Code 35186(d).

APPROVAL OF MINUTES

It was moved by Mr. Palacio, seconded by Dr. Yamagata-Noji, and carried 5-0 to approve the Minutes of the Regular Meeting of January 13, 2009.

1.0 APPROVAL OF CONSENT CALENDAR

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

- 1.1 Adoption of Resolution No. 08/09-2768 authorizing Amendment 01 to State Preschool Contract CPRE-8243 for the 2008-09 program year (copy attached).
- 1.2 Adoption of Resolution No. 08/09-2769 authorizing one-time only Instructional Materials Contract #CIMS-8396 for State Preschool for the 2008-09 program year (copy attached).
- 1.3 Approval of extended field trips in accordance with Board Policy (BP) 6153 - School-Sponsored Trips and Administrative Regulation (AR) 6153.1 - Extended School-Sponsored Trips (copy attached).
- 1.4 Approval of master contracts and/or individual service agreements with nonpublic schools and agencies for students with disabilities for 2008-09 school year.
- 1.5 Approval of payment and reimbursement of costs incurred for designated instructional services for students with disabilities.
- 1.6 Approval of recommendations by administrative hearing panels to expel the following students for the recommended terms and with the recommended remediation conditions:
 - 192334 - MacArthur
For violation of Education Code Section 48900, paragraphs a & b that the Board expel the student from the schools of the District, and that the date eligible to reapply be on or after June 19, 2009.
 - 181092 - MacArthur
For violation of Education Code Section 48900, paragraph b, that the Board expel the student from the schools of the District, and that the date eligible to reapply be on or after June 19, 2009.
 - 344520 - Saddleback
For violation of Education Code Section 48900, paragraph c, that the Board expel the student from the schools of the District, for the balance of the fall semester, 2008-09 school year, and that the expulsion order be suspended until February 3, 2009, and that the student be permitted to return to a District school/program on a probationary status.
 - 188929 - Sierra
For violation of Education Code Section 48900, paragraphs b & f, that the Board expel the student from the schools of the District, for the balance of the fall semester, 2008-09 school year, and that the expulsion order be suspended until February 3, 2009, and that the student be permitted to return to a District school/program on a probationary status.
 - 180487 - Spurgeon
For violation of Education Code Section 48915(4) and 48900, paragraphs a & n, that the Board expel the student from the schools of the District, and that the date eligible to reapply be on or after January 26, 2010.
 - 184927 - Spurgeon
For violation of Education Code Section 48900, paragraphs a, that the Board expel the student from the schools of the District, and that the date eligible to reapply be on or after June 19, 2009.
 - 182636 - Spurgeon
For violation of Education Code Section 48900, paragraphs a, that the Board expel the student from the schools of the District, and that the date eligible to reapply be on or after June 19, 2009.
- 1.7 Approval of Expenditure Summary listing all checks created and Warrant Listing of expenditures over \$25,000 for the period of December 10, 2008, through January 13, 2009.
- 1.8 Approval of Purchase Order Summary of orders \$25,000 and over for the period of December 10, 2008, through January 13, 2009.

- 1.9 Approval to dispose of obsolete unrepairable computer equipment, miscellaneous furniture, equipment, or textbooks.
- 1.10 Approval of listing of agreements/contracts between the Santa Ana Unified School District and various consultants submitted for the period of December 10, 2008, through January 13, 2009.
- 1.11 Authorization to obtain bids for purchase of Excess Workers' Compensation Insurance through Request for Proposal process.
- 1.12 Authorization to obtain bids for medical benefits provider.
- 1.13 Authorization to award contract for portable and mobile handheld radios Districtwide, pursuant to Bid No. 19-08, to Pinnacle Radio Inc. in the amount of \$93,000.

REGULAR AGENDA - ACTION ITEMS

2.0 ACCEPTANCE OF GIFTS IN ACCORDANCE WITH BOARD POLICY 3290 - GIFTS, GRANTS AND BEQUESTS

Dr. Olsky stepped to the podium to review gifts valued at \$2,500, bringing the total for the 2008-09 school year to \$254,500.

