

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

**MINUTES**

**REGULAR MEETING  
SANTA ANA BOARD OF EDUCATION**

**October 13, 2009**

**CALL TO ORDER**

The meeting was called to order at 5:00 p.m. by Mr. Hernández. Other members in attendance were Dr. Yamagata-Noji, Mr. Palacio, and Mr. Reyna.

Cabinet members present were Ms. Russo, Dr. Olsky, 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, negotiations, and personnel matters.

**RECONVENE OPEN MEETING**

The Regular meeting reconvened at 6:50 p.m.

**PLEDGE OF ALLEGIANCE**

The meeting was opened with the Pledge of Allegiance led by Zaira Bustamante, Century High School student.

**SUPERINTENDENT'S COMMENTS**

Ms. Russo shared video highlights of SAUSD's International Walk to School Day on October 7, College Night at Segerstrom High on October 7, and the 16<sup>th</sup> Annual Parent Conference held on Sunday, October 11, at Godinez Fundamental High School.

Godinez Fundamental High School's Associated Student Body President Jordan Chavez and Senior Class President Roger Rojas were in attendance to discuss their roles as Associated Student Body (ASB) president and class president. Both discussed their roles as ASB president and Senior Class President as well as insights of what is in store for the new school year at Godinez Fundamental High School.

Chavez High School has been selected as a finalist for the 2009 Golden Bell Awards for their Positive Results In Daily Effort (P.R.I.D.E.) program. The program has been in operation since October 1997, and created to improve student attendance, reduce the dropout rate and increase Average Daily Attendance for the district. The program provides students with academic and career skills and attitudes such as punctuality, responsibility, accountability, and rewards for positive results. Final awards are announced later this month.

The Superintendent announced that on Thursday, October 15, at 10:15 a.m. Santa Ana Unified School District will once again lead an exercise in which schools will participate in the Great California Shake Out earthquake simulation. SAUSD will join millions of Southern Californians during the one-minute simulated 7.8 magnitude quake drill in which students, staff and administrators will drop, cover and hold on. During the exercise, schools will also take advantage of our new emergency radio system in facilitating communications during the event.

Ms. Russo said that Valley High School is celebrating its 50th Anniversary this year. The celebration kicks-off on Friday, October 30, with a special poolside reception from 7:00 p.m. to 10:00 p.m. at the aquatics center. There will be music, light refreshments, special guests and memorabilia for sale by Valley clubs and teams and a host of students, staff members, friends, and alumni for in which to connect. Tickets are \$10 presale, and are available online at [www.onlinevsp.com/page3.php](http://www.onlinevsp.com/page3.php).

Valley's homecoming football game is set for Saturday, October 31 against the Rebels of Savannah High School. Game time is 1:00 p.m. at the Santa Ana Bowl.

Ms. Russo asked those in the Board Room to draw their attention to the creative student artwork displayed in our Board Room from Diamond and Davis Elementaries, and Century High Schools.

#### **PUBLIC HEARINGS**

##### #1Public Hearing

Mr. Hernández declared the meeting open to conduct a public hearing to receive comments regarding the review of statement of assurance for pupil textbooks and instructional materials per Education Code Section 60119 and 60422. Dr. Olsky provided a brief overview of the process and stated that schools comply with textbooks and instructional materials. Hearing no additional comments, the hearing was declared closed.

By consensus of the Board, action was taken on Item 3.0, which is in reference to the public hearing.

##### Action Item: 3.0

**Adoption of Resolution No. 09/10-2807 - Assuring Availability of Textbooks and Instructional Materials for 2009-10 School year**

It was moved by Mr. Richardson, seconded by Dr. Yamagata-Noji, and carried 5-0, to adopt Resolution No. 09/10 - ensuring that each student in SAUSD has sufficient textbooks and or instructional materials for the 2009-10 school year.

##### #2Public Hearing

Mr. Hernández declared the meeting open to conduct a public hearing to receive comments regarding the reopening of Santa Ana Educators' Association initial bargaining proposal for the 2009-10 school year to SAUSD. Hearing no comments, the hearing was declared closed.

##### #3Public Hearing

Mr. Hernández declared the meeting open to conduct a public hearing to receive comments regarding the Charter petition for Global Tides On-Line Charter School.

Mr. Blaise Subbiomdo, President of K-12 eLearning & Test Prep (etap,) presented a brief PowerPoint by Charter School Development Systems. Mr. Subbiomdo stated that there is interest to establish a charter school with an inception date of September 2010, in Santa Ana by a non-profit organization known as Global Tides. It would be part of a statewide, online, K-12 charter school charter. The online charter would provide public education options for "at-risk" students, home-schooled students, homebound students, and students who live in rural areas who must commute a great distance. Mr. Subbiomdo's organization eTap would be the instructional side the charter. He then stated that research shows that students retain 20-50% more of what they read on computers as compared to textbooks, etap would provide access to all K-12 grades, and core subjects, plus test prep for CST, STAR, SAT, ACT, GED, ASVAB, etc. Students are given access to all content areas so both under and over-achieving students may benefit.

Mr. Murrey stated the California Education Code Section 47605 requires a timely response of an authorizing agency to the submission of a charter renewal petition by a charter school of no later than 30 days after receiving a petition and within 60 days to approve or deny the charter. Additionally, the governing board of the district shall hold a public hearing on the provisions of the charter at which time the governing board of the district shall consider the level of support for the petition by teachers employed by the district, other employees of the district, and parents.

Hearing no additional comments, Mr. Hernández declared the public hearing closed.

#### **PRESENTATIONS**

##### **#1 Presentation - STAR Results: Adequate Yearly Progress and Academic Performance Index**

Ms. Russo, Superintendent, introduced the item; she then called upon Ms. Michelle LePatner who provided a PowerPoint presentation. Ms. LePatner stated that our schools have made great accomplishments. She reviewed various exams administered to students, stating that the California Standards Test (CST) is used for both federal and State accountability systems. She then showed comparables from 2004 through 2009 of California Standards Test, which showed mostly gains in English language arts (ELA) and mathematics.

She shared the following data:

- 29 of the schools met Adequate Yearly Progress (AYP) targets
- 35 schools made growth in both ELA and Mathematics from the previous year
- 40 schools increased their percent proficient in ELA
- 42 schools increased their percent proficient in mathematics

Ms. LePatner stated that at every high school pass rates in the California High School Exit Exam improved by grade level. She then highlighted schools not in Program Improvement, schools that have exited Program Improvement, and schools that met their Adequate Yearly Progress (AYP) and are now in Safe Harbor.

Ms. Michelle Rodriguez, Director of Elementary Education/Charter Schools presented schools that have Exited Program Improvement and the three schools that made the most gains certificates of achievement. School principals were present to receive commendations by the Superintendent and Trustees. Each principal spoke of his/her academic journey of how their schools reached outstanding gains as well as their next steps to continue success.

Schools not in Program Improvement:

- Harvey Elementary, Greenville Fundamental Elementary, Muir Fundamental Elementary, Taft, Thorpe Fundamental Elementary, Mendez Fundamental Intermediate, Godinez, Middle College High School, and Segerstrom school

Schools that have Exited Program Improvement:

- Heninger, Jackson, King, Martin, Remington, Washington, and Madison elementary Schools

Schools that met AYP by Safe Harbor:

- Edison, Esqueda, Harvey, Hoover, Jackson, King, Lincoln, Lowell, Martin, Monroe, Monte Vista, Remington, Romero Cruz, Santiago, Walker, Washington, and Walker elementary schools

Ms. LePatner then reviewed Academic Performance Index (API); the statewide API performance target for all schools is 800. A school's growth is measured by how well it is moving toward or past that goal.

An API score is calculated for all students in a school as well as numerous API scores for each subgroup at the school (such as by race, English Learner Status, students with disabilities, and socioeconomically disadvantaged students). Ms. LePatner stated that SAUSD made 21 points of growth and now has an API of 706. She stated that 43 of 55 students made growth in API. Muir Elementary made 851 points from 830 last year and Wilson made an amazing 717 points from 634.

The four of the 10 most improved schools in Orange County are in the Santa Ana Unified School District.

- No. 1 School - Romero-Cruz Elementary at 759
- No. 2 School - Wilson Elementary at 717
- No. 6 School - Martin Elementary at 759
- No. 10 School - Heninger Elementary at 802

Each Board member congratulated principals, teachers, and students for their hard work in attaining academic success.

**RECESS**

Mr. Hernández called for a brief recess at 10:00 p.m.

**RECONVENE MEETING**

The Regular meeting reconvened at 10:10 p.m.

**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 individuals addressed the Board to speak in reference to various subjects related to the budget such as the rescinding of laid-off teachers, questioning of District budget numbers presented by staff, the elimination of three staff-development days, limited supply of paper and supplies at school sites, displaced teachers, use of the \$93 million ending fund balance in the unaudited actuals, multiple classroom moves due to uncertain staffing, buy-back days, the elimination of GATE program, class size reduction provides student achievement, and restore teacher salaries.

Susan Mercer, SAEA President and SAUSD employee  
Margaret Robinson, SAUSD employee  
Ron Shepherd, SAUSD employee  
Peter Boyd, SAUSD employee  
Hank Montelongo, SAUSD employee  
Rhonda McKanna, SAUSD employee  
Robin Scott, SAUSD employee  
Rosa Mauhino, SAUSD employee  
Julie Meneghini, SAUSD employee  
Barbara Pearson, SAUSD employee  
Jennifer Isensee, SAEA Secretary and SAUSD employee  
Scott Miller, SAUSD employee

Dave Barrera, SAUSD rified teacher, addressed the Board regarding Class Size Reduction and the budget.

Sela Longacre, SAUSD employee, spoke about staffing needs and urged the Board to increase support in elementary.

Dr. Gary Reynolds, SAUSD teacher, addressed the Board regarding Chemistry class size.

Ofrancia Perez, SAUSD parent, urged the Board to look into issues at Harvey Elementary such as overcrowding in classrooms, the need for after-school program, lunch shelter, and additional help for special education students.

#### **Presentation #2 Budget Update**

Mr. Ron Murrey, Associate Superintendent Business Services, introduced the item. The information was a collaborative effort of Mr. Tsunezumi, Executive Director Business Services, Dr. Cathie Olsky, Dr. Tony Wold, Director of Program Quality Analysis, and Nuria Solis, Director, EL Learners and Student Achievement.

Mr. Murrey stated that budget updates have been provided to the community and Board of Education for almost a year, due to the State budget crisis. He stated that a video clip would be shown during this presentation from School Services of California, regarding ending fund balances. He then called upon Mr. Tsunezumi to provide information on State Revenues.

Mr. Tsunezumi stated that unaudited actuals on the chart shows an increase of \$13.2 million that the state was supposed to cut in the 2008-09 school year, and on July 24, 2009, the state adopted the budget and the amount was taken. He referred to a graph that showed a significant drop in numbers for 2009-10. He stated that District calculations/numbers constantly change due to the state budget changing often. He then drew to the attention to another chart showing a downward slope in State Revenues. Then referred to a comparison of 2007-08 to 2008-09 actuals and said that the SAUSD experienced a one-year reduction of \$27.5 million in State revenues. He said that it is very difficult to continue doing business as usual when reducing \$27.5 million.

Mr. Tsunezumi stated that Ms. Russo had a meeting with Jeannie Oropeza, Department of Finance, Program Budget Manager, in Sacramento and she recommended freeing up as much General Fund dollars as possible in preparation of future budget cuts. School Services of California stated, "We absolutely believe that in January, the State of California will be dealing with a big budget deficit." They recommend that district's "hold on to the reserves you have. Be conservative in the decisions you make."

Mr. Tsunozumi continued reviewing various aspects of the budget such as 2008-09 ending fund balances, 2009-10 multi-year projections, Categorical funds available, funds available, priorities of elementary schools and instructional priorities and the delay in receiving American Recovery and Reinvestment Act (AARA) funds. He reiterated that \$31 million in unspecified budget reductions must be identified by December 15 and at this point we are expending more than we are receiving. He stated that the SAUSD must make unspecified budget reductions in the amount of \$31 million for 2010-11 school year. He noted that without these cuts, the district's deficit in 2010-11 would grow to \$43.1 million. Other concerns were noted including Quality Education Investment Act (QEIA) funding, additional State cash deferrals and a reminder that federal stimulus funding is only for a two year period.

