

AGENDA ITEM BACKUP SHEET
March 22, 2011

Board Meeting

TITLE: Approval of Rejection of Government Code §910 and §910.2 Claim
Against District – File No. 11-90686 MH

ITEM: Consent

SUBMITTED BY:  Michael P. Bishop, Sr., CBO, Associate Superintendent, Business Services

PREPARED BY: Camille Boden, Executive Director of Risk Management

BACKGROUND INFORMATION:

The purpose of this agenda item is to seek Board approval to reject the Government Code §910 and §910.2 claim against the District, File No. 11-90686 MH.

DESCRIPTION OF DAMAGE/INJURY:

Claimant involved in an accident with District vehicle on Fairview Street.

FUNDING:

Not Applicable

RECOMMENDATION:

Approve recommendation to reject Government Code §910 and §910.2 claim filed by the Avila Law Firm on behalf of File No. 11-90686 MH against the District.

AGENDA ITEM BACKUP SHEET
March 22, 2011

Board Meeting

TITLE: Approval of Rejection of Government Code §910 and §910.2 Claim
Against District – File No. 11-90650 DP

ITEM: Consent

SUBMITTED BY: Michael P. Bishop, Sr., CBO, Associate Superintendent, Business Services

PREPARED BY: Camille Boden, Executive Director of Risk Management

BACKGROUND INFORMATION:

The purpose of this agenda item is to seek Board approval to reject the Government Code §910 and §910.2 claim against the District, File No. 11-90650 DP.

DESCRIPTION OF DAMAGE/INJURY:

Claimant-employee involved in accident in her personal vehicle during work hours.

FUNDING:

Not Applicable

RECOMMENDATION:

Approve recommendation to reject Government Code §910 and §910.2 claim File No.11-90650 DP against the District.

AGENDA ITEM BACKUP SHEET
March 22, 2011

1.13

Board Meeting

TITLE: **Acceptance of Completion of Contract for Bid Package No. 1801 Roofing Project for Monte Vista Elementary School Under Emergency Repair Program**

ITEM: **Consent**

SUBMITTED BY: **Joe Dixon, Assistant Superintendent, Facilities & Governmental Relations**

PREPARED BY: **Todd Butcher, Director of Construction**

BACKGROUND INFORMATION:

The purpose of this agenda item is to seek Board acceptance of completion of contract for Bid Package No. 1801 for an Emergency Repair Program project at Monte Elementary School. The work has been completed in accordance with the terms of the contract.

RATIONALE:

At its June 8, 2010, meeting the Board awarded Bid Package 1801 for roofing project at Monte Vista Elementary School. The District has received close-out confirmation from the Construction Manager and the work has been completed in accordance with the terms of the contract. Per Public Contract Code, Section 9201-9203 requires the local agency to withhold retention from their contract price until final completion and acceptance of the project. **Bid Package was within budget and there were no changes orders.**

| Bid Package | School | Amount | 10% Retention | Contractor |
|-------------|----------------|-----------|---------------|---------------------------------|
| 1801 | Monte Vista ES | \$464,464 | \$46,446.40 | Best Contracting Services, Inc. |

FUNDING:

Total Emergency Repair Program Grant: \$46,446.40 (10% retention)
Temporarily utilizing Measure G funding until funds are received from OPSC.

RECOMMENDATION:

Accept the March 22, 2011, completion of contract with Best Contracting Services, Inc. for Bid Package 1801 for a roofing project at Monte Vista Elementary School in the amount of \$46,446.40 utilizing Measure G funds with an anticipated reimbursement from the State at a later date.

AGENDA ITEM BACKUP SHEET

2.0

March 22, 2011

Board Meeting

TITLE: Approval to Name Valley High School Academy of Automotive The George P. Heidler, Jr. Academy of Automotive – Transportation - Logistics

ITEM: Action

SUBMITTED BY: Jane A. Russo, Superintendent

Joe Dixon, Assistant Superintendent, Facilities & Governmental Relations

BACKGROUND INFORMATION:

The purpose of this agenda item is to seek Board approval to name Valley High School Academy of Automotive The George P. Heidler, Jr. Academy of Automotive – Transportation – Logistics.

RATIONALE:

In accordance with Board Policy (BP) and Administrative Regulation (AR) 7310 – Naming of a School/Facility, a consensus of the school community of Valley High School has requested for the Board of Education to approve the naming Valley High School Academy of Automotive The George P. Heidler, Jr. Academy of Automotive – Transportation – Logistics.

George Heidler became a High School Inc. (HSI) benefactor, founder, advocate, mentor, leader and friend. He is credited with unequalled and extraordinary leadership in the following:

1. The first President of the High School Inc. Academies at Valley High School Board of Directors serving from 2006 to 2009.
2. The Chair of the HSI Automotive/Transportation Academy advisory committee since its inception.
3. Partnered first hand with the SAUSD board and Superintendent in the formation and launch of HSI.
4. Team member in conducting due diligence research and visitation nationwide of successful career technical institutions in search of best practices.
5. Organization of HSI/VHS business/education teams to attend International Center for Leadership in Education Conferences drawing from 18 years of research by the Center in structuring HSI.
6. Design and modernization of the Automotive Academy facilities, including working to put in a floor on the weekend.
7. Advocating HSI before the Orange County Automobile Dealership Association and becoming its chairman.
8. Securing funding for a consultant to lead HSI Automotive Academy through the NATEF (Spell out) national accreditation process, which when completed in 2011-2012 will make HSI the first NATEF certified high School in Orange County.

RECOMMENDATION:

Approve the Valley High School Academy of Automotive The George P. Heidler, Jr. Academy of Automotive – Transportation – Logistics.

AGENDA ITEM BACKUP SHEET
March 22, 2011

Board Meeting

TITLE: Approval to Rename Sierra Intermediate School to Sierra Preparatory Academy

ITEM: Action

SUBMITTED BY: Jane A. Russo, Superintendent

Dawn Miller, Assistant Superintendent, Secondary Education 

BACKGROUND INFORMATION:

The purpose of this agenda item is to request Board authorization to rename the Sierra Intermediate School to Sierra Preparatory Academy.

RATIONALE:

In accordance with Board Policy (BP) and Administrative Regulation (AR) 7310 – Naming of a School/Facility, the Board of Education is requested to approve the renaming of Sierra Intermediate School to Sierra Preparatory Academy.

As part of the School Improvement Transformational Plan, a matrix has been implemented focusing on safety, integrity, excellence, respect, responsibility and a positive attitude. This name change would affirm the academic and cultural excellence.

FUNDING:

Not Applicable

RECOMMENDATION:

Approve the renaming of Sierra Intermediate School to Sierra Preparatory Academy.

AGENDA ITEM BACKUP SHEET
March 22, 2011

Board Meeting

TITLE: Adoption of Assembly Bill 602 Annual Budget and Service Plans for School Year 2010-11

ITEM: Action

SUBMITTED BY: Doreen Lohnes, Assistant Superintendent, Support Services *DL*

BACKGROUND INFORMATION:

The Assembly Bill (AB) 602, Chapter 654, Statutes of 1997 added requirements to local plans, specifically in the area of Special Education Local Plan Area (SELPA) governance and public participation. The AB 602 requires SELPAs to submit annual budget and service plans that are adopted at a public hearing by the governing board of the SELPA.

RATIONALE:

As required in Education Code Section 56205, these plans must identify expected expenditures and include a description of services provided in the 2010-11 school year and the physical location of the services. The plans must also demonstrate that individuals with disabilities have access to services and instruction appropriate to meet their needs, as specified in the Individualized Education Programs (IEPs).

FUNDING:

Not Applicable

RECOMMENDATION:

Adopt Assembly Bill 602 Annual Budget and Service Plans for school year 2010-11.

ANNUAL BUDGET PLAN
FISCAL YEAR: 2010-2011

The Annual Budget Plan shall identify expected expenditures for all items required by this part as listed below. The SACS Codes provide source information from the LEA(s) reporting.

| | Reference/Label | Instructions | Totals |
|---|--|--|--------------|
| A | Funds received in accordance with Chapter 7.2 (commencing with Section 56836). (Special Education Program Funding) | SACS Resource Code 6500 (State), 3300-3499 (Federal) 6515-6535 (Gen Fund) | \$42,512,817 |
| B | Administrative costs of the plan. | SACS Goal Code 5001 Function 2100 | \$2,241,834 |
| C | Special Education services to pupils with severe disabilities (1) and low incidence disabilities (2). | SACS Goal Code 5710 | \$805,545 |
| | | SACS Goal Code 5730 | \$5,716,107 |
| | | SACS Goal Code 5750 | \$24,239,394 |
| D | Special education services to pupils with non-severe disabilities . | SACS Goal Code 5770 | \$43,225,152 |
| E | Supplemental aids and services to meet the individual needs of pupils placed in regular education classrooms and environments. | Any SACS Goal Code with SACS Function Code 1130 ¹ | \$2,247,146 |
| F | Regionalized operations and services, and direct instructional support by program specialists in accordance with Article 6 (commencing with Section 56836.23) of Chapter 7.2. (SELPA Program Specialists Funding) | SACS Goal Code 5050 | \$0.00 |
| | | SACS Goal Code 5060 | \$1,104,213 |
| G | The use of property taxes allocated to the special education local plan area pursuant to Section 2572. | SAUSD does not receive property taxes | |

¹ Function Activity Classification can be located at:
<http://www.cde.ca.gov/be/ag/ag/yr08/mar08item24a6.doc>