It was moved by Mr. Reyna, seconded by Mr. Richardson, and carried 5-0 to accept gifts in accordance with Board Policy 3290 - Gifts, Grants, and Bequests. A listing of these donations is attached.

3.0 BOARD POLICY (BP) 6146.1 - GRADUATION REQUIREMENTS - SENIOR HIGH SCHOOL (REVISION: FIRST READING)

This item was presented earlier in the meeting in conjunction with a Presentation.

4.0 RATIFICATION OF SUBMISSION OF APPLICATION FOR CALIFORNIA STATE PRESCHOOL PROGRAM FUNDING FOR 2009-10 PROGRAM YEAR

It was moved by Mr. Reyna, seconded by Mr. Palacio, and carried 5-0 to approve the submission of application for California State Preschool Program funding for the 2009-10 program year.

5.0 RATIFICATION OF SUBMISSION OF ADMINISTRATOR TRAINING PROGRAM (AB 430) PRIVATE SCHOOL PILOT GRANT TO CALIFORNIA DEPARTMENT OF EDUCATION, PROFESSIONAL DEVELOPMENT OFFICE

It was moved by Mr. Palacio, seconded by Mr. Richardson, and carried 5-0 to ratify the submission of the Administrator Training Program (AB 430) Private School Pilot Grant to the California Department of Education, Professional Development Office.

6.0 APPROVAL OF SUBMISSION OF PART II 2008-09 CONSOLIDATED APPLICATION FOR FUNDS TO CALIFORNIA STATE DEPARTMENT OF EDUCATION

Part I of the Consolidated Application Funds was submitted on June 22, 2008. Part II indicates the funding level for these programs in 2008-09. Approval of this application will allow the District to accept

federal money for No Child Left Behind programs and funding from the State when and if available.

It was moved by Mr. Reyna, seconded by Mr. Richardson, and carried 5-0 to approve submission to the California Department of Education of the 2008-09 Consolidated Application Part II for funding categorical programs.

7.0 AUTHORIZATION TO AWARD CONTRACTS FOR PURCHASE OF CUSTODIAL SUPPLIES FOR WAREHOUSE STOCK

It was moved by Mr. Richardson, seconded by Mr. Palacio, and carried 5-0, to authorize the Administration to award contracts to the listed vendor for the purchase of custodial supplies for warehouse stock, pursuant to Bid No. #6-09, totaling \$515,967 annually, renewable for up to three years: Unisource; Shamrock Supply Co.; P & R Paper Supply Co.; American Chemical & Sanitary Supply; Maintex Experts; S & G Diversified; Champion Chemical; West-Lite Supply Co., Inc.; Premium Quality Lighting; CleanSource; National Chemical Service; Pioneer Chemical Company; Rayvern Lighting Supply Co., Inc.; American Tex-Chem Corp; Gorm; Waxie Sanitary Supply; Graybar; and Battery Specialties.

8.0 AUTHORIZATION FOR MERCER HEALTH & BENEFITS, LLC TO CONDUCT A MEDICAL CLAIMS ADMINISTRATION AUDIT

The District's Benefits Review Committee has recommended a medical claims audit of Anthem/Blue Cross claims due to unmet guarantees. Anthem/Blue Cross owes the District \$33,000 in penalties for the 2007-08 performance guarantee shortfalls. Those penalty fees would be applied to the cost of the audit and the District has asked Anthem to cover the balance.

It was moved by Mr. Richardson, seconded by Mr. Palacio, and carried 5-0 to approve the agreement with Mercer Health Benefits, LLC to perform a medical claims audit of Anthem/Blue Cross claims.

9.0 ACCEPTANCE OF ACTUARIAL STUDY OF WORKERS' COMPENSATION PROGRAM AS OF JUNE 30, 2008

It was moved by Mr. Palacio, seconded by Mr. Richardson, and carried 5-0, to accept the Actuarial Study of Workers' Compensation Program as of June 30, 2008, and funding at 70% confidence level for 2008-09 in the amount of \$4,700,010 and \$4,891,420 for 2009-10.

10.0 ADOPTION OF RESOLUTION NO. 08-09/2763 - AUTHORIZATION OF FACILITIES MASTER PLAN

Resolution No. 08/09 was approved earlier in the meeting following the Presentation.