#### **Extend Time of Board Meeting**

Mr. Hernández referred to Board members and stated that a vote should take place due to the 10:30 p.m. hour. He asked if the Board wished to extend the regular Board meeting to 12:15 a.m.

It was moved by Mr. Hernández, seconded by Mr. Palacio, and carried 5-0, to extend the Board meeting to 12:15 a.m.

#### **Budget Presentation Continued**

Ms. Russo introduced Dr. Wendy Benkert, Assistant Superintendent, Business Services, from the Orange County Department of Education (OCDE). Ms. Russo referred to a letter. She stated in response to a teacher's concern and Santa Ana Educators' Association (SAEA), one proposal from the district was to review information from the unaudited actuals. Ms. Russo asked Dr. Benkert who was in attendance, to review all information and return with a report showing whether SAUSD had over projected or over conserved funds. Dr. Benkert commented on the success of SAUSD. She then stated that the OCDE is responsible for fiscal oversight of the district and would be happy to review the unaudited actuals.

Mr. Murrey then showed a video by School Services. Mr. Robert Miyashiro, Vice President, and Mr. Ron Bennett, President of Schools Services of California, provided an overview of the recovery of the budget crisis. They said that the State has to get well before schools get better and that cuts are to be continued. He stated that the higher than expected ending balance for 2008-09, should not be alarming; districts are either going to need it for the cuts that have already been made or they believe districts will need it for the next round of cuts. They urged Districts to hold on to the reserves that they have and to be very conservative in decisions made in the program year. He said that this is not a time to be complacent. Districts will have to make more cuts in possibly class size, staffing, expenditures in reference to the budget. They believe it is important to monitor the execution plan put in place this year. Tough economic times are not over and will not be over this year.

Mr. Tsunozumi then summarized three articles that School Services of California recently published related to reserves. In these articles, School Services stated the following:

1. The state recommended reserve level for K-12 schools, even prior to recent action to lower reserve requirements, is "pitifully inadequate."
2. "Reserves are one-time money; they do not solve the problem, they only delay cuts that must ultimately be made."
3. Well managed districts have historically felt safe only when they carry three times the amount" of State-recommended reserve levels.
4. Reserve buys the district time to make more permanent adjustments to its budget
5. "Does anyone seriously think the bad times are over?"

6. The Federal government can run deficits and carry no reserves since they can print money
7. The State can get by without carrying a reserve because it can delay paying school districts or stop paying its bill when it can't borrow money:
8. School districts don't have that option
9. "Don't spend your reserves! Hold on to a minimally reasonable reserve no matter how much pressure you get to spend it."

Mr. Murrey reviewed required reserves and funds available for district use (specifically funds related to ARRA-Title I, ARRA-Stabilization, EIA, Fund 17 & Fund 40). While there is a need for \$31 million in budget reductions for 2010-11, there is also a need to utilize the above dollars to meet educational priorities. Mr. Murrey, Mr. Tsunozumi & Ms. Nuria Solis, Director of EL Learners & Student Achievement then presented the following District recommendation on the use of ARRA-Stabilization and ARRA-Title I funds:

- Release ARRA-Title I site allocations to meet site and district instructional priorities.
- Ms. Solis provided information on instructional priorities and requirements of expending of funds.
- Utilize ARRA-Stabilization funds to increase elementary four-hour office assistant positions to six hours at a cost of \$600,000.
- Utilize ARRA-Stabilization funds to positions and expenditures currently paid with unrestricted dollars for a total of \$10.9 million. Mr. Tsunozumi noted that this would result in a one-time savings to the general fund and would thus reduce the \$31 million in unspecified budget reductions that needs to be identified by December 15, 2009. He noted however, that since this is a one-time savings, that the cuts would be pushed out until the following year.

Mr. Tsunozumi stated that all ARRA dollars received to date would be spent out if the above recommendations were put into place.

Ms. Russo requested and obtained Board concurrence to proceed with the above recommendations.

Mr. Tsunozumi reviewed the current status of the \$31 million in unspecified budget reductions. The previously noted \$10.9 million in one-time savings from utilizing ARRA-Stabilization funds defers the need for these cuts for one year reducing the \$31 million cut figure. Additionally, he noted that given that District enrollment has come in lower than planned by 500 students, \$3 million in unfilled but budgeted positions could be eliminated from the budget. These two items combined reduces the \$31 million reduction target to \$17.1 million. Mr. Murrey noted that a special study session would be held to further discuss attainment of the \$17.1 million in budget reductions.

Dr. Yamagata-Noji stated for the record, that she has concerns about moving forward.

#### DISCUSSION

#### Legislative Platform for 2009-10 and 2010-11

This item was removed from the Agenda and will be returned to a future Board meeting.

#### APPROVAL OF MINUTES

It was moved by Dr. Yamagata-Noji, seconded by Mr. Palacio, and carried 4-0, Mr. Richardson abstaining, to approve the Minutes of the Regular Board Meeting of September 22, 2009.

**1.0 APPROVAL OF CONSENT CALENDAR**

The following item was removed from the Consent Calendar for discussion and separate action: Approval of Expulsion of Students for Violation of California Education Code 48900, 48900.2, 48900.3, 48900.4, 48900.7, and/or 48915(c) According to Board Policy 5144.1

It was moved by Mr. Palacio, seconded by Mr. Reyna, and carried 5-0, to approve the remainder of the Consent Calendar as follows:

- 1.1 Approval of extended field trips in accordance with Board Policy 6153 - School-Sponsored Trips and Administrative Regulation 6153.1 - Extended School-Sponsored Trips. A list is attached in the Minutes.
- 1.2 Approval of Memorandum of Understanding with Rancho Santiago Community College District and Santa Ana College child Development Center that defines the roles of SAUSD School Nurse Expansion staff and Rancho Santiago Community College District.
- 1.3 Adoption of Resolution No. 09/10-2806 for authorization of Pre-Kindergarten and Family Literacy Program Support Contract for the 2009-10 program year.
- 1.4 Approval of Expulsion of Students for Violation of California Education Code 48900, 48900.2, 48900.3, 48900.4, 48900.7, and/or 48915(c) According to Board Policy 5144. Removed for discussion and separate action below.
- 1.5 Approval of purchase order summary of orders \$25,000 and over for the period of September 9 2009, through September 22, 2009.
- 1.6 Ratification of expenditure summary and warrant listings of check for the period of September 19, 2009, through October 9, 2009.
- 1.7 Approval of disposal of obsolete unrepairable computer equipment, miscellaneous furniture, equipment, or textbooks.
- 1.8 Approve listing of agreements/contracts between the Santa Ana Unified School District and various consultants submitted for the period of August 12 through August 25, 2009. Attached is a listing.
- 1.9 Approval of new/renewal of membership with Telecommunications of Orange County for 2009-10 fiscal year and authorize administration to present purchase orders for a renewal of membership.
- 1.10 Acceptance of October 13, 2009, completion of contract with Interior Wall Systems under unit price bid for purchase, installation, and removal of demountable walls at Taft Elementary School in the amount of \$11,630.70.
- 1.11 Acceptance of October 13, 2009, for the completion of contract with Interior Walls Systems under unit price bid for purchase, installation, and removal of demountable walls at Fremont Elementary School in the amount of \$12,166.60.
- 1.12 Acceptance of October 13, 2009, for the completion of contract with Interior Walls Systems under unit price bid for purchase, installation, and removal of demountable walls at Lowell Elementary School in the amount of \$5,460.70.
- 1.13 Acceptance of October 13, 2009, completion of contract with P.H. Hagopian Contractor, Inc., for bid package COS-3 Phase I for Santiago Elementary new classroom building in the amount of \$441,800.



- 1.14 Acceptance of October 13, 2009, completion of contract with P.H. Hagopian Contractor, Inc., for bid package COS-3 Phase II for Santiago Elementary new classroom building in the amount of \$135,759.90.
- 1.15 Acceptance of October 13, 2009, completion of contract with P.H. Hagopian Contractor, Inc., for bid package COS-4 Phase II for Carr Intermediate School for new classroom building in the amount of \$88,098.80.

**REGULAR AGENDA - ACTION ITEMS**

- 1.4 Approval of Expulsion of Students for Violation of California Education Code 48900, 48900.2, 48900.3, 48900.4, 48900.7, and/or 48915(c) According to Board Policy 5144.

This item was removed by staff to state changes in recommendations and options as listed below.

It was moved by Mr. Palacio, seconded by Mr. Richardson, and carried 4-0, Mr. Reyna not present, to approve the revised recommendations to expel students for the recommended terms including the remediation conditions.

185387 - Carr Intermediate

For the violation of Education Code Section 48900, paragraph f and g, that the Board expel the student from the schools of the District, and that the student may apply for readmission on or after June 18, 2010, and the student be permitted to return to a District school program on a probationary status.

311288 - Carr Intermediate

For the violation of Education Code Section 48900, paragraph f and g, that the Board expel the student from the schools of the District, and that the student may apply for readmission on or after June 18, 2010.

328659 - Carr Intermediate

For the violation of Education Code Section 48900, paragraph f and g, that the Board expel the student from the schools of the District, and that the student may apply for readmission on or after June 18, 2010, and the student be permitted to return to a District school program on a probationary status.

179472 - Community Day Intermediate

For the violation of Education Code Section 48900, paragraph c and j, that the Board expel the student from the schools of the District, and that the student may apply for readmission on or after June 18, 2010.

144654 - Community Day High School

For the violation of Education Code Section 48900, paragraph a and b, that the Board expel the student from the schools of the District, and that the student may apply for readmission on or after June 18, 2010.

188119- McFadden Intermediate

For the violation of Education Code Section 48900, paragraph f and g, that the Board expel the student from the schools of the District, and that the student may apply for readmission on or after June 18, 2010.

169308 - Santa Ana High School

For the violation of Education Code Section 48900, paragraph a and b, that the Board expel the student from the schools of the District, and that the student may apply for readmission on or after June 18, 2010.

333807 - Santa Ana High School

For the violation of Education Code Section 48900, paragraph c, that the Board expel the student from the schools of the District, and that the student may apply for readmission on or after February 2, 2010.

186758 - Santa Ana High School

For the violation of Education Code Section 48915, paragraph c and j, that the Board expel the student from the schools of the District, and that the student may apply for readmission on or after June 18, 2010.

333856 - Spurgeon Intermediate

For the violation of Education Code Section 48900, paragraph a, that the Board expel the student from the schools of the District, and that the student may apply for readmission on or after June 18, 2010.

**2.0 ACCEPTANCE OF GIFTS IN ACCORDANCE WITH BOARD POLICY (BP) 3290 - GIFTS, GRANTS, AND BEQUESTS**

It was moved by Mr. Reyna, seconded by Mr. Palacio, and carried 4-0, to accept gifts in accordance with Board Policy 3290 - Gifts, Grants, and Bequests. Attached is a list of gifts.

**3.0 ADOPTION OF RESOLUTION NO. 09/10-2807 - ASSURING AVAILABILITY OF TEXTBOOKS AND INSTRUCTIONAL MATERIALS FOR 2009-10 SCHOOL YEAR**

It was moved by Mr. Reyna, seconded by Mr. Hernandez, and carried 5-0, to adopt Resolution No. 09/10-2807 ensuring that each student in Santa Ana Unified School District has sufficient textbooks and/or instructional materials for the 2009-10 school year.

**4.0 APPROVAL OF APPLICATION FOR CONTINUED PARTICIPATION IN CLASS SIZE REDUCTION OPERATIONS FUNDING PROGRAM GRADES K-3 FOR 2009-10 SCHOOL YEAR**

It was moved by Mr. Reyna, seconded by Mr. Richardson, and carried 5-0, to approve the application certifying continued participation in Class Size Reduction Operations funding program for grades K-3 for 2009-10 school year.

**5.0 APPROVAL OF AMENDMENT #1 TO HEAD START CONTRACT FOR COLA, ARRA, COLA AND ARRA QUALITY IMPROVEMENT FUNDS 2009-10 PROGRAM YEAR**

It was moved by Mr. Richardson, seconded by Mr. Reyna, and carried 5-0, to approve amendment #1 to the Head Start contract for COLA, ARRA COLA, and ARRA Quality Improvement funds for the 2009-10 program year.