SELPA:3018 Santa Ana Unified SELPA

LEA:3066670 SANTA ANA UNIFIED

| Annual Service Report (001) | | |
|---|------------------|---|
| Site name and type of facility providing services to students enrolled in the LEA | | Services Provided at this Location |
| Site Name | Type of Facility | CASEMIS code associated with each service that is provided at the location listed in the left hand column. |
| 0108365 Segerstrom High | 10 | 330 415 425 435 436 450 460 510 515 520 530 710 725 820 830 840 865 890 |
| 0108373 Manuel Esqueda Elementary | 10 | 330 415 425 435 450 515 |
| 0114736 Hector G. Godinez | 10 | 330 415 510 515 530 545 710 720 725 820 830 840 850 890 900 |
| 0116582 Heroes Elementary | 10 | 330 415 425 450 460 |
| 3030491 Century High | 10 | 330 415 425 435 450 460 510 515 530 710 720 820 830 840 850 870 890 900 |
| 3030582 Santa Ana Unified Adult | 10 | 330 435 450 460 510 515 730 820 830 840 850 855 865 870 890 900 |
| 3035821 Saddleback High | 10 | 330 415 425 436 445 450 460 510 515 530 710 720 725 820 830 840 850 855 860 865 890 900 |
| 3036357 Santa Ana High | 10 | 330 415 425 435 445 450 460 510 515 530 535 710 720 820 830 840 850 855 870 890 900 |
| 3036456 Valley High | 10 | 330 340 415 425 435 445 450 460 510 515 530 710 720 725 730 820 830 840 850 870 890 900 |
| 6030209 Adams Elementary | 10 | 330 415 425 436 450 460 510 |
| 6030217 Jackson (Andrew) Elementary | 10 | 330 415 450 |
| 6030225 Harvey (Carl) Elementary | 10 | 330 415 425 445 450 460 510 725 |
| 6030233 Diamond Elementary | 10 | 330 415 425 435 450 |
| 6030241 Edison (Thomas A.) Elementary | 10 | 330 415 450 460 725 730 |
| 6030266 Fremont Elementary | 10 | 330 415 425 435 450 460 710 720 900 |
| 6030274 Hoover Elementary | 10 | 330 415 425 450 710 720 |

| Please ensure that the following are included on this form: (Ages 6-22) | |
|---|---|
| 10-Public Day School School | 20-Continuation School |
| 19-Other Public School/Facility | 31- Community School |
| 24-Independent Study | 15-Special Education Center/Facility |
| 11-Public Residential School | 22- Alternative Work Education |
| 56- Charter School (operated AS an LEA | 55- Charter School (operated as by an LEA |

SELPA:3018 Santa Ana Unified SELPA

LEA:3066670 SANTA ANA UNIFIED

| Annual Service Report (001) | | |
|---|------------------|--|
| Site name and type of facility providing services to students enrolled in the LEA | | Services Provided at this Location |
| Site Name | Type of Facility | CASEMIS code associated with each service that is provided at the location listed in the left hand column. |
| 6030282 Jefferson Elementary | 10 | 330 415 425 450 900 |
| 6030308 Lincoln (Abraham) Elementary | 10 | 330 415 425 435 450 460 725 |
| 6030316 Lowell Elementary | 10 | 330 415 425 450 460 |
| 6030324 Madison Elementary | 10 | 330 415 425 450 460 710 720 |
| 6030332 Martin Elementary | 10 | 330 415 425 450 515 710 720 725 |
| 6030357 Monroe Elementary | 10 | 330 415 425 450 |
| 6030365 Monte Vista Elementary | 10 | 330 415 |
| 6030399 Roosevelt (Theodore) Elementary | 10 | 330 340 415 425 435 450 460 710 720 725 |
| 6030407 Santiago Elementary | 10 | 330 415 425 435 445 450 725 |
| 6030415 Sierra Intermediate | 10 | 330 415 425 445 450 460 510 725 900 |
| 6030431 Washington Elementary | 10 | 330 415 425 435 445 450 725 730 900 |
| 6030449 Wilson Elementary | 10 | 330 415 450 |
| 6058978 Lathrop (Julia C.) Intermediate | 10 | 330 415 425 450 510 |
| 6058986 Carr (Gerald P.) Intermediate | 10 | 330 415 425 435 436 445 450 460 510 515 525 530 610 |
| 6061741 McFadden Intermediate | 10 | 330 350 415 425 435 436 445 450 460 510 515 710 720 725 730 735 900 |
| 6061758 Willard Intermediate | 10 | 330 415 425 445 450 460 510 515 535 860 |

| | |
|---|--|
| Please ensure that the following are included on this form: (Ages 6-22) | |
| 10-Public Day School School | 20-Continuation School |
| 19-Other Public School/Facility | 31- Community School |
| 24-Independent Study | 15-Special Education Center/Facility |
| 11-Public Residential School | 22- Alternative Work Education |
| 56- Charter School(operated AS an LEA | 55- Charter School(operated as by an LEA |

SELPA:3018 Santa Ana Unified SELPA

LEA:3066670 SANTA ANA UNIFIED

| Annual Service Report (001) | | |
|---|------------------|--|
| Site name and type of facility providing services to students enrolled in the LEA | | Services Provided at this Location |
| Site Name | Type of Facility | CASEMIS code associated with each service that is provided at the location listed in the left hand column. |
| 6071195 Taft Elementary | 10 | 330 340 415 425 436 445 450 710 715 720 725 900 |
| 6094684 Spurgeon Intermediate | 10 | 330 415 425 450 510 |
| 6095152 Franklin Elementary | 10 | 330 415 425 |
| 6098552 Muir (John) Fundamental | 10 | 330 340 415 425 435 436 450 460 710 720 725 730 900 |
| 6099816 Greenville Fundamental | 10 | 330 415 425 436 450 460 510 900 |
| 6102826 Mac Arthur (Douglas) Fundamental Intermediate | 10 | 330 415 725 |
| 6102875 Remington (Frederick) Elementary | 10 | 330 415 425 445 450 515 535 900 |
| 6106165 Sepulveda (Jose) Elementary | 10 | 330 415 425 450 710 720 |
| 6107692 Kennedy (John F.) | 10 | 330 415 425 435 450 725 730 |
| 6108484 Garfield Elementary | 10 | 330 415 425 450 725 |
| 6109904 Pio Pico Elementary | 10 | 330 415 450 |
| 6110175 Carver (George Washington) Elementary | 10 | 330 415 425 450 |
| 6110183 Heninger (Martin R.) Elementary | 10 | 330 415 435 510 720 725 735 900 |
| 6111298 Walker Elementary | 10 | 330 415 425 450 460 710 720 |
| 6113377 King (Martin Luther Jr) Elementary | 10 | 330 415 425 450 460 710 720 |
| 6114631 Davis (Wallace R.) Elementary | 10 | 330 415 900 |

| | |
|---|--|
| Please ensure that the following are included on this form: (Ages 6-22) | |
| 10-Public Day School School | 20-Continuation School |
| 19-Other Public School/Facility | 31- Community School |
| 24-Independent Study | 15-Special Education Center/Facility |
| 11-Public Residential School | 22- Alternative Work Education |
| 56- Charter School(operated AS an LEA | 55- Charter School(operated as by an LEA |

SELPA:3018 Santa Ana Unified SELPA

LEA:3066670 SANTA ANA UNIFIED

| Annual Service Report (001) | | |
|---|------------------|--|
| Site name and type of facility providing services to students enrolled in the LEA | | Services Provided at this Location |
| Site Name | Type of Facility | CASEMIS code associated with each service that is provided at the location listed in the left hand column. |
| 6115588 Villa (Raymond A) Fundamental Intermediate | 10 | 330 415 425 450 460 510 720 900 |
| 6115836 Romero-Cruz (Lydia) Elem | 10 | 330 415 450 |
| 6116917 Thorpe (Jim) Fundamental | 10 | 330 415 425 |
| 6117899 Mendez (Gonzalo Felicitas) Fundamental Intermediat | 10 | 330 415 425 450 515 |
| 7102387 Pyramid Autism Center | 70 | 330 415 450 |
| 8030475 Cesar E Chavez High | 20 | 330 820 840 |
| 8034998 Lorin Grisett | 20 | 330 515 820 830 |
| 6115133 Santa Ana Community Day | 31 | 330 510 515 |
| 0101626 Edward B. Cole Academy | 55 | 330 415 |
| 0106567 Therapeutic Education Center | 70 | 330 710 720 820 850 |
| 0109066 Orange County Educational Arts Academy | 55 | 330 340 415 425 445 510 515 900 |
| 8030723 Orange County High School of the Arts | 55 | 330 415 510 530 830 |
| 6119127 El Sol Santa Ana Science and Arts Charter Aca | 55 | 330 415 425 |

| | |
|---|--|
| Please ensure that the following are included on this form: (Ages 6-22) | |
| 10-Public Day School School | 20-Continuation School |
| 19-Other Public School/Facility | 31- Community School |
| 24-Independent Study | 15-Special Education Center/Facility |
| 11-Public Residential School | 22- Alternative Work Education |
| 56- Charter School(operated AS an LEA | 55- Charter School(operated as by an LEA |