11.0 APPROVAL OF SUBSTITUTION OF LISTED SITE UTILITIES SUBCONTRACTOR FOR COS1 DIAMOND AND KENNEDY ELEMENTARY SCHOOLS

Following an explanation as to why the previously approved contractor was unable to perform, Mr. Palacio requested that future backup pertaining to substitutions include the reason the original contractor could not fulfill its commitment.

It was moved by Mr. Reyna, seconded by Mr. Richardson, and carried 5-0 to approve the substitution of Allison Company of Fontana, California,

as the new site utilities subcontractor for COS1 Diamond and Kennedy Schools.

12.0 APPROVAL OF SUBSTITUTION OF LISTED METAL RAILINGS AND STAIRS SUBCONTRACTOR FOR COS1 DIAMOND AND KENNEDY ELEMENTARY SCHOOLS

It was moved by Mr. Richardson, seconded by Mr. Palacio, and carried 5-0 to approve the substitution of MSI of Riverside, California, as the new metal railings and stairs subcontractor for COS1 Diamond and Kennedy Elementary schools.

13.0 AUTHORIZATION TO AWARD CONTRACT FOR BID PACKAGE COS5 PHASE I FOR MADISON ELEMENTARY SCHOOL NEW CLASSROOM BUILDING

It was moved by Mr. Richardson, seconded by Mr. Hernandez, and carried 5-0 to authorize the Administration to award a contract for COS5 Phase I for Madison Elementary School New Classroom Building to Silver Creek Industries, Inc. in the amount of \$6,692,000.

14.0 AUTHORIZATION TO AMEND CONTRACT FOR BID PACKAGE NO. 501 NEW CLASSROOMS AT SADDLEBACK HIGH SCHOOL FOR EMERGENCY REPAIRS

It was moved by Mr. Richardson, and seconded by Hernandez to authorize the Administration to amend contract with Al Shankle Construction in the amount of \$400,000 for an amended total of \$1,874,700 for Bid Package No. 501 New Classrooms at Saddleback High School under Emergency Repair Program.

Mr. Palacio asked for an explanation of the damage caused during the construction of the classrooms and the rationale for funding under the Emergency Repair Grant Program. He stated that this looks like a 25% change order and that he disagreed with paying an extra \$400,000 to the same contractor who caused the damage.

Mr. Dixon stated that the pathway to the construction project caused heavy equipment to transverse asphalt installed decades ago which was not originally intended for that usage. It has resulted in significant safety issues raising liability concerns. Under the Emergency Repair Program, with unanimous approval by the Board, work can proceed without the usual 60-day advertising/bidding requirement.

Upon call for the motion, the vote was 4-1, Mr. Palacio dissenting.

Subsequently the Members of the Board reiterated the need for a unanimous vote on this item. It was moved by Mr. Palacio, seconded by Mr. Hernandez, and carried 5-0 to rescind the previous action.

Upon call for further action, it was moved by Mr. Richardson, seconded by Mr. Hernandez, and carried 5-0 to approve the original motion.

Mr. Palacio requested that the record reflect his comments, as summarized above.

15.0 ADOPTION OF RESOLUTION NO. 08/09-2767 - BEHAVIORAL INTERVENTION PLANS (HUGHES BILL) MANDATED COST CLAIM SETTLEMENT

It was moved by Mr. Reyna and seconded by Dr. Yamagata-Noji to adopt Resolution No. 08/09-2767 Behavioral Intervention Plans (Hughes Bill) Mandated Cost Claim Settlement.

Dr. Yamagata-Noji asked for clarification as to how funds from this settlement could be used.

Mrs. Lohnes stated that approval of this settlement by 85% of Local Education Agencies will bring an end to a fourteen-year dispute with the State of California regarding funding of State behavioral intervention plan requirements that are in excess of federal law. The money will be allocated over a six-year period and will total more than \$1.4 million to Santa Ana Unified. Although the money must be spent for Special Education, it will reduce the encroachment upon the General Fund.

Upon call for the vote, the motion carried 5-0. A copy of the Resolution is attached.