**6.0 APPROVAL OF SUBMISSION OF AMERICAN RECOVERY REINVESTMENT ACT ENHANCING EDUCATION THROUGH TECHNOLOGY COMPETITIVE GRANT**

It was moved by Mr. Hernandez, seconded by Dr. Yamagata-Noji, and carried 5-0, to the submission of the American Recovery Reinvestment Act Enhancing Education Through Technology Competitive grant application.

**7.0 AUTHORIZATION TO OBTAIN BIDS FOR PURCHASE OF CUSTODIAL SUPPLIES FOR WAREHOUSE STOCK**

It was moved by Mr. Hernandez, seconded by Mr. Reyna, and carried 5-0, to authorize administration to obtain bids for the purchase of custodial supplies for warehouse stock.

**8.0 AUTHORIZATION TO AWARD CONTRACTS FOR PURCHASES OF AUDIO VISUAL EQUIPMENT COMPUTER SUPPLIES DISTRICTWIDE**

It was moved by Mr. Reyna, seconded by Mr. Palacio, and carried 5-0, to award contracts for the purchase of audio visual equipment and computer supplies Districtwide, pursuant to Bid No. 1-10 and the provisions of Public Contract Code Section 20118 and that the District can utilize pricing for up to three years.

**9.0 ADMINISTRATIVE REGULATION (AR) 1330.1 FACILITIES USE GUIDELINES AND RATE SCHEDULES: (REVISED: FOR FIRST READING)**

AND

**10.0 ADMINISTRATION REGULATION (AR) 1330.4 USE OF SCHOOL FACILITIES PROCEDURES: (REVISED: FOR FIRST READING)**

Items 9.0 and 10.0 - Presented for first reading; no action required.

**11.0 ADOPTION OF RESOLUTION NO. 09/10-2809 - REQUESTING BOARD OF SUPERVISORS OF COUNTY OF ORANGE TO SELL ONE OR MORE SERIES OF ELECTION OF 2008 GENERAL OBLIGATION BONDS OF DISTRICT PURSUANT TO CERTAIN PROVISIONS OF GOVERNMENT CODE IN A PRINCIPAL AMOUNT NOT TO EXCEED \$60,000,000 AND APPROVING CERTAIN OTHER MATTERS RELATED THERETO**

It was moved by Mr. Hernandez, seconded by Dr. Yamagata-Noji, and carried 5-0, to adopt Resolution No. 09/10-2809 - requesting the Board of Supervisors of the County of Orange to sell one or more series of election of 2008 General Obligation Bonds of District pursuant to certain provisions of the Government Code in a principal amount not to exceed \$60,000,000 and approving certain other matters related thereto. A copy of the resolution is attached.

**12.0 ADOPTION OF RESOLUTION NO. 09/10-2810 - REQUESTING BOARD OF SUPERVISORS OF COUNTY OF ORANGE TO SELL ONE OR MORE SERIES OF ELECTION OF 2008 GENERAL OBLIGATION BONDS OF DISTRICT PURSUANT TO CERTAIN PROVISIONS OF EDUCATION CODE IN A PRINCIPAL AMOUNT NOT TO EXCEED \$60,000,000 AND APPROVING CERTAIN OTHER MATTERS RELATED THERETO**

It was moved by Mr. Hernandez, seconded by Dr. Yamagata-Noji, and carried 5-0, to adopt Resolution No. 09/10-2810 - requesting the Board of Supervisors of the County of Orange to sell one or more series of election of 2008 General Obligation Bonds of District pursuant to certain provisions of the Government Code in a principal amount not to exceed \$60,000,000 and approving certain other matters related thereto. A copy of the resolution is attached.

**13.0 ADOPTION OF RESOLUTION NO. 09/10-2811 - AUTHORIZING ISSUANCE OF SAUSD 2009 GENERAL OBLIGATION REFUNDING BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$55,000,000**

It was moved by Mr. Richardson, seconded by Mr. Reyna, and carried 5-0, to adopt Resolution No. 09/10-2811 - authorizing the issuance of SAUSD 2009 (Measure C) General Obligation Refunding Bonds in a principal amount not to exceed \$55,000,000. A copy of the resolution is attached.

**14.0 APPROVAL OF LICENSE AND RIGHT OF ENTRY AGREEMENT WITH CITY OF SANTA ANA ON A PORTION OF SPURGEON INTERMEDIATE SCHOOL**

It was moved by Mr. Richardson, seconded by Mr. Reyna, and carried 5-0, to approve the license and Right of Entry Agreement with the City of Santa Ana on a portion of Spurgeon Intermediate School at 2701 W. Fifth Street, until April 1, 2010.

**15.0 APPROVAL OF LICENSE AND RIGHT OF ENTRY AGREEMENT WITH CITY OF SANTA ANA ON A PORTION OF KING ELEMENTARY SCHOOL**

It was moved by Mr. Richardson, seconded by Mr. Reyna, and carried 5-0, to approve the license and Right of Entry Agreement with the City of Santa Ana on a portion of King Elementary School located along Bristol Street until December 31, 2009.

**16.0 ADOPTION OF RESOLUTION NO. 09/10-2794 - AMENDING CONFLICT OF INTEREST CODES AND AMENDMENTS PREVIOUSLY ADOPTED BY SAUSD**

It was moved by Mr. Richardson, seconded by Mr. Hernández, and carried 5-0, to adopt Resolution No. 09/10-2704 to amend the conflict of interest code and amendments previously adopted by the SAUSD.

**17.0 APPROVAL OF DAILY PAY RATE INCREASE FOR SUBSTITUTE TEACHERS FOR EARLY CHILDHOOD EDUCATION DEPARTMENT**

It was moved by Mr. Hernández, seconded by Mr. Palacio, and carried 5-0, to approve the daily pay rate increase for substitute preschool teachers for the Early Childhood Education Department.

**18.0 PERSONNEL ACTION**

It was moved by Mr. Hernández, seconded by Mr. Richardson, and carried 5-0, to approve the personnel calendar in its entirety. A copy of the calendar is attached to the Minutes.

**19.0 BOARD AND STAFF REPORTS/ACTIVITIES**Dr. Yamagata-Noji:

- Dr. Yamagata-Noji thanked the Simon Foundation for their scholarships to our young scholars. It was a great event.
- She congratulated Patricia Gomez, Lisa Solomon, and Richard Santana for a fine job on the Parent Conference and Youth Expo.
- The Greater Santa Ana Business Alliance golf tournament in support of High School Inc. Academies was well received.
- Visited Godinez vs. Saddleback High School football game, it was very exciting!
- There was good participation at college Night. Students and parents showed great interest and received valuable information.

Mr. Richardson:

- Mr. Richardson requested follow up with the Harvey Elementary parent who spoke this evening.

Mr. Reyna:

- He attended the International Walk to School event; there was a great turnout with lots of support. There were many service providers there as well; Kudos to all!
- College Night booths were full. Holding outdoors was a great idea!
- Santa Ana High School Homecoming was outstanding. Santa Ana won their first homecoming game in three years. There was a great turnout.
- He asked staff to look into the lab process at Santa Ana High School to assure safety at all times. He is also concerned about students sitting on classroom floors.
- He asked staff to look into the limitations of paper and supplies as voiced by a speaker.
- Kudos to Godinez' ASB president and Senior Class president; they did a terrific job.

Mr. Palacio:

- He asked staff to look into possibly updating the Chemistry lab.
- He asked staff to look into the issues that the Harvey Elementary parent brought up today
- Also look into the GATE issue that was brought up today by a speaker as well as the Teen parent program transportation.

**REPORT OF CLOSED SESSION ACTION**

By a vote of 5-0, the Board took action to suspend and terminate a certificated employee as named in Closed Session, effective October 13, 2009

Moved: Hernández\_\_\_ Richardson\_X Yamagata-Noji\_\_\_ Palacio\_\_\_ Reyna\_\_\_  
 Seconded: Hernández\_\_\_ Richardson\_\_\_ Yamagata-Noji\_\_\_ Palacio\_X Reyna\_\_\_  
 Vote: Ayes 5\_ Noes\_\_\_\_\_ Abstain\_\_\_\_\_ Absent \_\_\_\_\_

By a vote of 5-0, the Board took action to suspend and terminate a certificated employee as named in Closed Session, effective October 13, 2009.

Moved: Hernández\_\_\_ Richardson\_\_\_ Yamagata-Noji\_\_\_ Palacio\_\_\_ Reyna\_\_\_  
Seconded: Hernández\_\_\_ Richardson\_\_\_ Yamagata-Noji\_\_\_ Palacio\_X\_Reyna\_\_\_  
Vote: Ayes 5\_ Noes\_\_\_\_\_ Abstain\_\_\_\_\_ Absent \_\_\_\_\_

By a vote of 5-0, the Board took action to terminate a classified employee as named in Closed Session, effective October 13, 2009.

Moved: Hernández\_\_\_ Richardson\_X\_ Yamagata-Noji\_\_\_ Palacio\_\_\_ Reyna\_\_\_  
Seconded: Hernández\_\_\_ Richardson\_\_\_ Yamagata-Noji\_\_\_ Palacio\_X\_Reyna\_\_\_  
Vote: Ayes 5 Noes\_\_\_\_\_ Abstain\_\_\_\_\_ Absent \_\_\_\_\_

By a vote of 5-0, the Board took action to a classified employee as named in Closed Session.

Moved: Hernández\_\_\_ Richardson\_\_\_ Yamagata-Noji\_X\_ Palacio\_\_\_ Reyna\_\_\_  
Seconded: Hernández\_\_\_ Richardson\_X\_ Yamagata-Noji\_\_\_ Palacio\_\_\_ Reyna\_\_\_  
Vote: Ayes 5 Noes\_\_\_\_\_ Abstain\_\_\_\_\_ Absent \_\_\_\_\_

By a vote of 5-0, the Board took action to appoint Michael P. Bishop as Associate Superintendent Business Services

Moved: Hernández\_\_\_ Richardson\_\_\_ Yamagata-Noji\_X\_ Palacio\_\_\_ Reyna\_\_\_  
Seconded: Hernández\_X\_ Richardson\_\_\_ Yamagata-Noji\_\_\_ Palacio\_\_\_ Reyna\_\_\_  
Vote: Ayes 5 Noes\_\_\_\_\_ Abstain\_\_\_\_\_ Absent \_\_\_\_\_

By a vote of 5-0, the Board took action to appoint Frances Crear Byfield, Ed.D. as Director of Curriculum/Staff Development

Moved: Hernández\_\_\_ Richardson\_\_\_ Yamagata-Noji\_X\_ Palacio\_\_\_ Reyna\_\_\_  
Seconded: Hernández\_\_\_ Richardson\_X\_ Yamagata-Noji\_\_\_ Palacio\_\_\_ Reyna\_\_\_  
Vote: Ayes 5 Noes\_\_\_\_\_ Abstain\_\_\_\_\_ Absent \_\_\_\_\_

By a vote of 5-0, the Board took action to appoint Jonathan W. Geiszler as Purchasing Manager

Moved: Hernández\_X\_ Richardson\_\_\_ Yamagata-Noji\_\_\_ Palacio\_\_\_ Reyna\_\_\_  
Seconded: Hernández\_\_\_ Richardson\_X\_ Yamagata-Noji\_\_\_ Palacio\_\_\_ Reyna\_\_\_  
Vote: Ayes 5\_ Noes\_\_\_\_\_ Abstain\_\_\_\_\_ Absent \_\_\_\_\_

#### ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 12:25 a.m.

#### FUTURE MEETING

The next regularly scheduled meeting of the Board of Education will be held on Tuesday, October 27, 2009, at 6:00 p.m.

#### ATTEST:

\_\_\_\_\_  
Jane A. Russo  
Secretary  
Santa Ana Board of Education

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 12:25 a.m.

FUTURE MEETING

The next regularly scheduled meeting of the Board of Education will be held on Tuesday, October 27, 2009, at 6:00 p.m.