SELPA:3018 Santa Ana Unified SELPA

LEA:3066670 SANTA ANA UNIFIED

| Other Facility (002) | | |
|---|------------------|--|
| Site name and type of facility providing services to students enrolled in the LEA | | Services Provided at this Location |
| Site Name | Type of Facility | CASEMIS code associated with each service that is provided at the location listed in the left hand column. |
| 3030582 Santa Ana Unified Adult | 40 | 820 840 890 900 |
| 6098552 Muir (John) Fundamental | 40 | 330 |
| 6130553 Rossier Park Elementary School | 70 | 330 510 515 |
| 6926471 Rossier Park Jr./Sr. High School | 70 | 330 415 425 510 515 530 830 840 850 855 870 |
| 6937278 Mardan School | 70 | 330 415 450 510 515 |
| 6937437 Speech and Language Development Center | 70 | 330 415 450 510 515 |
| 7085954 Therapeutic Education Center-Santa Ana - Site # 1 | 70 | 330 415 510 515 |
| 7102924 Canal Street Elementary School | 70 | 330 340 415 450 510 515 520 |
| 7072713 New Haven School - Vista | 71 | 330 515 |
| 6131114 Heritage Schools, Inc. | 72 | 330 510 515 530 900 |
| XXXXXX8 Out of State residential placement | 72 | 330 510 515 520 |

| Please ensure that the following are included on this form: (Ages 6-22) | |
|---|--------------------------|
| 30-Juvenile Court | 40-Home Instruction |
| 45-Hospital Facility | 50-Community College |
| 51-Adult Education Program | 70 -Nonpublic Day School |
| 71/72- Nonpublic Residential | 79- Nonpublic Agency |
| | |

SELPA:3018 Santa Ana Unified SELPA

LEA:3066670 SANTA ANA UNIFIED

Infant Services (003)

| Site name and type of facility providing services to students enrolled in the LEA | | Services Provided at this Location |
|---|------------------|--|
| Site Name | Type of Facility | CASEMIS code associated with each service that is provided at the location listed in the left hand column. |
| 6030290 Mitchell Child Development Center | 10 | 210 240 250 415 450 460 710 |
| 6071195 Taft Elementary | 10 | 210 240 415 710 720 |

Please ensure that the following are included on this form: (Ages 0-2)

| | |
|-------------------------------|------------------------------------|
| 40-Home | 45 Hospital Facility |
| 62-Child Devt. or Child Care | 65- Extended Day Care |
| 10 Public Day School | 19- Other Public School/Facilities |
| 11- Public Residential School | |
| 00-No School | |

SELPA:3018 Santa Ana Unified SELPA

LEA:3066670 SANTA ANA UNIFIED

| Pre-School Services 004 | | |
|---|------------------|--|
| Site name and type of facility providing services to students enrolled in the LEA | | Services Provided at this Location |
| Site Name | Type of Facility | CASEMIS code associated with each service that is provided at the location listed in the left hand column. |
| 6030274 Hoover Elementary | 10 | 415 |
| 6030290 Mitchell Child Development Center | 10 | 415 425 435 450 460 |
| 0108373 Manuel Esqueda Elementary | 10 | 330 415 450 |
| 0116582 Heroes Elementary | 10 | 330 415 450 460 710 725 |
| 6030209 Adams Elementary | 10 | 330 415 425 450 510 |
| 6030217 Jackson (Andrew) Elementary | 10 | 330 415 |
| 6030225 Harvey (Carl) Elementary | 10 | 330 415 425 |
| 6030233 Diamond Elementary | 10 | 415 |
| 6030241 Edison (Thomas A.) Elementary | 10 | 330 340 415 425 435 450 460 725 730 |
| 6030266 Fremont Elementary | 10 | 330 415 |
| 6030274 Hoover Elementary | 10 | 330 340 415 |
| 6030282 Jefferson Elementary | 10 | 330 415 425 450 |
| 6030290 Mitchell Child Development Center | 10 | 210 240 250 330 340 350 415 425 435 436 445 450 460 710 720 725 900 |
| 6030308 Lincoln (Abraham) Elementary | 10 | 330 415 |
| 6030316 Lowell Elementary | 10 | 330 415 450 |
| 6030324 Madison Elementary | 10 | 330 415 450 |

| | |
|--|-----------------------------------|
| Please ensure that the following are included on this form: (Ages 3-5) | |
| 40 Home Instruction/00 - No school | 45 Hospital Facility |
| 61-Head Start Program | 62- Child Devt. or Child Care |
| State Preschool Program | 64- Private Preschool |
| 65-Extended Day Care Program | 11- Public Residential School |
| 10-Public Day School | 19-Other Public School/Facilities |

SELPA:3018 Santa Ana Unified SELPA

LEA:3066670 SANTA ANA UNIFIED

| Pre-School Services 004 | | |
|---|------------------|--|
| Site name and type of facility providing services to students enrolled in the LEA | | Services Provided at this Location |
| Site Name | Type of Facility | CASEMIS code associated with each service that is provided at the location listed in the left hand column. |
| 6030332 Martin Elementary | 10 | 330 415 |
| 6030357 Monroe Elementary | 10 | 330 415 |
| 6030365 Monte Vista Elementary | 10 | 330 415 |
| 6030399 Roosevelt (Theodore) Elementary | 10 | 330 415 425 450 460 |
| 6030407 Santiago Elementary | 10 | 330 415 425 450 |
| 6030431 Washington Elementary | 10 | 330 415 425 450 |
| 6030449 Wilson Elementary | 10 | 330 415 450 |
| 6071195 Taft Elementary | 10 | 330 350 415 450 460 535 710 715 720 |
| 6095152 Franklin Elementary | 10 | 330 415 |
| 6098552 Muir (John) Fundamental | 10 | 330 415 425 435 450 725 |
| 6099816 Greenville Fundamental | 10 | 330 415 435 710 720 900 |
| 6102875 Remington (Frederick) Elementary | 10 | 330 415 450 |
| 6106165 Sepulveda (Jose) Elementary | 10 | 330 415 |
| 6107692 Kennedy (John F.) | 10 | 330 415 425 435 450 |
| 6108484 Garfield Elementary | 10 | 330 415 |
| 6109904 Pio Pico Elementary | 10 | 330 415 |

| Please ensure that the following are included on this form: (Ages 3-5) | |
|--|-----------------------------------|
| 40 Home Instruction/00 - No school | 45 Hospital Facility |
| 61-Head Start Program | 62- Child Devt. or Child Care |
| State Preschool Program | 64- Private Preschool |
| 65-Extended Day Care Program | 11- Public Residential School |
| 10-Public Day School | 19-Other Public School/Facilities |

SELPA:3018 Santa Ana Unified SELPA

LEA:3066670 SANTA ANA UNIFIED

| Pre-School Services 004 | | |
|---|------------------|--|
| Site name and type of facility providing services to students enrolled in the LEA | | Services Provided at this Location |
| Site Name | Type of Facility | CASEMIS code associated with each service that is provided at the location listed in the left hand column. |
| 6110175 Carver (George Washington) Elementary | 10 | 330 415 425 436 450 |
| 6110183 Heninger (Martin R.) Elementary | 10 | 330 415 |
| 6111298 Walker Elementary | 10 | 330 415 450 460 725 |
| 6113377 King (Martin Luther Jr) Elementary | 10 | 330 415 |
| 6114631 Davis (Wallace R.) Elementary | 10 | 330 415 450 |
| 6116917 Thorpe (Jim) Fundamental | 10 | 415 |
| 6030225 Harvey (Carl) Elementary | 10 | 330 |

| Please ensure that the following are included on this form: (Ages 3-5) | |
|--|-----------------------------------|
| 40 Home Instruction/00 - No school | 45 Hospital Facility |
| 61-Head Start Program | 62- Child Devt. or Child Care |
| State Preschool Program | 64- Private Preschool |
| 65-Extended Day Care Program | 11- Public Residential School |
| 10-Public Day School | 19-Other Public School/Facilities |

CALIFORNIA SPECIAL EDUCATION MANAGEMENT INFORMATION SYSTEM (CASEMIS)

California Department of Education
Form ASP-01a (rev 10/08)

SERVICE DESCRIPTIONS

SELPA SANTA ANA UNIFIED (SAUSD)

Special Education Division

| CASEMIS Code | SPECIAL EDUCATION SERVICE CATEGORY DESCRIPTIONS | Adopted | Modified | Not Currently Utilized | Compliance Standard (Legal Requirement) |
|--------------|---|---------|----------|------------------------------|--|
| 210 | Family training, counseling, and home visits(ages 0-2 only): This service includes: services provided by social workers, psychologists, or other qualified personnel to assist the family in understanding the special needs of the child and enhancing the child's development. Note: Services provided by specialists (such as medical services, nursing services, occupational therapy, and physical therapy) for a specific function should be coded under the appropriate service category, even if the services were delivered in the home. | X | | | 34 CFR sections 300.34 (c)(3), 300.226 |
| 220 | Medical services (for evaluation only) (ages 0-2 only): Services provided by a licensed physician to determine a child's developmental status and need for early intervention services. | | | X | 34 CFR sections 300.34 (c)(3), 300.226 |
| 230 | Nutrition services (ages 0-2 only): These services include conducting assessments in: nutritional history and dietary intake; anthropometric, biochemical, and clinical variables; feeding skills and feeding problems; and food habits and food preferences. | | | X | 34 CFR sections 300.34 (c)(3), 300.226 |
| 240 | Service coordination (ages 0-2 only) | X | | | 34 CFR sections 300.34 (c)(3), 300.226 |
| 250 | Special instruction (ages 0-2 only): Special instruction includes: the design of learning environments and activities that promote the child's acquisition of skills in a variety of developmental areas, including cognitive processes and social interaction; curriculum planning, including the planned interaction of personnel, materials, and time and space, that leads to achieving the outcomes in the child's IFSP, providing families with information, skills, and support related to enhancing the skill development of the child; and working with the child to enhance the child's development. | X | | | 34 CFR sections 300.34 (c)(3), 300.226 |

Services will be provided in the school of attendance unless otherwise determined by the IEP team.