16.0 ADOPTION OF RESOLUTION NO. 08/09-2766 - TIE-BREAKING CRITERIA FOR DETERMINING ORDER OF SENIORITY FOR THOSE EMPLOYEES WITH SAME DATE OF FIRST DAY OF PAID SERVICE

It was moved by Dr. Yamagata-Noji and seconded by Mr. Richardson to adopt Resolution No. 08/09-2766 - Tie-Breaking Criteria for Determining Order of Seniority for Those Employees with Same Date of First Day of Paid Service.

Mr. Lopez stated that this Resolution is consistent with what has been done in previous years to prepare for any necessary layoff of certificated employees.

Upon call for action, the motion carried 4-0, Mr. Richardson being absent from the Board Room. A copy of the Resolution is attached.

17.0 APPROVAL OF DAILY PAY RATE INCREASE FOR SUBSTITUTE TEACHERS FOR HEAD START

It was moved by Mr. Palacio, seconded by Mr. Reyna, and carried 4-0, Mr. Richardson absent from the Board Room, to approve a daily pay rate increase for substitute teachers for Head Start.

18.0 APPROVAL OF PERSONNEL CALENDAR

Mr. Lopez called to the attention of the Board the significant number of reassignments in the Classified area. This represents employees who have been placed in other positions in lieu of layoff.

It was moved by Mr. Palacio, seconded by Mr. Reyna, and carried 5-0 to approve the Personnel Calendar in its entirety. A copy is attached to the Minutes.

19.0 AUTHORIZATION TO AWARD CONTRACT FOR AUDITING SERVICES DISTRICTWIDE

It was moved by Mr. Richardson and seconded by Mr. Hernandez to authorize the Administration to award a contract for auditing services Districtwide to Vavrinek, Trine, Day & Co., LLP (VTD) in the amount of \$88,000 for the 2008-09 school year, for a period of one year, renewable for up to five years, pursuant to RFP 20-09.

In subsequent discussion, Mr. Richardson and Mr. Hernandez asked that the contract be for a period of one year only and directed staff to pursue a two-year add-on at the same flat rate.

Mr. Richardson asked that, in approving follow-on agreements, staff pursue contracts with no increased costs.

It was the consensus of the members to amend the motion to cover only a period of one year.

Dr. Yamagata-Noji further expressed concern that no other RFPs had been garnered.

The amended motion carried 5-0 as follows: It was moved by Mr. Richardson and seconded by Mr. Hernandez to authorize the Administration to award a contract for auditing services Districtwide to Vavrinek, qTrine, Day & Co., LLP (VTD) in the amount of \$88,000 for the 2008-09 school year, pursuant to RFP 20-09.

BOARD AND STAFF REPORTS/ACTIVITIES

Dr. Yamagata-Noji:

- She attended the opening of the Nicholas Academic Center II at Valley High School and highlighted what an excellent example it is of combining community resources to serve our students.
- She commented that the numerous financial aid seminars at the high schools have been extremely well attended.
- She attended the Orange County Business Council's Latino Educational Program to see what they have developed in their parenting curriculum.
- She congratulated Roman Reyna, Cesar Vargas, and Leticia Vargas on being selected as Top 100 Latinos in Orange County for the year.
- She suggested that a series of scrimmages be investigated as a potential fund raiser for the District's athletic programs.

Mr. Palacio:

- He also attended the opening of the Nicholas Academic Center II and spoke of it being a good model for public and private partnerships!

Mr. Reyna:

- He remarked also about the Nicholas Academic Center.
- He had a great visit to King and was pleased to see each class adopting a college. It's great to see them already talking about college!
- He encouraged parents to get involved with their school's PTA/PTO.

Mr. Hernández:

- He praised the involvement of Judge Jack Mandel in the Nicholas Academic Center. He pointed out that Jack Mandel has been working for kids in Santa Ana for over 20 years!

ADJOURNMENT

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

FUTURE MEETINGS

The next regularly scheduled meeting of the Board of Education will be held on Tuesday, February 10, 2009, at 6:00 p.m. A Special Meeting (Study

Session) will be held Saturday, January 31, 2009, at Segerstrom High School from 8:00 a.m. to noon.

ATTEST:

Jane A. Russo
Secretary
Santa Ana Board of Education