ATTEST:

\_\_\_\_\_  
Jane A. Russo  
Secretary  
Santa Ana Board of Education

SANTA ANA UNIFIED SCHOOL DISTRICT - EXTENDED FIELD TRIPS  
RECOMMENDED FOR APPROVAL - October 13, 2009

Date:	Schools/Location:	Funding and Cost:	Students:	Staff and Chaperone:
March 8-12, 2010 (Monday-Friday)	John Adams School Outdoor Science Camp Alpine Meadows San Bernardino	No cost to students (Sponsored by an anonymous donor)	60	3

SANTA ANA UNIFIED SCHOOL DISTRICT  
GIFTS RECOMMENDED FOR ACCEPTANCE - October 13, 2009

School:	Gift:	Amount:	Donor:	Used for:
Lowell and Pio Pico Elementaries	5 boxes of assorted school supplies	\$ 500	Orange County Credit Union Ms. Stephanie Rupp Santa Ana	School and classroom use
Godinez Fundamental High School		\$ 900	Marumoto Basketball Academy Mr. Tom Marumoto Newport Beach	Various supplies to support student achievement
Santa Ana Unified School District	Assorted books, DVDs and playset	\$ 1,392	Congresswoman Loretta Sanchez Garden Grove	School and classroom use
Santa Ana Unified School District	Assorted binders	\$ 5,186	Bluebird Office Supplies Mr. Farmaz Sadeghi Century City	District offices and schools
Santa Ana Unified School District	Assorted school supplies	\$ 1,000	SchoolsFirst Federal Credit Union Ms. Taryn Norton Santa Ana	Classroom use for various schools
<b>October 13, 2009 donations</b>		<b>\$ 8,978</b>		
<b>2009 Total donations</b>	<b>\$652,574</b>	<b>\$661,552</b>		

/em



**2009-10 LISTING OF CONSULTANTS/CONTRACTED SERVICES**  
**Submitting Division: Educational Services**  
**October 13, 2009**

NO.	NAME	IMPLICATIONS FOR THE DISTRICT/TYPE OF SERVICE	ANNUAL RENEWAL	FUNDING SOURCE	MAXIMUM NOT TO EXCEED	REQ. NO.
1.	Natalie Battersbee	Provide ongoing support for the BTSA Induction Participating Teachers to ensure their success as new teachers.	No	Title II-Part A Improving Teacher Quality	\$5,500	94612

**2009-10 LISTING OF CONSULTANTS/CONTRACTED SERVICES**  
**Submitting Division: Business Services**  
**October 13, 2009**

NO.	NAME	IMPLICATIONS FOR THE DISTRICT/TYPE OF SERVICE	ANNUAL RENEWAL	FUNDING SOURCE	MAXIMUM NOT TO EXCEED	REQ. NO.
1.	Orange County Department of Education	Training coordination and implementation of a District Crisis Intervention Program.		Title IV Drug Free Schools	\$55,504	93322
2.	Strategic Education Services	Increase to P.O. 241382 for District representation on budget issues before legislative action is taken for the 2008-09 school year.		General Fund	\$500	

**2009-10 LISTING OF CONSULTANTS/CONTRACTED SERVICES**  
**Submitting Division: Special Education**  
**October 13, 2009**

NO.	NAME	IMPLICATIONS FOR THE DISTRICT/TYPE OF SERVICE	ANNUAL RENEWAL	FUNDING SOURCE	MAXIMUM NOT TO EXCEED	REQ. NO.
1.	Invo HealthCare Associates, Inc.	Provide Speech and Language Pathology services for special education students for 2009-10 school year.		Special Ed.	\$80,640	

09/10-2806  
**RESOLUTION**

This resolution must be adopted in order to certify the approval of the Governing Board to enter into this transaction with the California Department of Education for the purpose of providing child care and development services by adoption of Resolution No. 09/10-2806 – Authorization of Prekindergarten and Family Literacy Program Support contract #CPKS-9064 for the 2009-2010 program year.

---

**RESOLUTION**

BE IT RESOLVED that the Governing Board of Santa Ana Unified School District

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authorizes entering into local agreement number/s 09/10-2806 and that the person/s who is/are listed below, is/are authorized to sign the transaction for the Governing Board.

<u>NAME</u>	<u>TITLE</u>	<u>SIGNATURE</u>
<u>Jane Russo</u>	<u>Superintendent</u>	<u></u>
<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>

PASSED AND ADOPTED THIS 13<sup>th</sup> day of October 2009/10, by the Governing Board of Santa Ana Unified School District of Orange County, California.

I, Audrey Yamagata-Noji, Ph.D., Clerk of the Governing Board of Santa Ana Unified School District, of Orange, County,

California, certify that the foregoing is a full, true and correct copy of a resolution adopted by the said board at a regular meeting thereof held at a regular public place of meeting and the resolution is on file in the office of said Board.

  
(Clerk's signature)

10/13/09  
(Date)

1 RESOLUTION NO. 09/10-2807

2 BOARD OF EDUCATION

3 SANTA ANA UNIFIED SCHOOL DISTRICT

4 ORANGE COUNTY, CALIFORNIA

5 Resolution of the Santa Ana Unified School District Governing Board

6 Determining Steps to Ensure Availability of

7 Textbooks and Instructional Materials for 2009-10

8 WHEREAS, Education Code Section 60119 establishes steps and procedures to  
9 ensure the availability of textbooks and instructional materials in order to be  
10 eligible to receive funds for that purpose, and;

11 WHEREAS, the procedures require that school districts take appropriate  
12 action to ensure the availability of textbooks and instructional materials on a  
13 yearly basis, and;

14 WHEREAS, pursuant to Education Code Sections 60119 and 60422(b), the Board  
15 is required to hold a public hearing to encourage participation by parents,  
16 teachers, members of the community interested in the affairs of the School  
17 District, and bargaining unit leaders, and;

18 WHEREAS, the Board is required to provide 10 days' notice of the public  
19 hearing or hearings, and;

20 WHEREAS, the notice shall contain the time, place, and purpose of the  
21 hearing and be posted in three public places within the School District, and;

22 WHEREAS, the hearing shall be held at a time that will encourage the  
23 attendance of teachers, parents, and guardians of pupils who attend schools in the  
24 District and shall not take place during or immediately following school hours,  
25 and;

26 WHEREAS, the governing Board of a school district, as part of the required  
27 hearing, shall also make a written determination as to whether each pupil enrolled  
28 in a foreign language or health course has sufficient textbooks or instructional

1 materials that are consistent with the content and cycles of the curriculum  
2 frameworks adopted by the State Board for those subjects, and;

3 WHEREAS, the governing Board shall also determine the availability of  
4 laboratory science equipment as applicable to science laboratory courses offered  
5 in grades 9 to 12, inclusive, and;

6 WHEREAS, a public hearing was held on October 13, 2009, at 6:00 p.m.  
7 o'clock, which is on or before the eighth week of school and;

8 WHEREAS, the Board is required to make a determination, through a  
9 resolution, as to whether each pupil in each school in the District has,  
10 sufficient textbooks or instructional materials, or both, that are aligned to the  
11 content standards adopted pursuant to Education Code Section 60605 in each of the  
12 following subjects, as appropriate, that are consistent with the content and  
13 cycles of the curriculum frameworks adopted by the State Board:

- 14 (i) Mathematics,  
15 (ii) Science,  
16 (iii) History-Social Science,  
17 (iv) English/Language Arts, including the English language development  
18 component of an adopted program.

19 NOW, THEREFORE BE IT RESOLVED, that the governing Board makes the  
20 determination that each pupil of the District, has available sufficient textbooks  
21 or instructional materials, or both, that are aligned to the content standards  
22 adopted pursuant to Education Code Section 60605 in each subject listed above,  
23 consistent with the content and cycles of the curriculum frameworks adopted by the  
24 State Board and adopted by this Board in accordance with the procedures as  
25 established.

26 BE IT FURTHER RESOLVED, that for the 2009-10 school year, the School  
27 District, has provided each pupil with sufficient textbooks or instructional  
28 materials, or both, that are aligned to the content standards adopted pursuant to  
29 Education Code Section 60605 in each subject listed above, consistent with the

1 content and consistent with the cycles and content of the curriculum frameworks  
2 adopted by the State Board for those subjects.

3 BE IT FURTHER RESOLVED, that for the 2009-10 school year, the Santa Ana  
4 Unified School District has provided sufficient textbooks or instructional  
5 materials, or both, that are consistent with the content and cycles of the  
6 curriculum frameworks adopted by the State Board, to each pupil enrolled in a  
7 foreign language or health course, and that sufficient laboratory science  
8 equipment applicable to science laboratory courses offered in grades 9 to 12,  
9 inclusive, is available to pupils.

10 Upon motion of Member Rob Richardson and duly seconded, the foregoing  
11 Resolution was adopted by the following vote:

12 AYES: Jose A. Hernandez, J.D., Rob Richardson, Audrey Yamagata-Noji, Ph.D.,  
13 John Palacio, and Roman Reyna

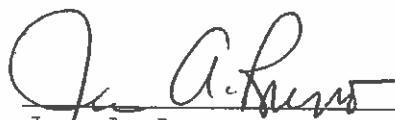
13 NOES:

14 ABSENT

15 STATE OF CALIFORNIA )  
16 ) SS.  
17 COUNTY OF ORANGE )

18  
19 I, Jane A. Russo, Secretary of the Board of Education of the Santa Ana  
20 Unified School District of Orange County, California, hereby certify that the  
21 above and foregoing Resolution was duly adopted by the said Board at a special  
22 board meeting thereof held on the 13<sup>th</sup> day of October, 2009, and passed by a  
23 vote of 5-0 of said Board.

24 IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of  
25 October, 2009.

26  
27 

28 Jane A. Russo

29 Board of Education

30 Santa Ana Unified School District

RESOLUTION NO. 09/10-2808

BOARD OF EDUCATION

SANTA ANA UNIFIED SCHOOL DISTRICT

ORANGE COUNTY, CALIFORNIA

**Certification of Information Relating to Continued Participation in  
2009-2010 Class Size Reduction Operations Funding Program**

WHEREAS, Education Code sections 52120, et. seq., established the Class Size Reduction Program for the purpose of allowing school districts that maintain any kindergarten or any of grades 1 through 3 to apply to the Superintendent of Public Instruction for an apportionment to implement a class size reduction program; and,

WHEREAS, Education Code section 52122 requires an application for operational funding for the 2009-2010 school year to be submitted by a school district to the Superintendent of Public Instruction by December 22, 2009; and,

WHEREAS, the District wishes to participate in the Class Size Reduction Program and to obtain operational funding for the program; and,

WHEREAS, the District will submit forthwith to the Superintendent of Public Instruction by December 22, 2009, an application for operational funds pursuant to the Class Size Reduction Program contained in Education Code sections 52120, et. seq.; and,

WHEREAS, Education Code section 52123 requires the following certifications by the Board.

NOW, THEREFORE, BE IT RESOLVED: The Governing Board of the Santa Ana Unified School District hereby certifies that the following statements are true and accurate:

1. The number of classes listed on the application form in each eligible grade level is correctly identified.

2. The pupil counts listed in column 3 ("Number of enrolled pupils") on the application form do not include special education pupils enrolled in and attending special day classes full time, pupils enrolled in independent study, or charter school pupils enrolled in a home-study program for the full regular school day. Pupil counts listed in column 3 are not greater than enrollment as of October of the previous calendar year.

3. A certificated teacher has been hired by the District and is providing direct instructional services to each class participating in the Class Size Reduction Program. There will not be more than an average of 20.44 pupils for Option 1 classes. It is the intent of the District that each such certificated teacher will provide direct instructional services to each pupil enrolled in the separate class to which the teacher is assigned.

4. As part of its Class Size Reduction Program, the District will provide a staff development program for any teacher who will participate for the first time in the Class Size Reduction Program and provide direct instructional services for reduced-size classes in this program as specified in certification #3. Appropriate training to maximize the education advantages of class size reduction will be provided to such teachers. This training shall include, but not be limited to, methods for providing each of the following: (1) individualized instruction, (2) effective teaching, including classroom management in smaller classes, (3) identifying and responding to pupil needs, and (4) opportunities to build on the individual strengths of pupils.

5. The District will collect and maintain data required by the Superintendent of Public Instruction for evaluation of the Class Size Reduction Program. The data shall include, but not be limited to, individual test scores or other records of pupil achievement. Any data collected will be protected in a manner that will not permit the personal identification of any pupil or parent.