An Annual Service Location Report based on these codes will be generated using CASEMIS and available at the district office by March 31.

CALIFORNIA SPECIAL EDUCATION MANAGEMENT INFORMATION SYSTEM (CASEMIS)

California Department of Education
Form ASP-01a (rev 10/08)

SERVICE DESCRIPTIONS

SELPA SANTA ANA UNIFIED (SAUSD)

Special Education Division

| CASEMIS Code | SPECIAL EDUCATION SERVICE CATEGORY DESCRIPTIONS | Adopted | Modified | Not Currently Utilized | Compliance Standard (Legal Requirement) |
|--------------|---|---------|----------|------------------------------|--|
| 260 | Special education aide in regular development class, childcare center or family childcare home (ages 0-2 only) | | | X | 34 CFR sections 300.34 (c)(3), 300.226 |
| 270 | Respite care services (ages 0-2 only): Through the IFSP process, short-term care given in-home or out-of-home, which temporarily relieves families of the ongoing responsibility for specialized care for child with a disability (Note: only for infants and toddlers from birth through 2, but under 3.) | | | X | 34 CFR sections 300.34 (c)(3), 300.226 |
| 330 | Specialized academic instruction: Adapting, as appropriate to the needs of the child with a disability the content, methodology, or delivery of instruction to ensure access of the child to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the public agency that apply to all children. | X | | | 34 CFR section 300.39(b)(3) |
| 340 | Intensive individual instruction: IEP Team determination that student requires additional support for all or part of the day to meet his or her IEP | X | | | 30 EC section 56364 |
| 350 | Individual and small group instruction: Instruction delivered one-to-one or in a small group as specified in an IEP enabling the individual(s) to participate effectively in the total school program | X | | | 5 CCR section 3051; 30 EC section 56441.2 |

Services will be provided in the school of attendance unless otherwise determined by the IEP team.

An Annual Service Location Report based on these codes will be generated using CASEMIS and available at the district office by March 31.

CALIFORNIA SPECIAL EDUCATION MANAGEMENT INFORMATION SYSTEM (CASEMIS)

California Department of Education
Form ASP-01a (rev 10/08)

SERVICE DESCRIPTIONS

SELPA SANTA ANA UNIFIED (SAUSD)

Special Education Division

| CASEMIS Code | SPECIAL EDUCATION SERVICE CATEGORY DESCRIPTIONS | Adopted | Modified | Not Currently Utilized | Compliance Standard (Legal Requirement) |
|--------------|--|---------|----------|------------------------------|--|
| 415 | Language and speech: Language and speech services provide remedial intervention for eligible individuals with difficulty understanding or using spoken language. The difficulty may result from problems with articulation (excluding abnormal swallowing patterns, if that is the sole assessed disability); abnormal voice quality, pitch, or loudness; fluency; hearing loss; or the acquisition, comprehension, expression of spoken language. Language deficits or speech patterns resulting from unfamiliarity with the English language and from environmental, economic or cultural factors are not included. Services include; specialized instruction and services; monitoring, reviewing, and consultation. They may be direct or indirect including the use of a speech consultant. | X | | | 5 CCR section 3051.1; 30 EC section 56363; 34 CFR sections 300.34 (c)(15), 300.8 (c)(11) |
| 425 | Adapted physical education: Direct physical education services provided by an adapted physical education specialist to pupils who have needs that cannot be adequately satisfied in other physical education programs as indicated by assessment and evaluation of motor skills performance and other areas of need. It may include individually designed developmental activities, games, sports and rhythms, for strength development and fitness, suited to the capabilities, limitations, and interests of individual students with disabilities who may not safely, successfully or meaningfully engage in unrestricted participation in the vigorous activities of the general or modified physical | X | | | 5 CCR section 3051.5; 30 EC section 56363; 34 CFR sections 300.108, 300.39 (b)(2) |
| 435 | Health and nursing – specialized physical health care services: Specialized physical health care services means those health services prescribed by the child's licensed physician and surgeon, requiring medically related training of the individual who performs the services and which are necessary during the school day to enable the child to attend school (5 CCR Section 3051.12(b)). Specialized physical health care services include but are not limited to suctioning, oxygen administration, catheterization, nebulizer treatments, insulin administration and glucose testing. | X | | | 5 CCR section 3051.12; 30 EC section 56363; 34 CFR section 300.107; CEC section 49423.5(d) |

Services will be provided in the school of attendance unless otherwise determined by the IEP team.

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| 436 | Health and nursing – other services: This includes services that are provided to individuals with exceptional needs by a qualified individual pursuant to an IEP when a student has health problems which require nursing intervention beyond basic school health services. Services include managing the health problem, consulting with staff, group and individual counseling, making appropriate referrals and maintaining communication with agencies and health care providers. These services do not include any physician-supervised or specialized health care service. IEP-required health and nursing services are expected to supplement the regular health services program. | X | | | 5 CCR section 3051.12; 30 EC section 56363; 34 CFR section 300.107 |
| 445 | Assistive technology services: Any specialized training or technical support for the incorporation of assistive devices, adapted computer technology or specialized media with the educational programs to improve access for students. The term includes a functional analysis of the student's needs for assistive technology; selecting, designing, fitting, customizing, or repairing appropriate devices; coordinating services with assistive technology devices; training or technical assistance for students with a disability, the student's family, individuals providing education or rehabilitation services, and employers. | X | | | 5 CCR section 3051.16; 30 EC section 56363; 34 CFR sections 300.6, 300.105 |

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| 450 | Occupational therapy: Occupational Therapy (OT) includes services to improve student's educational performance, postural stability, self-help abilities, sensory processing and organization, environmental adaptation and use of assistive devices, motor planning and coordination, visual perception and integration, social and play abilities, and fine motor abilities. Both direct and indirect services may be provided within the classroom, other educational settings or the home; in a group or on an individual basis; and may include therapeutic techniques to develop abilities; adaptations to the student's environment or curriculum; and consultation and collaboration with other staff and parents. Services are provided, pursuant to an IEP, by a qualified occupational therapist registered with the American Occupational Therapy Certification Board. | X | | | 5 CCR section 3051.6; 30 EC section 56363; 34 CFR section 300.34 (c)(6) |
| 460 | Physical therapy: These services are provided, pursuant to an IEP, by a registered physical therapist, or physical therapist assistant, when assessment shows a discrepancy between gross motor performance and other educational skills. Physical therapy includes, but is not limited to, motor control and coordination, posture and balance, self-help, functional mobility, accessibility and use of assistive devices. Services may be provided within the classroom, other educational settings or in the home; and may occur in groups or individually. These services may include adaptations to the student's environment and curriculum, selected therapeutic techniques and activities, and consultation and collaborative interventions with staff and parents. | X | | | 5 CCR section 3051.6; 30 EC section 56363; 34 CFR section 300.34 (c)(9); B&PC Chapter 5.7 section 2600 - 2696; GC-Interagency Agreement Chapter 26.5 section 7575(a)(2) |
| 510 | Individual counseling: One-to-one counseling, provided by a qualified individual pursuant to an IEP. Counseling may focus on aspects, such as educational, career, personal; or be with parents or staff members on learning problems or guidance programs for students. Individual counseling is expected to supplement the regular guidance and counseling program. | X | | | 5 CCR section 3051.9; 34 CFR section 300.34(c)(2) |

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| 515 | Counseling and guidance: Counseling in a group setting, provided by a qualified individual pursuant to an IEP. Group counseling is typically social skills development, but may focus on aspects, such as educational, career, personal; or be with parents or staff members on learning problems or guidance programs for students. IEP-required group counseling is expected to supplement the regular guidance and counseling program. Guidance services include interpersonal, intrapersonal or family interventions, performed in an individual or group setting by a qualified individual pursuant to an IEP. Specific programs include social skills development, self-esteem building, parent training, and assistance to special education students supervised by staff credentialed to serve special education students. These services are expected to supplement the regular guidance and counseling | X | | | 34 CFR sections 300.24.(b)(2), 300.306; 5 CCR section 3051.9 |
| 520 | Parent counseling: Individual or group counseling provided by a qualified individual pursuant to an IEP to assist the parent(s) of special education students in better understanding and meeting their child's needs; may include parenting skills or other pertinent issues. IEP-required parent counseling is expected to supplement the regular guidance and counseling program. | X | | | 5 CCR section 3051.11; 34 CFR section 300.34(c)(8) |
| 525 | Social work services: Social Work services, provided pursuant to an IEP by a qualified individual, includes, but are not limited to, preparing a social or developmental history of a child with a disability; group and individual counseling with the child and family; working with those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school; and mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program. Social work services are expected to supplement the regular guidance and counseling | | | X | 5 CCR section 3051.13; 34 CFR section 300.34(c)(14) |

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| 530 | Psychological services: These services, provided by a credentialed or licensed psychologist pursuant to an IEP, include interpreting assessment results to parents and staff in implementing the IEP; obtaining and interpreting information about child behavior and conditions related to learning; planning programs of individual and group counseling and guidance services for children and parents. These services may include consulting with other staff in planning school programs to meet the special needs of children as indicated in the IEP. IEP-required psychological services are expected to supplement the regular guidance and counseling program. | X | | | 5 CCR section 3051.10; 34 CFR section 300.34 (c)(10) |
| 535 | Behavior intervention services: A systematic implementation of procedures designed to promote lasting, positive changes in the student's behavior resulting in greater access to a variety of community settings, social contacts, public events, and placement in the least restrictive environment. | X | | | 5 CCR section 3001(d); 34 CFR section 300.34 (c)(10) |
| 540 | Day treatment services: Structured education, training and support services to address the student's mental health needs. | X | | | Health & Safety Code, Div.2, Chap.3, Article 1, section 1502(a) |
| 545 | Residential treatment services: A 24-hour out-of-home placement that provides intensive therapeutic services to support the educational program. | X | | | Welfare and Institutions Code, Part 2, Chapter 2.5, Art. 1, section 5671 |
| 610 | Specialized services for low incidence disabilities: Low incidence services are defined as those provided to the student population of orthopedically impaired (OI), visually impaired (VI), deaf, hard of hearing (HH), or deaf-blind (DB). Typically, services are provided in education settings by an itinerant teacher or the itinerant teacher/specialist. Consultation is provided to the teacher, staff and parents as needed. These services must be clearly written in the student's IEP, including frequency and duration of the services to the | X | | | 5 CCR sections 3051.16, 3051.18; 34 CFR section 300.34 |

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| 710 | Specialized deaf and hard of hearing services: These services include speech therapy, speech reading, auditory training and/or instruction in the student's mode of communication. Rehabilitative and educational services; adapting curricula, methods, and the learning environment; and special consultation to students, parents, teachers, and other school personnel may also be included. | X | | | 5 CCR sections 3051.16, 3051.18; 34 CFR section 300.34 |
| 715 | Interpreter services: Sign language interpretation of spoken language to individuals, whose communication is normally sign language, by a qualified sign language interpreter. This includes conveying information through the sign system of the student or consumer and tutoring students regarding class content through the sign system of the student. | X | | | 5 CCR section 3051.16; 34 CFR section 300.34 (c)(4) |
| 720 | Audiovisual services: These services include measurements of acuity, monitoring amplification, and Frequency Modulation system use. Consultation services with teachers, parents or speech pathologists must be identified in the IEP as to reason, frequency and duration of contact; infrequent contact is considered assistance and would not be included. | X | | | 5 CCR section 3051.2; 34 CFR section 300.34 (c)(1) |
| 725 | Specialized vision services: This is a broad category of services provided to students with visual impairments. It includes assessment of functional vision; curriculum modifications necessary to meet the student's educational needs -- including Braille, large type, aural media; instruction in areas of need; concept development and academic skills; communication skills (including alternative modes of reading and writing); social, emotional, career, vocational, and independent living skills. It may include coordination of other personnel providing services to the students (such as transcribers, readers, counselors, orientation & mobility specialists, career/vocational staff, and others) and collaboration with the student's classroom teacher. | X | | | 5 CCR section 3030(d); 30 EC section 56364.1 |

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| 730 | Orientation and mobility: Students with identified visual impairments are trained in body awareness and to understand how to move. Students are trained to develop skills to enable them to travel safely and independently around the school and in the community. It may include consultation services to parents regarding their children requiring such services according to an IEP. | X | | | 5 CCR section 3051.3; 30 EC section 56363; 34 CFR section 300.34 (c)(7) |
| 735 | Braille transcription: Any transcription services to convert materials from print to Braille. It may include textbooks, tests, worksheets, or anything necessary for instruction. The transcriber should be qualified in English Braille as well as Nemeth Code (mathematics) and be certified by appropriate agency. | X | | | 5 CCR section 3051.16; 30 EC section 56363; 34 CFR section 300.8 (c)(13) |
| 740 | Specialized orthopedic services: Specially designed instruction related to the unique needs of students with orthopedic disabilities, including specialized materials and equipment. | X | | | 5 CCR sections 3030(e), 3051.16; 30 EC section 56363; 34 CFR section 300.8 (c)(8) |
| 745 | Reading Services | | | X | 5 CCR section 3051.16 |
| 750 | Note taking services: Any specialized assistance given to the student for the purpose of taking notes when the student is unable to do so independently. This may include, but is not limited to, copies of notes taken by another student, transcription of tape-recorded information from a class, or aide designated to take notes. This does not include instruction in the process of learning how to take notes. | | | X | 5 CCR section 3051.16 |
| 755 | Transcription Services Any transcription service to convert materials from print to a mode of communication suitable for the student. This may also include dictation services as it may pertain to textbooks, tests, worksheets, or anything necessary for instruction. | X | | | 5 CCR section 3051.16 |

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| 760 | Recreation services, includes therapeutic recreation : therapeutic recreation and specialized instructional programs designed to assist pupils to become as independent as possible in leisure activities, and when possible and appropriate, facilitate the pupil's integration into general recreation programs. | | | X | 5 CCR section 3051.15; 34 CFR section 300.34 (c)(11) |
| 820 | College Awareness College awareness is the result of acts that promote and increase student learning about higher education opportunities, information and options that are available including, but not limited to career planning, course prerequisites, admission eligibility and financial aid. | X | | | 34 CFR sections 300.39 (b)(5), 300.43 |
| 830 | Vocational assessment, counseling, guidance, and career assessment: Organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment and may include provision for work experience, job coaching, development and/or placement, and situational assessment. This includes career counseling to assist student in assessing his/her aptitudes, abilities, and interests in order to make realistic career decisions. | X | | | 5 CCR section 3051.14; 34 CFR sections 300.39 (b)(5), 300.43 |
| 840 | Career awareness: Transition services include a provision for in paragraph (1)(c)(vi), self-advocacy, career planning, and career guidance. This comment also emphasized the need for coordination between this provision and the Perkins Act to ensure that students with disabilities in middle schools will be able to access vocational education funds. | X | | | 5 CCR section 3051.14; 34 CFR sections 300.39 (b)(5), 300.43 |
| 850 | Work experience education: Work experience education means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree. | X | | | 5 CCR section 3051.14; 34 CFR sections 300.39 (b)(5), 300.43 |

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| 855 | Job Coaching Job coaching is a service that provides assistance and guidance to an employee who may be experiencing difficulty with one or more aspects of the daily job tasks and functions. The service is provided by a job coach who is highly successful, skilled and trained on the job who can determine how the employee that is experiencing difficulty learns best and formulate a training plan to improve job performance. | X | | | 5 CCR section 3051.14; 34 CFR sections 300.39 (b)(5), 300.43 |
| 860 | Mentoring: Mentoring is a sustained coaching relationship between a student and teacher through on-going involvement and offers support, guidance, encouragement and assistance as the learner encounters challenges with respect to a particular area such as acquisition of job skills. Mentoring can be either formal as in planned, structured instruction or informal that occurs naturally through friendship, counseling and collegiality in a casual, unplanned | | | X | 5 CCR section 3051.14; 34 CFR sections 300.39 (b)(5), 300.43 |
| 865 | Agency linkages (referral and placement): Service coordination and case management that facilitates the linkage of individualized education programs under this part and individualized family service plans under part C with individualized service plans under multiple Federal and State programs, such as title I of the Rehabilitation Act of 1973 (vocational rehabilitation), title XIX of the Social Security Act (Medicaid), and title XVI of the Social Security Act (supplemental security income). | X | | | 30 EC section 56341.5 (f); 34 CFR section 300.344 (3)(b) |
| 870 | Travel Training (includes mobility training) | X | | | 5 CCR section 3051.3; 34 CFR sections 300.39 (c)(7) |
| 890 | Other transition services: These services may include program coordination, case management and meetings, and crafting linkages between schools and between schools and post-secondary agencies. | X | | | |

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| 900 | Other special education/related services: Any other specialized service required for a student with a disability to receive educational benefit. | | X | | |

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An Annual Service Location Report based on these codes will be generated using CASEMIS and available at the district office by March 31.

AGENDA ITEM BACKUP SHEET**March 22, 2011****Board Meeting**

TITLE: **Approval of Agreement for Provision of Educationally-Related Mental Health Services With County of Orange Health Care Agency**

ITEM: **Action**

SUBMITTED BY: **Doreen Lohnes, Assistant Superintendent, Support Services** 

BACKGROUND INFORMATION:

The purpose of this agenda item is to seek Board approval of the Memorandum of Understanding with the Orange County Health Care Agency (HCA) to ensure provision of AB 3632 Mental Health services for students with disabilities until July 1, 2011. The cost is \$120,000 for services to approximately 27 students.

This agenda item is not to be confused with the December 14, 2010 Board agenda item that focused on potential litigation toward enforcing a former MOU with HCA. The future of that litigation is now under review in light of interim agreements that were reached with the HCA.

RATIONALE:

In responses to the challenges of the former Governor's veto of AB 3632 funding, the Appellate and State courts have ruled that Counties are released from the obligation to provide AB 3632 Mental Health services for students with disabilities. As the primary agency responsible for IEP services, schools have to assume the responsibility.

This Memorandum of Understanding (MOU) does not address the additional 2010-11 cost for residential treatment placements which will be the responsibility of Santa Ana Unified School District estimated at \$130,000. At the April 12, 2011 Board meeting, approval will be requested for this additional cost.

FUNDING:

Not Applicable

RECOMMENDATION:

Approve the agreement for provision of educationally-related mental health services with County of Orange Health Care Agency.