6. Priority for reducing class size is according to the following order at each school site:



- a) If only one grade level, the grade level will be the 1<sup>st</sup> grade.
- b) If only two grade levels, the grade levels will be the 1<sup>st</sup> and 2<sup>nd</sup> grades.
- c) If three to four grade levels, the grade levels will be 1<sup>st</sup> and 2<sup>nd</sup> and then any combination of kindergarten and/or 3<sup>rd</sup> grade.

7. The District has implemented the Class Size Reduction Program for 2009-2010.

8. The District will submit final enrollment counts on the J-7 CSR form to the School Facilities Planning Division by May 14, 2010.

Upon motion of Member Rob Richardson and duly seconded, the foregoing Resolution was adopted by the following vote:

AYES: Jose A. Hernandez, J.D., Rob Richardson, Audrey Yamagata-Noji, Ph.D.,  
John Palacio, and Roman Reyna

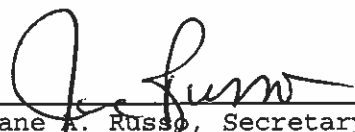
NOES:

ABSENT

STATE OF CALIFORNIA        )  
  ) SS:  
COUNTY OF ORANGE        )

I, Jane A. Russo, Secretary of the Board of Education of the Santa Ana Unified School District of Orange County, California, hereby certify that the above and foregoing Resolution was duly adopted by the said Board at a regular meeting thereof held on the 14th day of October, 2009, and passed by a vote of 5-0 of said Board.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of October 2009.

  
\_\_\_\_\_  
Jane A. Russo, Secretary  
Board of Education  
Santa Ana Unified School District

1 RESOLUTION NO. 09/10-2809

2 BOARD OF EDUCATION

3 SANTA ANA UNIFIED SCHOOL DISTRICT

4 ORANGE COUNTY, CALIFORNIA

5  
6 REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE  
7 TO SELL ONE OR MORE SERIES OF ELECTION OF 2008 GENERAL  
8 OBLIGATION BONDS OF THE DISTRICT PURSUANT TO CERTAIN  
9 PROVISIONS OF THE GOVERNMENT CODE IN A PRINCIPAL AMOUNT NOT  
10 TO EXCEED \$60,000,000 AND APPROVING CERTAIN OTHER MATTERS  
11 RELATED THERETO

12  
13 WHEREAS, a duly called election was held in the Santa Ana Unified School  
14 District (the "District"), Orange County (the "County"), State of California, on  
15 June 3, 2008, at which the following proposition ("Measure G") was submitted to the  
16 qualified electors of the District:

17 "To provide Santa Ana Unified School District students with  
18 competitive classrooms and school facilities, improve  
19 student health/safety, qualify for \$145,000,000 in State  
20 funds, shall Santa Ana Unified School District repair,  
21 renovate, acquire, construct and equip classrooms, science  
22 labs, sites, school facilities, including repair aging  
23 roofs, plumbing, heating/ventilation systems, electrical  
24 wiring, fire, security equipment and earthquake safety  
25 systems, and replace aging trailers with modern classrooms  
26 by issuing \$200,000,000 of bonds at legal rates, with  
27 mandatory audits, citizen oversight, and no money for  
28 administrators' salaries?"

1           WHEREAS, at such election Measure G received the affirmative vote of more  
2 than two-thirds of the qualified electors of the District voting on the proposition  
3 as certified by the Registrar of Voters of the County of Orange in the official  
4 canvassing of votes and authorized the issuance of bonds; and

5           WHEREAS, on August 6, 2008, the Board of Supervisors of the County, at the  
6 request of the District, issued a first series of general obligation bonds pursuant  
7 to the Measure G authorization know as the Election of 2008 General Obligation  
8 Bonds Series A in the aggregate principal amount of \$99,997,856; and

9           WHEREAS, at this time the Board of Education of the District has determined  
10 that it is necessary and desirable to request the Board of Supervisors to issue, in  
11 the name of and on behalf of the District, one or more series of general obligation  
12 bonds pursuant to the Measure G authorization and the provisions of Article 4.5 of  
13 Chapter 3 of Part 1 of Division 2 of Title 5 (Section 53506 et seq.) of the  
14 Government Code of the State of California and Article XIIIIA of the California  
15 Constitution (the "Authorizing Law") in an aggregate principal amount not to exceed  
16 \$60,000,000 to be designated as the "Santa Ana Unified School District Election of  
17 2008 General Obligation Bonds Series \_\_\_" with each series to be lettered  
18 sequentially beginning with the letter subsequent to the last series of bonds  
19 issued under the Measure G authorization (the "Bonds"); and

20           WHEREAS, the American Recovery and Reinvestment Act of 2009 grants a national  
21 allocation of \$11 billion to provide for the issuance of qualified school  
22 construction bonds, in accordance with the qualified tax credit bond program (the  
23 "Tax Credit Program") found in Section 54A of the Internal Revenue Code of 1986, as  
24 amended (the "Code"), and an allocation of \$19,269,000 has been granted to the  
25 District (the "District Allocation") to provide financing for the construction,  
26 reconstruction or repair of public school facilities, or the acquisition of land on  
27 which such facilities are to be constructed with part of the proceeds of such  
28 issue; and

1           WHEREAS, the Board of Education deems it necessary and desirable to use all  
2 or a portion of the District Allocation to issue and sell a portion of its Bonds  
3 pursuant to the Tax Credit Program if it is determined by the Superintendent, or  
4 her designee, to be in the best interest of the District; and

5           WHEREAS, the Bonds may be issued, in part, as federally taxable "Build  
6 America Bonds" pursuant to the provisions of the American Recovery and Reinvestment  
7 Act of 2009 and the provisions of Section 54AA of the Code; and

8           WHEREAS, this Board of Education has previously retained Government Financial  
9 Strategies (the "Financial Advisor") to serve as financial advisor to the District  
10 and Jones Hall, A Professional Law Corporation, as Disclosure Counsel with respect  
11 to the Bonds and desires to retain Stradling Yocca Carlson & Rauth, a Professional  
12 Corporation as bond counsel ("Bond Counsel") to the District with respect to the  
13 Bonds; and

14           WHEREAS, this Board of Education further deems it necessary and desirable to  
15 authorize the sale of said bonds by a negotiated sale to George K. Baum & Company  
16 (the "Underwriter") pursuant to one or more Bond Purchase Contracts (each a "Bond  
17 Purchase Contract"), and pursuant to Section 15146 of the Education Code, has found  
18 and determined the following reasons therefore: (1) better ensure that the tax rate  
19 estimated to voters at the time of the election will be maintained, (2) provide  
20 more flexibility in the timing of the sale of the Bonds, (3) provide more  
21 flexibility in the debt structure; (4) allow the District to work with participants  
22 familiar with the District, (5) increase the opportunity to pre-market the Bonds  
23 for sale to local residents and other investors, and (6) the District has an  
24 existing contract with the Underwriter to underwrite the Bonds; and

25           WHEREAS, Education Code Section 15140 provides that the Board of Supervisors  
26 of the County shall issue bonds on behalf of the District following adoption of a  
27 resolution of the Board of Education; and

28           WHEREAS, there has been presented to this Board of Education at this meeting  
29 the forms of two Preliminary Official Statements pursuant to which the Bonds will

1 be offered for sale, the form of a Bond Purchase Contract (the "Purchase Contract")  
2 to be entered into by and among the District, the County and the Underwriter, the  
3 form of a Continuing Disclosure Certificate (the "Continuing Disclosure  
4 Certificate"), the form of a Paying Agent and Transfer Agent Agreement (the "QSCB  
5 Agreement") to be entered into by and among the District, the County and The Bank  
6 of New York Mellon Trust Company, N.A., as paying agent with respect to the  
7 Qualified School Construction Bonds, and the form of an agreement with Bond  
8 Counsel; and

9 WHEREAS, all acts, conditions and things required by law to be done or  
10 performed have been done and performed in strict conformity with the laws  
11 authorizing the issuance of general obligation bonds of the District, and the  
12 indebtedness of the District, including the proposed issue of Bonds, is within all  
13 limits prescribed by law;

14 NOW, THEREFORE, THE BOARD OF THE SANTA ANA UNIFIED SCHOOL DISTRICT DOES  
15 HEREBY, RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

16 Section 1. Recitals. The foregoing recitals are true and correct.

17 Section 2. Request for Sale. In order to raise money for the purposes  
18 described in Measure G and to pay all necessary legal, financial, engineering and  
19 contingent costs in connection therewith, in accordance with the provisions of  
20 Education Code Section 15140, the Board of Education hereby petitions the Board of  
21 Supervisors of the County to issue the Bonds in the name of and on behalf of the  
22 District pursuant to the Authorizing Law, in one or more series, and in an  
23 aggregate principal amount not to exceed \$60,000,000 and to order such Bonds sold  
24 at a negotiated sale to the Underwriter. The Bonds shall bear or accrete interest  
25 at a rate which for each series as a whole shall not exceed 12.00% per annum  
26 payable on the dates set forth in the Purchase Contract for such series with  
27 principal maturing on the dates and in the amounts set forth in the Purchase  
28 Contract, not to exceed more than 40 years from the date of issuance of the Bonds.

1 The discount paid to the Underwriter for a series shall not exceed 0.9% of the  
2 principal amount of such series.

3 The Bonds may be issued as Current Interest Bonds, Capital Appreciation  
4 Bonds, Convertible Capital Appreciation Bonds, Build America Bonds and, in the case  
5 of Bonds sold pursuant to the District Allocation, as Qualified School Construction  
6 Bonds, as set forth in the Purchase Contract for each series, subject to the  
7 provisions of a resolution of the Board of Supervisors of the County relating to  
8 the Bonds (the "County Resolution").

9 The Board of Supervisors is hereby requested to provide by resolution (the  
10 "County Resolution") for the terms of the sale and issuance of each series of Bonds  
11 in accordance with the particular terms and manner set forth herein and, with  
12 respect to such necessary or desirable terms as are not specified herein, as the  
13 Board of Supervisors shall otherwise see fit to determine. With respect to such  
14 necessary or desirable terms as are not finally determined by the County  
15 Resolution, the Board of Supervisors is hereby requested to provide for such terms  
16 to be finally determined and set forth in the Purchase Contract for such Bonds or,  
17 in the case of the Qualified School Construction Bonds, the QSCB Agreement.

18 Section 3. Paying Agent. The Board of Education does hereby authorize the  
19 appointment of The Bank of New York Mellon Trust Company, N.A., as authenticating  
20 agent, bond registrar, transfer agent and paying agent (collectively, the "Paying  
21 Agent") for the Bonds by the Board of Supervisors of the County on behalf of the  
22 District. Each of the Superintendent or her designee and the Deputy Superintendent  
23 or her designee is authorized to enter into an agreement (the "Paying Agent  
24 Agreement") with the Paying Agent setting forth the duties and responsibilities of  
25 the Paying Agent with respect to the Bonds and any provisions of the Bonds and the  
26 terms upon which they are issued and, from time to time, to appoint a successor  
27 Paying Agent if determined to be in the best interest of the District.

October 13, 2009

1           Section 4. Tax Covenants.

2           (a) The District hereby covenants for the benefit of the owners of  
3 each Tax-Exempt Bond (defined below) that it shall not take any action, or fail to  
4 take any action, if such action or failure to take such action would adversely  
5 affect the exclusion from gross income of the interest payable on any of the Bonds  
6 the interest on which is intended to be excluded from gross income for federal  
7 income tax purposes under Section 103 of the Code (the "Tax-Exempt Bonds") and will  
8 restrict the use of the proceeds of Tax-Exempt Bonds in such manner and to such  
9 extent, if any, as may be necessary, so that the Tax-Exempt Bonds will not  
10 constitute arbitrage bonds under Section 148 of the Code, and the applicable  
11 regulations prescribed under that section or any predecessor section. The District  
12 further covenants for the benefit of the owners of any Build America Bonds that it  
13 shall not take any action, or fail to take any action, if such action or failure to  
14 take such action would cause any of the Build America Bonds not to be treated as  
15 build america bonds within the meaning of Section 54AA of the Code. The District  
16 hereby covenants for the benefit of the owners of any Bonds issued as Qualified  
17 School Construction Bonds that it shall not take any action or fail to take any  
18 action that would cause any of such Bonds not to be treated as qualified tax credit  
19 bonds within the meaning of Section 54A of the Code or a qualified school  
20 construction bond within the meaning of Section 54F of the Code. In furtherance of  
21 this covenant, the District agrees to comply with the covenants contained in the  
22 Tax Certificate (the "Tax Certificate") to be executed by the District on the date  
23 of delivery of each series of Bonds. The District hereby agrees to deliver  
24 instructions to the County and the Paying Agent in order to comply with each Tax  
25 Certificate.

1           (b) Notwithstanding any provision of this Section (4), if the  
2 District shall provide to the County Treasurer an opinion of counsel of nationally  
3 recognized standing in the field of law relating to municipal bonds (an "Opinion of  
4 Bond Counsel") that any specified action required under this Section 4 is no longer  
5 required or that some further or different action is required to maintain the  
6 exclusion from federal income tax of interest on the Tax-Exempt Bonds, or to comply  
7 with any provisions of the Code applicable to the Build America Bonds or applicable  
8 to the Qualified School Construction Bonds, the County Treasurer and the District  
9 may conclusively rely on such Opinion of Bond Counsel in complying with the  
10 requirements of this Section and of the Tax Certificate, and the covenants  
11 hereunder shall be deemed to be modified to that extent.

12           Section 5. Filing of Resolution. The Clerk of the Board of Education is  
13 hereby directed to file a certified copy of this Resolution with the Board of  
14 Supervisors of the County and the County Superintendent of Schools.

15           Section 6. Estimated Costs of Issuance. The cost associated with the  
16 issuance of the Bonds, including municipal bond insurance, if any, and  
17 Underwriter's discount is estimated to be approximately 6.3% of the par amount of  
18 the Bonds.

19           Section 7. Lawful Authority for Sale. The Board of Education determines  
20 that all acts and conditions necessary to be performed by the Board of Education or  
21 to have been met precedent to and in the issuing of the Bonds in order to make them  
22 legal, valid and binding general obligations of the District have been performed  
23 and have been met, or will at the time of delivery of the Bonds have been performed  
24 and have been met, in regular and due form as required by law; and that no  
25 statutory or constitutional limitation of indebtedness or taxation will have been  
26 exceeded in the issuance of the Bonds.

27           Section 8. Expenditure of Proceeds. The District hereby covenants to spend  
28 all Bond proceeds in accordance with applicable law, including, but not limited to,  
29 the Authorizing Law.



1           Section 9. Official Statement.       The Preliminary Official Statements  
2 presented at this meeting are hereby approved in the form presented.    The  
3 Underwriter is authorized to distribute the applicable Preliminary Official  
4 Statement for each series to prospective purchasers in the form hereby approved,  
5 together with such additions thereto and changes therein as are determined  
6 necessary by the Superintendent or her designee or the Deputy Superintendent or her  
7 designee to make such Preliminary Official Statement final as of its date for  
8 purposes of Rule 15c2-12 of the Securities and Exchange Commission.   Each of the  
9 Superintendent or her designee and the Deputy Superintendent or her designee is  
10 authorized to deliver to the Underwriter a certificate deeming the Preliminary  
11 Official Statement for each series final for purposes of Rule 15c2-12.   Each of the  
12 President of the Board of Education, the Superintendent or her designee and the  
13 Deputy Superintendent, or her designee, acting alone, is hereby authorized to  
14 execute a final Official Statement for each series in the form of the Preliminary  
15 Official Statement for such series, together with such changes as are determined  
16 necessary by the Superintendent or her designee or the Deputy Superintendent or her  
17 designee to make such Official Statement complete and accurate as of its date.   The  
18 Underwriter is further authorized to distribute the final Official Statement for  
19 each series of the Bonds to the purchasers thereof upon its execution by an officer  
20 of the District as described above.

21           Section 10. Bond Purchase Contract.    The form of the Purchase Contract  
22 presented at this meeting is hereby approved.   Each of the Superintendent or her  
23 designee, the Deputy Superintendent or her designee and the Clerk of the Board of  
24 Education is hereby authorized and directed for and in the name of the District to  
25 execute a Purchase Contract for each series in substantially the form hereby  
26 approved, with such additions thereto and changes therein as are recommended or  
27 approved by Bond Counsel to the District or County Counsel and approved by the  
28 officer or officers executing such agreement; provided, however, that the Purchase  
29 Contract shall be executed only if the aggregate principal amount of the Bonds sold

1 pursuant to the authority of this Resolution is equal to or less than \$60,000,000  
2 and the discount paid to the Underwriter (exclusive of original issue discount and  
3 costs of issuance paid by the Underwriter) for a series does not exceed 0.9% of the  
4 principal amount of the Bonds sold pursuant to such Purchase Contract. Each of the  
5 Superintendent or her designee, the Deputy Superintendent or her designee and the  
6 Clerk of the Board of Education is hereby authorized and directed for and in the  
7 name of the District to solicit bids for municipal bond insurance for each series  
8 of Bonds to be sold and to purchase such insurance if such officer, on the basis of  
9 information provided by the Financial Advisor, determines that such insurance will  
10 result in net interest cost savings for the District that exceeds the cost of such  
11 insurance.

12 Section 11. Qualified School Construction Bond and Tax Credit Purchase  
13 Contract; Stripping of Tax Credits. Each of the Superintendent or her designee and  
14 the Deputy Superintendent or her designee is hereby authorized to approve an  
15 agreement (the "Tax Credit Purchase Contract") providing for the separation of the  
16 ownership of the Qualified School Construction Bonds from the entitlement to the  
17 tax credits with respect to such Qualified School Construction Bonds pursuant to  
18 Section 54A of the Code, and for the sale of such separate interests if one of such  
19 officers determines it is in the best interest of the District. Upon such  
20 determination, each of the Superintendent or her designee and the Deputy  
21 Superintendent or her designee is further authorized and directed on behalf of the  
22 District to execute and approve a Tax Credit Purchase Contract providing for the  
23 sale by the Board of Supervisors of the County and the purchase by the Underwriter  
24 of the tax credits or such other purchaser or purchasers as may be identified  
25 therein at a purchase price to be set forth therein. The Tax Credit Purchase  
26 Contract may be executed and delivered as a separate document, as authorized  
27 pursuant to this Section 11, or the provisions thereof may be incorporated into a  
28 Bond Purchase Contract approved in Section 10 hereof. Pursuant to Section 5922 of  
29 the Government Code of California (the "Government Code"), this Board of Education

1 hereby finds and determines that the Tax Credit Purchase Contract will result in a  
2 reduction in the amount or duration of payment and lower the cost of borrowing when  
3 used in combination with the Qualified School Construction Bonds. The Board of  
4 Supervisors of the County is hereby requested to cause the Tax Credit Purchase  
5 Contract to be executed and delivered on behalf of the County, subject to such  
6 changes or revisions therein as may be acceptable to the District officer executing  
7 the same and to the Board of Supervisors of the County.

8 Section 12. Build America Bonds. The Build America Bonds shall have the  
9 terms set forth in the Purchase Contract related thereto. The Superintendent or  
10 her designee and the Deputy Superintendent or her designee are directed to take or  
11 cause to be taken all actions necessary to qualify any Bonds issued as Build  
12 America Bonds under Section 54AA of the Code and to obtain the federal subsidy for  
13 the payment of a portion of interest expense of the Build America Bonds.

14 With respect to any Bonds issued as Build America Bonds, the District expects to  
15 receive a cash subsidy payment from the United States Treasury equal to 35% of the  
16 interest payable on the Build America Bonds on or about each interest payment date.  
17 The District will, or will direct the Paying Agent, prior to each interest payment  
18 date, to submit to the United States Treasury a subsidy reimbursement request in  
19 accordance with applicable federal regulations. Upon receipt of such subsidy, the  
20 District shall deposit or cause to be deposited any such cash subsidy payments into  
21 the Debt Service Fund.

22 Section 13. Continuing Disclosure Certificate. The form of the Continuing  
23 Disclosure Certificate presented at this meeting is hereby approved. Each of  
24 Superintendent or her designee and the Deputy Superintendent or her designee is  
25 hereby authorized and directed for and in the name of the District to execute the  
26 Continuing Disclosure Certificate in substantially the form hereby approved, with  
27 such additions thereto and changes therein as are recommended or approved by Bond  
28 Counsel to the District or County Counsel and approved by the officer or officers  
29 executing such agreement.

1           Section 14. Bond Counsel Agreement.   The form of Bond Counsel Agreement, on  
2 file with the Clerk of the Board, is hereby approved. Each of Superintendent or  
3 her designee and the Deputy Superintendent or her designee is hereby authorized and  
4 directed for and in the name of the District to execute the Bond Counsel Agreement  
5 in substantially the form hereby approved, with such additions thereto and changes  
6 therein as are approved by the officer or officers executing such agreement.

7           Section 15. Investment of Funds.   The proceeds of sale of the Bonds,  
8 exclusive of any premium and accrued interest received by the District or any  
9 moneys set aside to pay costs of issuance on the Bonds, shall be deposited in the  
10 County treasury to the credit of the building fund of the District. Any net premium  
11 and accrued interest received by the District shall be deposited upon receipt in  
12 the interest and sinking fund of the District within the County treasury.

13           All funds held by the County Treasurer with respect to the Bonds, subject to  
14 additional investment restrictions of any Bond Insurer, may be invested by the  
15 County Treasurer in the County Investment Pool, the Local Agency Investment Fund,  
16 any investment authorized pursuant to Sections 53601 and 53635 of the Government  
17 Code, or in investment agreements, including guaranteed investment contracts, float  
18 contracts or other investment products (hereinafter collectively referred to as  
19 "Investment Agreements"); provided that such agreements comply with the  
20 requirements of Section 148 of the Code, Section 54A of the Code, Section 54F of  
21 the Code and Section 54AA of the Code, as applicable, and with the requirements of  
22 each rating agency then rating the Bonds necessary in order to maintain the then-  
23 current rating on the Bonds. The County Treasurer shall assume no responsibility in  
24 the reporting, reconciling or monitoring in the investment of proceeds related to  
25 the Bonds.

26           The Superintendent or her designee or the Deputy Superintendent or her  
27 designee may request the County Treasurer, subject to his fiduciary  
28 responsibilities, to invest funds held in the interest and sinking fund of the  
29 District and in the building fund of the District in specific investments, so as to

1 effectively coordinate the investments to the construction program of the District  
2 and the debt service payments on the Bonds. Pursuant to Section 5922 of the  
3 Government Code, this Board of Education hereby finds and determines that the  
4 Investment Agreements will reduce the amount and duration of interest rate risk  
5 with respect to amounts invested pursuant to the Investment Agreements and are  
6 designed to reduce the amount or duration of payment, rate, spread or similar risk  
7 or result in a lower cost of borrowing when used in combination with the Bonds or  
8 enhance the relationship between risk and return with respect to investments of  
9 proceeds of the Bonds and funds held to pay the Bonds.

10 Any funds held by the County Treasurer with respect to the Bonds may also be  
11 held in whole or in part by the Paying Agent pursuant to the Paying Agent Agreement  
12 or another agreement entered into between the County Treasurer and the Paying  
13 Agent.

14 Section 16. Approval of Actions. Members of the Board of Education, the  
15 Superintendent, the Deputy Superintendent and other District employees are hereby  
16 authorized and directed, jointly and severally, to do any and all things and to  
17 execute and deliver any and all documents which they may deem necessary or  
18 advisable in order to proceed with the issuance of the Bonds and otherwise carry  
19 out, give effect to and comply with the terms and intent of this Resolution and the  
20 Tax Credit Program. Such actions heretofore taken by such officers, officials and  
21 staff are hereby ratified, confirmed and approved.