1 WHEREAS, on October 8, 2010, California Governor Arnold Schwarzenegger ("Governor")
2 exercised the line-item veto in relation to Item 8885-295-0001 of the Budget Act for fiscal year 2010-11
3 by deleting \$132,941,000 in appropriations scheduled to reimburse local mental health agencies for
4 costs incurred in fiscal years 2004-05 through 2008-09 associated with providing educationally-related
5 mental health services mandated by AB 3632, and in so doing stated "(t)his mandate is suspended";

6 WHEREAS, the Legislature failed to appropriate state funds in the approximate amount of
7 \$70 million required by Welfare and Institutions Code section 18355 necessary to pay counties for the
8 board and care costs for seriously emotionally disturbed students;

9 WHEREAS, there are three lawsuits pending in the courts regarding the Governor's veto of the
10 \$132,941,000;

11 WHEREAS, the Judge in the case of *County of Sacramento, et al., v. State of California, et al.*,
12 Sacramento Superior Court case Number 34-2010-00090983 issued an Order on February 9, 2011 and
13 found that the state mandate upon counties to provide services pursuant to Welfare and Institutions
14 Code section 18355 (residential board and care costs) is suspended based on the Legislature's failure to
15 fund the program;

16 WHEREAS, the California Court of Appeal, Second Appellate District, Division Three issued a
17 ruling on February 25, 2011 in the case of *California School Boards Association, et al., v. Edmund G.*
18 *Brown Jr., as Governor etc., et al.*, case number B228680 and held that the Governor's veto was
19 properly exercised, and had the legal effect of suspending operation of the mandate;

20 WHEREAS, the Parties to this Agreement are unaware whether appeals will be filed in any of the
21 pending lawsuits and therefore do not know what the final conclusion will be on the subject of the status
22 of the AB 3632 mandate for fiscal year 2010-2011;

23 WHEREAS, the validity of the Governor's suspension of the AB 3632 mandate and the status of the
24 mandate are currently matters of disagreement between the Parties;

25 WHEREAS, on October 29, 2010, the State Superintendent of Public Instruction ("SPI") announced
26 that the California Department of Education ("CDE") will continue to allocate \$76 million in available
27 federal IDEA funds to maintain essential mental health services for students with disabilities despite the
28 Governor's suspension of the AB 3632 mandate and his line-item veto of almost \$133 million in
29 mandate reimbursement for services provided by county mental health agencies;

30 WHEREAS, the SPI stated that the \$76 million to be disbursed by the CDE will ensure mental
31 health services that are included within a student's IEP, pursuant to the IDEA, are appropriately
32 provided during the 2010-11 fiscal year by county mental health agencies consistent with current statute;

33 WHEREAS, the federal IDEA funds are insufficient to entirely fund the AB 3632 services provided
34 by county mental health for the 2010-11 fiscal year;

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1 WHEREAS, in spite of the existing disagreements regarding the status of the AB 3632 mandate,
2 Orange County Department of Education (OCDE) has agreed to pass through fiscal year 2010-2011
3 IDEA funds, as they are received from the State, to reimburse HCA for its provision of educationally-
4 related mental health services until approximately \$12 million in IDEA funds are exhausted;

5 WHEREAS, HCA currently estimates that fiscal year 2010-2011 IDEA funds will be exhausted on
6 March 31, 2011;

7 WHEREAS, the Parties have collaborated and enter in to this AGREEMENT in order to: (1) restate
8 their understanding regarding the transfer of the federal IDEA funds from OCDE to HCA which shall be
9 used exclusively for the purpose of funding mental health services identified within an IEP (excepting
10 residential board and care costs), and for which expenses have been or would be incurred in fiscal
11 year 2010-11, and (2) to outline the Parties understanding regarding how these educationally-related
12 mental health services will be paid after IDEA funds have been exhausted.

13 WHEREAS, the Parties wish to avoid additional litigation and avoid unnecessary expenses;

14 NOW, THEREFORE, based on such recitals, and other mutual considerations and promises herein,
15 the Parties agree as follows:

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1 **I. HCA'S PROVISION OF SERVICES**

2 A. HCA agrees to continue to provide educationally-related mental health services from
3 April 1, 2011 through and including June 30, 2011. Educationally-related mental health services for
4 eligible students may include, but not be limited to attending IEP meetings, assessments, individual
5 therapy, group therapy, collateral services, case management, medication management, and residential
6 placement mental health services (excluding board and care).

7 B. HCA agrees to provide monthly "Student by School District" Reports to DISTRICT to review
8 and validate that HCA's Integrated Records Information System ("IRIS") has AB 3632 students
9 documented in the correct district of residence, per the most current IEP found in the county mental
10 health record.

11 C. HCA agrees to provide two "AB 3632 Service Detail" reports to DISTRICT which provide
12 detail of covered mental health services provided to eligible students.

13 D. HCA agrees to seek out and apply for other sources of county, state or federal funding that may
14 be available, including but not limited to, funding from Medi-Cal or the Department of Social Services
15 and consistent with applicable laws. Such funding and/or reimbursement received by HCA for
16 educationally-related mental health services shall offset any amount DISTRICT is required to fund
17 under this Agreement. The accounting of expenditures to DISTRICT shall reflect the costs of services,
18 the amount and payment of any offsets, and the net cost for the reimbursement.

19
20 **II. RESIDENTIAL PLACEMENT AND PAYMENT OF ROOM AND BOARD**

21 During the term of this AGREEMENT, HCA will make recommendations for students requiring
22 residential placement directly to DISTRICT. DISTRICT will be responsible for making payments to
23 residential treatment facilities for the board and care costs of students placed from their district.

24
25 **III. TRANSFER OF IDEA FUNDS FOR AB 3632 SERVICES**
26 **UNTIL IDEA FUNDS ARE EXHAUSTED**

27 OCDE has committed to pass through federal IDEA funds as they are received to HCA for the
28 provision of AB 3632 Services. This amount totals approximately \$12 million for the 2010-2011 fiscal
29 year.

30 A. The transfer of such IDEA funds shall only be for educationally-related mental health services
31 for eligible students.

32 B. HCA will provide a report to OCDE and the School Districts as to when it projects the federal
33 IDEA funds allocated and distributed to OCDE for mental health services for eligible students will be
34 exhausted. Current estimates suggest that these IDEA funds will be exhausted on March 31, 2011. The
35 Parties anticipate HCA will distribute this report on or before March 4, 2011.

36 //

37 //

IV. REIMBURSEMENT FOR AB 3632 SERVICES
AFTER IDEA FUNDS ARE EXHAUSTED

DISTRICT will reimburse HCA for the provision of educationally-related mental health services (which exclude the cost of residential board and care) that exceed the amount of federal IDEA funds allocated and distributed from CDE to OCDE for AB 3632 Services for fiscal year 2010-2011. This amount shall be referred to as "Additional Costs." Current estimates suggest that IDEA funds will be exhausted on March 31, 2011.

A. DISTRICT will reimburse HCA for Additional Costs within twenty-nine (29) days of receipt of submitted claims (as set forth more specifically in Section V. below) subject to verification by OCDE and the School Districts.

B. The Additional Costs shall be for educationally-related mental health services described in Subparagraph I.A., noted above, and all allowable costs as noted in Subparagraph V. below.

V. SUBMISSION OF CLAIMS

A. HCA will submit a claim for services under this AGREEMENT by July 1, 2011 to DISTRICT. DISTRICT shall reimburse HCA, on a full cost recovery basis, for all costs incurred in providing educationally-related mental health services which are not reimbursed by Medi-Cal or Early and Periodic Screening, Diagnosis, and Treatment ("EPSDT"). Payment must be received by July 29, 2011. Reimbursable costs include both direct and indirect costs as previously allowed under the AB 3632 program.

B. HCA will use its annual Mental Health Cost Report to reconcile all services provided during the term of this AGREEMENT and will provide a final reconciliation to DISTRICT by January 23, 2012 or sooner if possible. Parties agree to pay any difference of costs as determined by the final reconciliation without waiver of its right to seek use of the dispute resolution process or other remedies provided by law.

C. If requested by DISTRICT, COUNTY agrees to submit estimated monthly expenditures for April 2011 and May 2011 by May 13th and June 10th respectively. The estimated monthly expenditures will be in the same general format as the claim, but include only totals for the categories of expenditure.

D. Claims and monthly expenditure reports should be mailed to DISTRICT at the following address:

Santa Ana Unified School District
1601 E. Chesnut Ave.
Santa Ana, CA 92701

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1 E. Payments and notices should be mailed to COUNTY at the following address:

2
3 David Frances
4 HCA BHS/PS
5 405 West 5th Street, 7th Floor
6 Santa Ana, CA 92701
7

8 **VI. MISCELLANEOUS**

9 A. If a court of competent jurisdiction reaches a final and binding decision that the Governor
10 lacked authority to suspend the AB 3632 mandate, or a court, the Legislature or the Governor make a
11 final determination that the State Department of Mental Health and its local county mental health
12 agencies are responsible for providing AB 3632 Services during fiscal year 2010-11 and find that State
13 reimbursement will be available, the Parties agree that HCA will reimburse DISTRICT for any
14 Additional Costs that have been paid to HCA for provision of educationally-related mental health
15 services during the term of this AGREEMENT within ninety (90) days.

16 B. If reimbursement is due pursuant to Section VI.A. above, HCA will submit an SB 90 claim to
17 the State for AB 3632 costs incurred during fiscal year 2010-11. If requested, DISTRICT will
18 reasonably cooperate with HCA's efforts to seek reimbursement from the State of California through the
19 SB 90 claiming process.

20 C. Parties agree that neither side is waiving its legal arguments, remedies or right to reimbursement
21 in connection with this Agreement or as to the effect of the Governor's suspension of the AB 3632
22 mandate and line item veto of funding.

23 D. Referrals and assessment reports. HCA and DISTRICT agree to abide by the policies and
24 procedures for making student referrals and providing the necessary assessment reports as mandated in
25 Government Code Section 7576 and clarified in Title 2, Division 9, CCR, Section 60040 in connection
26 with the services and understandings outlined in this AGREEMENT.