22 Section 17. Effective Date. This resolution shall take effect immediately  
23 upon its adoption.

24  
25  
26  
27  
28

1 ADOPTED, SIGNED AND APPROVED this 13<sup>th</sup> day of October, 2009.

2

3

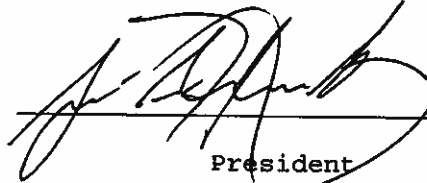
BOARD OF EDUCATION OF THE SANTA ANA  
UNIFIED SCHOOL DISTRICT

4

5

6

By:

  
\_\_\_\_\_  
President

7

8

Attest:

9

10

  
\_\_\_\_\_

11

Clerk

12

13

STATE OF CALIFORNIA )

14

) ss

15

ORANGE COUNTY )

16

I, Audrey Yamagata-Noji, Ph.D., do hereby certify that the foregoing is a true and correct copy of Resolution No. 2809 which was duly adopted by the Board of Education of the Santa Ana Unified School District at meeting thereof held on the 13<sup>th</sup> day of October, 2009, and that it was so adopted by the following vote:

17

18

19

20

21

AYES:

22

NOES:

23

ABSENT:

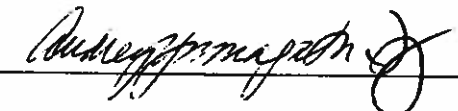
24

ABSTENTIONS:

25

26

By

  
\_\_\_\_\_  
Clerk

27

28

29

1 RESOLUTION NO. 09/10-2810

2 BOARD OF EDUCATION

3 SANTA ANA UNIFIED SCHOOL DISTRICT

4 ORANGE COUNTY, CALIFORNIA

5  
6 REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO SELL ONE  
7 OR MORE SERIES OF ELECTION OF 2008 GENERAL OBLIGATION BONDS OF THE  
8 DISTRICT PURSUANT TO CERTAIN PROVISIONS OF THE EDUCATION CODE IN A  
9 PRINCIPAL AMOUNT NOT TO EXCEED \$60,000,000 AND APPROVING CERTAIN OTHER  
10 MATTERS RELATED THERETO

11  
12 WHEREAS, a duly called election was held in the Santa Ana Unified School  
13 District (the "District"), Orange County (the "County"), State of California, on  
14 June 3, 2008, at which the following proposition ("Measure G") was submitted to the  
15 qualified electors of the District:

16 "To provide Santa Ana Unified School District students with competitive  
17 classrooms and school facilities, improve student health/safety, qualify  
18 for \$145,000,000 in State funds, shall Santa Ana Unified School District  
19 repair, renovate, acquire, construct and equip classrooms, science labs,  
20 sites, school facilities, including repair aging roofs, plumbing,  
21 heating/ventilation systems, electrical wiring, fire, security equipment  
22 and earthquake safety systems, and replace aging trailers with modern  
23 classrooms by issuing \$200,000,000 of bonds at legal rates, with  
24 mandatory audits, citizen oversight, and no money for administrators'  
25 salaries?"

26 WHEREAS, at such election Measure G received the affirmative vote of more than  
27 two-thirds of the qualified electors of the District voting on the proposition as  
28 certified by the Registrar of Voters of the County of Orange in the official  
29 canvassing of votes and authorized the issuance of bonds; and

30 WHEREAS, on August 6, 2008, the Board of Supervisors of the County, at the  
31 request of the District, issued a first series of general obligation bonds pursuant

1 to the Measure G authorization know as the Election of 2008 General Obligation Bonds  
2 Series A in the aggregate principal amount of \$99,997,856; and

3 WHEREAS, at this time the Board of Education of the District has determined  
4 that it is necessary and desirable to request the Board of Supervisors to issue, in  
5 the name of and on behalf of the District, one or more series of general obligation  
6 bonds pursuant to the Measure G authorization and the provisions of Chapter 1 of  
7 Part 10 of Division 1 of Title 1 (Section 15100 et seq.) of the Education Code of  
8 the State of California and Article XIIIIA of the California Constitution (the  
9 "Authorizing Law") in an aggregate principal amount not to exceed \$60,000,000 to be  
10 designated as the "Santa Ana Unified School District Election of 2008 General  
11 Obligation Bonds Series \_\_" with each series to be lettered sequentially beginning  
12 with the letter subsequent to the last series of bonds issued under the Measure G  
13 authorization (the "Bonds"); and

14 WHEREAS, the American Recovery and Reinvestment Act of 2009 grants a national  
15 allocation of \$11 billion to provide for the issuance of qualified school  
16 construction bonds, in accordance with the qualified tax credit bond program (the  
17 "Tax Credit Program") found in Section 54A of the Internal Revenue Code of 1986, as  
18 amended (the "Code"), and an allocation of \$19,269,000 has been granted to the  
19 District (the "District Allocation") to provide financing for the construction,  
20 reconstruction or repair of public school facilities, or the acquisition of land on  
21 which such facilities are to be constructed with part of the proceeds of such issue;  
22 and

23 WHEREAS, the Board of Education deems it necessary and desirable to use all or  
24 a portion of the District Allocation to issue and sell a portion of its Bonds  
25 pursuant to the Tax Credit Program as qualified school construction bonds within the  
26 meaning of Section 54F of the Code (the "Qualified School Construction Bonds") if it  
27 is determined by the Superintendent, or her designee, to be in the best interest of  
28 the District; and

29 WHEREAS, the Bonds may be issued, in part, as federally taxable "Build America  
30 Bonds" pursuant to the provisions of the American Recovery and Reinvestment Act of  
31 2009 and the provisions of Section 54AA of the Code; and



1           WHEREAS, this Board of Education has previously retained Government Financial  
2 Strategies (the "Financial Advisor") to serve as financial advisor to the District  
3 and Jones Hall, A Professional Law Corporation to serve as Disclosure Counsel with  
4 respect to the Bonds and desires to retain Stradling Yocca Carlson & Rauth, a  
5 Professional Corporation as bond counsel ("Bond Counsel") to the District with  
6 respect to the Bonds; and

7           WHEREAS, this Board of Education further deems it necessary and desirable to  
8 authorize the sale of said bonds by a negotiated sale to George K. Baum & Company  
9 (the "Underwriter") pursuant to one or more Bond Purchase Contracts (each a "Bond  
10 Purchase Contract"), and pursuant to Section 15146 of the Education Code, has found  
11 and determined the following reasons therefor: (1) better ensure that the tax rate  
12 estimated to voters at the time of the election will be maintained, (2) provide more  
13 flexibility in the timing of the sale of the Bonds, (3) provide more flexibility in  
14 the debt structure; (4) allow the District to work with participants familiar with  
15 the District, (5) increase the opportunity to pre-market the Bonds for sale to local  
16 residents and other investors, and (6) the District has an existing contract with  
17 the Underwriter to underwrite the Bonds; and

18           WHEREAS, Education Code Section 15140 provides that the Board of Supervisors  
19 of the County shall issue bonds on behalf of the District following adoption of a  
20 resolution of the Board of Education; and

21           WHEREAS, there has been presented to this Board of Education at this meeting  
22 the forms of two Preliminary Official Statements pursuant to which the Bonds will be  
23 offered for sale, the form of a Bond Purchase Contract (the "Purchase Contract") to  
24 be entered into by and among the District, the County and the Underwriter, the form  
25 of a Continuing Disclosure Certificate (the "Continuing Disclosure Certificate"),  
26 the form of a Paying Agent and Transfer Agent Agreement (the "QSCB Agreement") to be  
27 entered into by and among the District, the County and The Bank of New York Mellon  
28 Trust Company, N.A., as paying agent with respect to the Qualified School  
29 Construction Bonds, and the form of an agreement with Bond Counsel; and

30           WHEREAS, all acts, conditions and things required by law to be done or  
31 performed have been done and performed in strict conformity with the laws  
32 authorizing the issuance of general obligation bonds of the District, and the

1 indebtedness of the District, including the proposed issue of Bonds, is within all  
2 limits prescribed by law;

3 NOW, THEREFORE, THE BOARD OF THE SANTA ANA UNIFIED SCHOOL DISTRICT DOES  
4 HEREBY, RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

5 Section 1. Recitals. The foregoing recitals are true and correct.

6 Section 2. Request for Sale. In order to raise money for the purposes  
7 described in Measure G and to pay all necessary legal, financial, engineering and  
8 contingent costs in connection therewith, in accordance with the provisions of  
9 Education Code Section 15140, the Board of Education hereby petitions the Board of  
10 Supervisors of the County to issue the Bonds in the name of and on behalf of the  
11 District pursuant to the Authorizing Law, in one or more series, and in an aggregate  
12 principal amount not to exceed \$60,000,000 and to order such Bonds sold at a  
13 negotiated sale to the Underwriter. The Bonds shall bear or accrete interest at a  
14 rate which for each series as a whole shall not exceed 12.00% per annum payable on  
15 the dates set forth in the Purchase Contract for such series with principal maturing  
16 on the dates and in the amounts set forth in the Purchase Contract, not to exceed  
17 more than 25 years from the date of issuance of the Bonds. The discount paid to the  
18 Underwriter for a series shall not exceed 0.9% of the principal amount of such  
19 series.

20 The Bonds may be issued as Current Interest Bonds, Capital Appreciation Bonds,  
21 Convertible Capital Appreciation Bonds, Build America Bonds and, in the case of  
22 Bonds sold pursuant to the District Allocation, as Qualified School Construction  
23 Bonds, as set forth in the Purchase Contract for each series, subject to the  
24 provisions of a resolution of the Board of Supervisors of the County relating to the  
25 Bonds (the "County Resolution").

26 The Board of Supervisors is hereby requested to provide by resolution (the  
27 "County Resolution") for the terms of the sale and issuance of each series of Bonds  
28 in accordance with the particular terms and manner set forth herein and, with  
29 respect to such necessary or desirable terms as are not specified herein, as the  
30 Board of Supervisors shall otherwise see fit to determine. With respect to such  
31 necessary or desirable terms as are not finally determined by the County Resolution,  
32 the Board of Supervisors is hereby requested to provide for such terms to be finally

1 determined and set forth in the Purchase Contract for such Bonds or, in the case of  
2 the Qualified School Construction Bonds, the QSCB Agreement.

3 Section 3. Paying Agent. The Board of Education does hereby authorize the  
4 appointment of The Bank of New York Mellon Trust Company, N.A., as authenticating  
5 agent, bond registrar, transfer agent and paying agent (collectively, the "Paying  
6 Agent") for the Bonds by the Board of Supervisors of the County on behalf of the  
7 District. Each of the Superintendent or her designee and the Deputy Superintendent  
8 or her designee is authorized to enter into an agreement (the "Paying Agent  
9 Agreement") with the Paying Agent setting forth the duties and responsibilities of  
10 the Paying Agent with respect to the Bonds and any provisions of the Bonds and the  
11 terms upon which they are issued and, from time to time, to appoint a successor  
12 Paying Agent if determined to be in the best interest of the District.

13 Section 4. Tax Covenants.

14 (a) The District hereby covenants for the benefit of the owners of  
15 each Tax-Exempt Bond (defined below) that it shall not take any action, or fail to  
16 take any action, if such action or failure to take such action would adversely  
17 affect the exclusion from gross income of the interest payable on any of the Bonds  
18 the interest on which is intended to be excluded from gross income for federal  
19 income tax purposes under Section 103 of the Code (the "Tax-Exempt Bonds") and will  
20 restrict the use of the proceeds of Tax-Exempt Bonds in such manner and to such  
21 extent, if any, as may be necessary, so that the Tax-Exempt Bonds will not  
22 constitute arbitrage bonds under Section 148 of the Code , and the applicable  
23 regulations prescribed under that section or any predecessor section. The District  
24 further covenants for the benefit of the owners of any Build America Bonds that it  
25 shall not take any action, or fail to take any action, if such action or failure to  
26 take such action would cause any of the Build America Bonds not to be treated as  
27 build america bonds within the meaning of Section 54AA of the Code. The District  
28 hereby covenants for the benefit of the owners of any Bonds issued as Qualified  
29 School Construction Bonds that it shall not take any action or fail to take any  
30 action that would cause any of such Bonds not to be treated as qualified tax credit  
31 bonds within the meaning of Section 54A of the Code and qualified school  
32 construction bonds within the meaning of Section 54F of the Code. In furtherance of

1 this covenant, the District agrees to comply with the covenants contained in the Tax  
2 Certificate (the "Tax Certificate") to be executed by the District on the date of  
3 delivery of each series of Bonds. The District hereby agrees to deliver  
4 instructions to the County and the Paying Agent in order to comply with each Tax  
5 Certificate.

6 (b) Notwithstanding any provision of this Section (4), if the District  
7 shall provide to the County Treasurer an opinion of counsel of nationally recognized  
8 standing in the field of law relating to municipal bonds (an "Opinion of Bond  
9 Counsel") that any specified action required under this Section 4 is no longer  
10 required or that some further or different action is required to maintain the  
11 exclusion from federal income tax of interest on the Tax-Exempt Bonds, or to comply  
12 with any provisions of the Code applicable to the Build America Bonds or applicable  
13 to the Qualified School Construction Bonds, the County Treasurer and the District  
14 may conclusively rely on such Opinion of Bond Counsel in complying with the  
15 requirements of this Section and of the Tax Certificate, and the covenants hereunder  
16 shall be deemed to be modified to that extent.

17 Section 5. Filing of Resolution. The Clerk of the Board of Education is  
18 hereby directed to file a certified copy of this Resolution with the Board of  
19 Supervisors of the County and the County Superintendent of Schools.

20 Section 6. Estimated Costs of Issuance. The cost associated with the  
21 issuance of the Bonds, including municipal bond insurance, if any, and Underwriter's  
22 discount is estimated to be approximately 6.3% of the par amount of the Bonds.

23 Section 7. Lawful Authority for Sale. The Board of Education determines that  
24 all acts and conditions necessary to be performed by the Board of Education or to  
25 have been met precedent to and in the issuing of the Bonds in order to make them  
26 legal, valid and binding general obligations of the District have been performed and  
27 have been met, or will at the time of delivery of the Bonds have been performed and  
28 have been met, in regular and due form as required by law; and that no statutory or  
29 constitutional limitation of indebtedness or taxation will have been exceeded in the  
30 issuance of the Bonds.

1           Section 8. Expenditure of Proceeds. The District hereby covenants to spend  
2 all Bond proceeds in accordance with applicable law, including, but not limited to,  
3 the Authorizing Law.

4           Section 9. Official Statement. The Preliminary Official Statements presented  
5 at this meeting are hereby approved in the form presented. The Underwriter is  
6 authorized to distribute the applicable Preliminary Official Statement for each  
7 series to prospective purchasers in the form hereby approved, together with such  
8 additions thereto and changes therein as are determined necessary by the  
9 Superintendent or her designee or the Deputy Superintendent or her designee to make  
10 such Preliminary Official Statement final as of its date for purposes of  
11 Rule 15c2-12 of the Securities and Exchange Commission. Each of the Superintendent  
12 or her designee and the Deputy Superintendent or her designee is authorized to  
13 deliver to the Underwriter a certificate deeming the Preliminary Official Statement  
14 for each series final for purposes of Rule 15c2-12. Each of the President of the  
15 Board of Education, the Superintendent or her designee and the Deputy  
16 Superintendent, or her designee, acting alone, is hereby authorized to execute a  
17 final Official Statement for each series in the form of the Preliminary Official  
18 Statement for such series, together with such changes as are determined necessary by  
19 the Superintendent or her designee or the Deputy Superintendent or her designee to  
20 make such Official Statement complete and accurate as of its date. The Underwriter  
21 is further authorized to distribute the final Official Statement for each series of  
22 the Bonds to the purchasers thereof upon its execution by an officer of the District  
23 as described above.

24           Section 10. Bond Purchase Contract. The form of the Purchase Contract  
25 presented at this meeting is hereby approved. Each of the Superintendent or her  
26 designee, the Deputy Superintendent or her designee and the Clerk of the Board of  
27 Education is hereby authorized and directed for and in the name of the District to  
28 execute a Purchase Contract for each series in substantially the form hereby  
29 approved, with such additions thereto and changes therein as are recommended or  
30 approved by Bond Counsel to the District or County Counsel and approved by the  
31 officer or officers executing such agreement; provided, however, that the Purchase  
32 Contract shall be executed only if the aggregate principal amount of the Bonds sold

1 pursuant to the authority of this Resolution is equal to or less than \$60,000,000  
2 and the discount paid to the Underwriter (exclusive of original issue discount and  
3 costs of issuance paid by the Underwriter) for a series does not exceed 0.9% of the  
4 principal amount of the Bonds sold pursuant to such Purchase Contract. Each of the  
5 Superintendent or her designee, the Deputy Superintendent or her designee and the  
6 Clerk of the Board of Education is hereby authorized and directed for and in the  
7 name of the District to solicit bids for municipal bond insurance for each series of  
8 Bonds to be sold and to purchase such insurance if such officer, on the basis of  
9 information provided by the Financial Advisor, determines that such insurance will  
10 result in net interest cost savings for the District that exceeds the cost of such  
11 insurance.

12 Section 11. Qualified School Construction Bond and Tax Credit Purchase  
13 Contract; Stripping of Tax Credits. Each of the Superintendent or her designee and  
14 the Deputy Superintendent or her designee is hereby authorized to approve an  
15 agreement (the "Tax Credit Purchase Contract") providing for the separation of the  
16 ownership of the Qualified School Construction Bonds from the entitlement to the tax  
17 credits with respect to such Qualified School Construction Bonds pursuant to Section  
18 54A of the Code, and for the sale of such separate interests if one of such officers  
19 determines it is in the best interest of the District. Upon such determination, each  
20 of the Superintendent or her designee and the Deputy Superintendent or her designee  
21 is further authorized and directed on behalf of the District to execute and approve  
22 a Tax Credit Purchase Contract providing for the sale by the Board of Supervisors of  
23 the County and the purchase by the Underwriter of the tax credits or such other  
24 purchaser or purchasers as may be identified therein at a purchase price to be set  
25 forth therein. The Tax Credit Purchase Contract may be executed and delivered as a  
26 separate document, as authorized pursuant to this Section 11, or the provisions  
27 thereof may be incorporated into a Bond Purchase Contract approved in Section 10  
28 hereof. Pursuant to Section 5922 of the Government Code of California (the  
29 "Government Code"), this Board of Education hereby finds and determines that the Tax  
30 Credit Purchase Contract will result in a reduction in the amount or duration of  
31 payment and lower the cost of borrowing when used in combination with the Qualified  
32 School Construction Bonds. The Board of Supervisors of the County is hereby

1 requested to cause the Tax Credit Purchase Contract to be executed and delivered on  
2 behalf of the County, subject to such changes or revisions therein as may be  
3 acceptable to the District officer executing the same and to the Board of  
4 Supervisors of the County.

5 Section 12. Build America Bonds. The Build America Bonds shall have the terms  
6 set forth in the Purchase Contract related thereto. The Superintendent or her  
7 designee and the Deputy Superintendent or her designee are directed to take or cause  
8 to be taken all actions necessary to qualify any Bonds issued as Build America Bonds  
9 under Section 54AA of the Code and to obtain the federal subsidy for the payment of  
10 a portion of interest expense of the Build America Bonds.

11 With respect to any Bonds issued as Build America Bonds, the District expects  
12 to receive a cash subsidy payment from the United States Treasury equal to 35% of  
13 the interest payable on the Build America Bonds on or about each interest payment  
14 date. The District will, or will direct the Paying Agent, prior to each interest  
15 payment date, to submit to the United States Treasury a subsidy reimbursement  
16 request in accordance with applicable federal regulations. Upon receipt of such  
17 subsidy, the District shall deposit or cause to be deposited any such cash subsidy  
18 payments into the Debt Service Fund.

19 Section 13. Continuing Disclosure Certificate. The form of the Continuing  
20 Disclosure Certificate presented at this meeting is hereby approved. Each of  
21 Superintendent or her designee and the Deputy Superintendent or her designee is  
22 hereby authorized and directed for and in the name of the District to execute the  
23 Continuing Disclosure Certificate in substantially the form hereby approved, with  
24 such additions thereto and changes therein as are recommended or approved by Bond  
25 Counsel to the District or County Counsel and approved by the officer or officers  
26 executing such agreement.

27 Section 14. Bond Counsel Agreement. The form of Bond Counsel Agreement, on  
28 file with the Clerk of the Board, is hereby approved. Each of Superintendent or her  
29 designee and the Deputy Superintendent or her designee is hereby authorized and  
30 directed for and in the name of the District to execute the Bond Counsel Agreement  
31 in substantially the form hereby approved, with such additions thereto and changes  
32 therein as are approved by the officer or officers executing such agreement.

1           Section 15. Investment of Funds. The proceeds of sale of the Bonds, exclusive  
2 of any premium and accrued interest received by the District or any moneys set aside  
3 to pay costs of issuance on the Bonds, shall be deposited in the County treasury to  
4 the credit of the building fund of the District. Any net premium and accrued  
5 interest received by the District shall be deposited upon receipt in the interest  
6 and sinking fund of the District within the County treasury.

7           All funds held by the County Treasurer with respect to the Bonds, subject to  
8 additional investment restrictions of any Bond Insurer, may be invested by the  
9 County Treasurer in the County Investment Pool, the Local Agency Investment Fund,  
10 any investment authorized pursuant to Sections 53601 and 53635 of the Government  
11 Code, or in investment agreements, including guaranteed investment contracts, float  
12 contracts or other investment products (hereinafter collectively referred to as  
13 "Investment Agreements"); provided that such agreements comply with the requirements  
14 of Section 148 of the Code, Section 54A of the Code, Section 54F of the Code and  
15 Section 54AA of the Code, as applicable, and with the requirements of each rating  
16 agency then rating the Bonds necessary in order to maintain the then-current rating  
17 on the Bonds. The County Treasurer shall assume no responsibility in the reporting,  
18 reconciling or monitoring in the investment of proceeds related to the Bonds.

19           The Superintendent or her designee or the Deputy Superintendent or her  
20 designee may request the County Treasurer, subject to his fiduciary  
21 responsibilities, to invest funds held in the interest and sinking fund of the  
22 District and in the building fund of the District in specific investments, so as to  
23 effectively coordinate the investments to the construction program of the District  
24 and the debt service payments on the Bonds. Pursuant to Section 5922 of the  
25 Government Code, this Board of Education hereby finds and determines that the  
26 Investment Agreements will reduce the amount and duration of interest rate risk with  
27 respect to amounts invested pursuant to the Investment Agreements and are designed  
28 to reduce the amount or duration of payment, rate, spread or similar risk or result  
29 in a lower cost of borrowing when used in combination with the Bonds or enhance the  
30 relationship between risk and return with respect to investments of proceeds of the  
31 Bonds and funds held to pay the Bonds.



Minutes

October 13, 2009

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Any funds held by the County Treasurer with respect to the Bonds may also be held in whole or in part by the Paying Agent pursuant to the Paying Agent Agreement or another agreement entered into between the County Treasurer and the Paying Agent.

Section 16. Approval of Actions. Members of the Board of Education, the Superintendent, the Deputy Superintendent and other District employees are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to proceed with the issuance of the Bonds and otherwise carry out, give effect to and comply with the terms and intent of this Resolution and the Tax Credit Program. Such actions heretofore taken by such officers, officials and staff are hereby ratified, confirmed and approved.

Section 17. Effective Date. This resolution shall take effect immediately upon its adoption.

1 ADOPTED, SIGNED AND APPROVED this 13<sup>th</sup> day of October, 2009.

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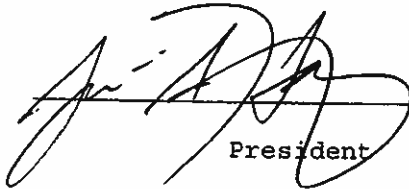
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BOARD OF EDUCATION OF THE SANTA ANA  
UNIFIED SCHOOL DISTRICT

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By:

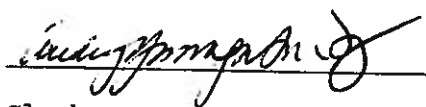
  
President

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7

8 Attest:

9

10 

11 Clerk

12

13 STATE OF CALIFORNIA )

14 ) ss

15 ORANGE COUNTY )

16 I, Audrey Yamagata-Noji, Ph.D., do hereby certify that the foregoing is  
17 true and correct copy of Resolution No. 2810 which was duly adopted by the  
18 Board of Education of the Santa Ana Unified School District at meeting thereof held  
19 on the 13<sup>th</sup> day of October, 2009, and that it was so adopted by the following vote:

20

21 AYES:

22 NOES:

23 ABSENT:

24 ABSTENTIONS:

25

By

  
Clerk

26

27

28

29