27 E. Privacy. HCA and DISTRICT acknowledge the protections afforded to student health
28 information under regulations adopted pursuant to the Health Insurance Portability and Accountability
29 Act of 1996, Pub. L. No. 14-109, students records under the Family Educational Rights and Privacy Act,
30 20 USC Section 1232g; and under provisions of state law relating to privacy. COUNTY and DISTRICT
31 shall ensure that all activities undertaken under this AGREEMENT will conform to the requirements of
32 these laws.

33 F. Indemnity.

34 1. COUNTY and DISTRICT shall each defend, hold harmless and indemnify the other party,
35 its governing board, officers, administrators, agents, employees, independent contractors,
36 subcontractors, consultants, and other representatives from and against any and all liabilities, claims,
37 demands, costs, losses, damages, or expenses, including reasonable attorneys' fees and costs, and

1 including but not limited to consequential damages, loss of use, extra expense, cost of facilities, death,
2 sickness, or injury to any person(s) or damage to any property, from any cause whatsoever arising from
3 or connected with its service hereunder, that arise out of or result from, in whole or in part, the
4 negligent, wrongful or willful acts or omissions of the indemnifying party, its employees, agents,
5 subcontractors, independent contractors, consultants, or other representatives.

6 2. This indemnity provision shall survive the term of this AGREEMENT and is in addition to
7 any other rights or remedies that COUNTY or DISTRICT may have under law and/or this
8 AGREEMENT.

9 G. Laws and Venue. This AGREEMENT shall be interpreted in accordance with the laws of the
10 State of California. If any action is brought to interpret or enforce any term of this AGREEMENT, the
11 action shall be brought in a state or federal court situated in the County of Orange, State of California,
12 unless otherwise specifically provided for under California law.

13 H. Third Party Rights. Nothing in this AGREEMENT shall be construed to give any rights or
14 benefits to anyone other than DISTRICT and COUNTY.

15 I. Severability. The unenforceability, invalidity or illegality of any provision(s) of this
16 AGREEMENT shall not render the other provisions unenforceable, invalid, or illegal.

17 J. Term. This AGREEMENT shall cover the period of April 1, 2011 through June 30, 2011.

18 K. Dispute Resolution. HCA and DISTRICT agree that resolution of disputes on the
19 implementation of this AGREEMENT will be initially conducted through collaborative efforts between
20 the Parties. In the event a collaborative resolution cannot be achieved, the Parties agree that Title 5 of
21 the California Code of Regulations at §4600, et seq. relating to "Uniform Complaint Procedures" will be
22 applied.

23 L. Default; force majeure.

24 1. Neither party shall be deemed to be in default of the terms of this AGREEMENT if either
25 party is prevented from performing its terms by causes beyond its control, including without being
26 limited to: acts of God; any laws and/or regulations of State or Federal government; or any catastrophe
27 resulting from flood, fire, explosion, or other causes beyond the control of the defaulting party. If any of
28 the stated contingencies occur, the party delayed by force majeure shall immediately give the other
29 parties written notice of the cause for delay. The party delayed by force majeure shall use reasonable
30 diligence to correct the cause of the delay, if correctable, and if the condition that caused the delay is
31 corrected, the party delayed shall immediately give the other parties written notice thereof and shall
32 resume performance of the terms of this AGREEMENT.

33 2. Neither party shall be liable for any excess costs if the failure to perform the
34 AGREEMENT arises from any of the contingencies listed above.

35 //

36 //

37 //

1 IN WITNESS WHEREOF, the parties have caused this AGREEMENT to be executed by their
2 duly authorized officers in the County of Orange, California.

3
4 SANTA ANA UNIFIED SCHOOL DISTRICT
5

6
7 BY: _____ DATED: _____
8

9
10 TITLE: _____
11
12
13
14
15
16
17

18 COUNTY OF ORANGE
19

20
21 BY: _____ DATED: _____
22

23 HEALTH CARE AGENCY
24
25
26
27
28
29
30

31 APPROVED AS TO FORM
32 OFFICE OF THE COUNTY COUNSEL
33 ORANGE COUNTY, CALIFORNIA
34
35

36 BY: _____ DATED: _____
37

DEPUTY

AGENDA ITEM BACKUP SHEET
March 22, 2011

Board Meeting

TITLE: Approval of Schoolwide Single Plans for Student Achievement 2010-11 School Year

ITEM: Action *h*

SUBMITTED BY: Herman Mendez, Assistant Superintendent, Elementary Education
Dawn Miller, Assistant Superintendent, Secondary Education *DM*

PREPARED BY: Nuria Solis, Director, English Learners Program and Student Achievement

BACKGROUND INFORMATION:

The purpose of this agenda is to seek Board approval of the Schoolwide Single Plans for Student Achievement as required by state and federal requirements.

RATIONALE:

Schools in the District participating in the Consolidated Application Categorical Aid Programs annually update or rewrite the Single Plan for Student Achievement. The plans represent the school goals and objectives for the 2010-11 school year and provide program, statistical, and budget information reflecting planned educational services. Each school submits a Single Plan for Student Achievement, which has been developed collaboratively based on input from the School Site Council, instructional staff, parents, administrators and students.

The complete plans are on file in the Student Achievement Office at the District Office.

FUNDING:

Sites will use categorical allotments to improve academic achievement through a variety of budgetary expenditures including, but not limited to, instructional support personnel, extended learning time, professional development opportunities, collaborative planning time, instructional materials and parent engagement activities.

RECOMMENDATION:

Approve Schoolwide Single School Plans that are required by state and federal requirements.

AGENDA ITEM BACKUP SHEET
March 22, 2011

Board Meeting

TITLE: **Acceptance of Gifts in Accordance With Board Policy 3290 – Gifts, Grants, and Bequests**

ITEM: **Action**

CD

SUBMITTED BY: **Cathie Olsky, Ed.D., Deputy Superintendent**

BACKGROUND INFORMATION:

The purpose of this agenda item is for Board acceptance of gifts, grants, and bequests on behalf of school sites and the District. For purposes of determining the estimated value of a gift, the District does not perform an appraisal or other such valuation, rather simply reports the value of the gift as provided by the donor.

RATIONALE:

The Board may accept any bequest or gift of money or property on behalf of the District. While greatly appreciating suitable donations, the Board discourages any gifts which may directly or indirectly impair its commitment to providing equal educational opportunities for all District students. The Board shall carefully evaluate any conditions or restrictions imposed by the donor in light of District philosophy and operations. If the Board believes the District will be unable to fully satisfy the donor's conditions, the gift shall not be accepted. Gift books and instructional materials shall be accepted only if they meet District criteria. At the Superintendent or designee's discretion, a gift may be used at a particular school.

FUNDING:

Not Applicable

RECOMMENDATION:

Accept gifts in accordance with Board Policy (BP) 3290 – Gifts, Grants, and Bequests.

SANTA ANA UNIFIED SCHOOL DISTRICT
GIFTS RECOMMENDED FOR ACCEPTANCE - March 22, 2011

| School: | Gift: | Amount: | Donor: | Used for: |
|--|-------------------------------------|------------------|--|--|
| Monroe Elementary | | \$ 2,000 | Monroe PTO Ms. Blanca Landin Santa Ana | Field trips |
| Walker Elementary | Refurbished computers | \$ 50,000 | Community Action Partnership Mr. Paul Hartsock Garden Grove | A refurbished computer for each fifth grade student's home use |
| Washington Elementary | | \$ 2,500 | Washington PTA Ms. Wendy Martinez Santa Ana | Promoting student reading |
| Sierra Intermediate | | \$ 1,000 | Nestle and Superior Grocers Ms. Alexandra Campos Montebello | Student incentives, awards and recognitions |
| Godinez Fundamental High | | \$ 1,900 | University of California Cosmos Program Ms. Adriana Saavedra Los Angeles | Purchase Smart Board for Teacher Chi Tran |
| Saddleback High ROP Automotive Program | Prototype of 2011 Kia Sorento sedan | no value | Kia Motors of America Mr. Alan R. Davis Irvine | Automotive student training |
| Segerstrom High | | \$ 3,000 | Pacific Life Foundation Mr. Robert G. Haskell Newport Beach | Student achievement |
| March 22, 2011 donations | | \$ 57,400 | | |
| 2011 Total donations | \$ 63,550 | \$120,950 | | |

/eh

AGENDA ITEM BACKUP SHEET
March 22, 2011

Board Meeting

TITLE: High School Pilot for College Preparatory Geometry Mathematics
Material Recommended for 28-day Review

ITEM: Present for 28-day Review

SUBMITTED BY: Dawn Miller, Assistant Superintendent, Secondary Education

PREPARED BY: Edward Winchester, Director, Secondary Student Achievement/Charter
Schools

BACKGROUND INFORMATION:

The purpose of this agenda item is to present to the Board the college preparatory mathematics materials for 28-day review in accordance with Board Policy (BP) and Administrative Regulation (AR) 6161.1 – Selection and Evaluation of Instructional Materials. Currently, the Board of Education adopted the College Preparatory for algebra at the intermediate schools.

RATIONALE:

The teachers at Godinez Fundamental High School and administrators have reviewed and selected College Preparatory Mathematics (CPM) high school geometry instructional materials. The inquiry-based and collaborative approach presented in the CPM Geometry program, believe these instructional materials will enable teachers to engage students more effectively and increase student achievement.

The Administration is presenting the geometry instructional materials for 28-day review.

FUNDING:

Instructional materials can be printed in house by permission of the publisher.

Anticipated cost: \$7,840

RECOMMENDATION:

High School Pilot for College Preparatory Geometry Mathematics materials recommended for 28-day review.

AGENDA ITEM BACKUP SHEET

March 22, 2011

Board Meeting

TITLE: High School Advanced Placement Art History Course for Adoption (For: First Reading)

ITEM: Present for First Reading

SUBMITTED BY: Dawn Miller, Assistant Superintendent, Secondary Education 

PREPARED BY: Edward Winchester, Director, Secondary Student Achievement/Charter Schools

BACKGROUND INFORMATION:

The purpose of this agenda item is to present to the Board the High School Advanced Placement Art History Course for first reading in accordance with Board Policy (BP) and Administrative Regulation (AR) 6145.5 - Advanced Placement.

RATIONALE:

This Advanced Placement course will introduce students to a full year of college coursework through the intense study of Art History. In the course, students examine major forms of artistic expression from the ancient world to the present and from a variety of cultures. They learn to look at and analyze works of art within their historical context, and to articulate what they see or experience in a meaningful way. A meaningful way to experience works of art is learning to frame an understanding that relates how and why works of art communicate visual meaning. The main objectives of AP curriculum in Art History are to develop in students:

1. the ability to apply fundamental art and art historical terminology.
2. an appreciation for the process of making and displaying art.
3. an understanding of purpose and function of art.
4. the ability to analyze works of art in context of historical evidence and interpretation, examining such issues as politics, religion, patronage, gender, and ethnicity.
5. an understanding of cross-cultural and global nature of art.
6. the ability to perform higher order thinking skills and articulate visual and art historical concepts in verbal and written forms.

This course will also prepare students for Advanced Placement Art History exam which is administered in the spring. The course currently meets the "F" requirement for University of California admissions as well as the criteria for Honors/Advanced Placement designation. Students will be encouraged to take the Advanced Placement examination in this subject area.

The following course description is submitted for first reading and will return to Board meeting for adoption on April 26, 2011.

High School Advanced Placement Art History Course.

FUNDING:

Not Applicable

Anticipated Cost: \$5,480

RECOMMENDATION:

Presented for first reading.

AGENDA ITEM BACK-UP SHEET
March 22, 2011

Board Meeting

TITLE: Authorization to Award Contract for Cisco Basic Maintenance for Network Equipment Districtwide Under E-Rate to NexusIS, Inc.

ITEM: Action

SUBMITTED BY: Michael P. Bishop, Sr., CBO, Associate Superintendent, Business Services

PREPARED BY: RicardoENZ, Director, Information Technology Center
Jonathan Geiszler, Manager, Purchasing

BACKGROUND INFORMATION:

The purpose of this agenda item is to seek Board approval to award a contract for Cisco Basic Maintenance under E-Rate Districtwide to NexusIS, Inc. At the January 25, 2011 meeting, the Board authorized staff to rescind award of RFP #17-11 for SmartNET Maintenance of Network Equipment Districtwide due to changes that were made in the E-Rate funding requirements, and issue Requests for Proposal (RFP) for Cisco Basic Maintenance for Network Equipment Districtwide under E-Rate.

RATIONALE:

The Request for Proposal (RFP) was advertized in the *Orange County Register* as legally required. Twelve (12) submitters received RFP's and two (2) provided proposals. Proposals were evaluated by staff analyzing both cost and the ability of the submitter to service the District's needs. It is the staff recommendation to award RFP #24-11 to NexusIS Inc., in the amount of \$264,461.32. Vendor selection is in compliance with Board policy.

It is anticipated that the District will receive 85% of the total costs from Schools and Libraries Division (SLD) as E-Rate funding. General fund unrestricted dollars will be budgeted for 2011-12 to cover the District's share of expenses.

| | NexusIS, Inc. | Network Integration Company Partners, Inc. |
|--------------------------------------|--|---|
| Maintenance Cost | \$127,372.70 | \$163,440.34 |
| Estimated Hourly Cost (500hr) | \$75,000.00 | \$67,500.00 |
| Estimated Replacement Materials Cost | \$62,088.62 (40% discount off list price) | \$64,158.22 (38% discount off list price) |
| Total Cost: | \$264,461.32 | \$295,098.56 |

FUNDING:

General Fund Matching 15%: \$ 39,669.20
E-Rate Contribution 85%: \$ 224,792.12
Total Cost: \$ 264,461.32

RECOMMENDATION:

Authorize staff to award RFP # 24-11 for Cisco Basic Maintenance for Network Equipment Districtwide in the amount of \$264,461.32 to NexusIS Inc.

RFP Assessment Work Sheet
RFP # 24-11

| <i>Panel Member</i> | <i>NexusIS</i> | <i>NIC Partners</i> |
|--|-------------------------|-------------------------|
| Jonathan Geiszler Cathy Benham (E-Rate Consultant) Ricardo Enz | 95.00 90.00 90.00 | 85.00 85.00 85.00 |
| Total Average Score | 91.67 | 85.00 |

** Ranking is evaluated on a scale of 0-100, weight of factors is listed below

| | Max Points |
|--|------------|
| Cost of eligible Services | 40 |
| Total cost of service to the District | 10 |
| Quote Meets District Minimum Standards | 20 |
| Experience with District | 15 |
| Financial Stability of Vendor | 15 |
| Total Available Points | 100 |

AGENDA ITEM BACK-UP SHEET
March 22, 2011

Board Meeting

TITLE: Authorization to Award Contract for Purchase and Installation of Audio Visual Systems at Various Sites Districtwide Under E-Rate to Digital Networks, Inc.

ITEM: Action

SUBMITTED BY: Michael P. Bishop, Sr., CBO, Associate Superintendent, Business Services
 Joe Dixon, Assistant Superintendent, Facilities & Governmental Relations

PREPARED BY: Ricardo Enz, Director, Information Technology Center
 Jonathan Geiszler, Manager, Purchasing

BACKGROUND INFORMATION:

The purpose of this agenda item is to seek Board approval to award a contract for the purchase and installation of audio visual systems at various sites Districtwide under E-Rate to Digital Networks, Inc. At the January 11, 2011 meeting, the Board authorized staff to issue bids for the purchase and installation of audio visual systems at various sites Districtwide under E-Rate.

RATIONALE:

The bid was advertised in the *Orange County Register* as legally required. Twenty two (22) bidders received bid copies and two (2) submitted bids. Staff recommends awarding Bid # 26-11 to lowest responsive, responsible bidder, Digital Networks group Inc. in the amount of \$2,801,620.29. Vendor selection is in compliance with Board policy.

It is anticipated that the District will receive 85% of the total costs from Schools and Libraries Division (SLD) as E-Rate funding. General fund unrestricted dollars will be budgeted for 2011-12 to cover the District's share of expenses.

| Qualified Bidders | Bid Amount |
|-----------------------------|----------------|
| Digital Networks Group Inc. | \$2,801,620.29 |
| Spectrum Communications | \$3,018,128.24 |

FUNDING:

| | |
|----------------------------------|------------------------|
| Bond/General Funds Matching 15%: | \$ 420,243.05 |
| E-Rate Contribution 85%: | <u>\$ 2,381,377.24</u> |
| Total Cost: | \$ 2,801,620.29 |

RECOMMENDATION:

Authorize staff to award Bid #26-11 for the purchase and installation of audio visual systems at various sites Districtwide under E-Rate to Digital Networks Group, Inc., in the amount of \$2,801,620.29.

AGENDA ITEM BACKUP SHEET**March 22, 2011****Board Meeting**

TITLE: Approval of Amendment to Facilities Agreement Between Santa Ana Unified School District and El Sol Science & Arts Academy Charter School

ITEM: Action

SUBMITTED BY: Michael P. Bishop, Sr., CBO, Associate Superintendent, Business Services

PREPARED BY: Mavis Mitchell, Charter Schools Financial Coordinator

BACKGROUND INFORMATION:

The purpose of this agenda item is to seek Board approval to amend the Facilities Use Agreement between SAUSD and El Sol Science and Arts Academy Charter School.

El Sol Science and Arts Academy of Santa Ana and the Santa Ana Unified School District entered into a Charter Facilities Use Agreement dated June 26, 2007, whereby the District allows use of the District's property located at 1010 N. Broadway in Santa Ana by El Sol for the operation of the El Sol Science and Arts Academy of Santa Ana. The term of the original agreement expired on June 30, 2010. However, the Santa Ana Unified School District Board has previously approved amendments to extend the term of the original agreement to facilitate continued discussions and negotiations between the parties crucial to the development of a viable agreement. All other terms and conditions of the Agreement have remained in effect.

Although a feasible Charter Facilities Use Agreement has been drafted, additional time is required to allow for the resolution of specific fine points inherent to the agreement between the parties. To facilitate the completion of a final draft of the proposed agreement and the subsequent review and approval of the document by both parties, the Santa Ana Unified School District Board is asked at this time to approve an amendment to extend the term of the original Agreement until June 30, 2011, with all other terms and conditions of the Agreement remaining in effect.

RATIONALE:

Pursuant to Section 18 of the current charter facilities use agreement, the agreement may be amended by a written instrument executed by both parties. An amendment to the charter facilities use agreement by and between the parties has been drafted and fully executed by the charter school.

FUNDING:

Not Applicable

RECOMMENDATION:

Approve the Amendment to the Facilities Agreement as drafted.

**AMENDMENT TO CHARTER FACILITIES AGREEMENT
BY AND BETWEEN
SANTA ANA UNIFIED SCHOOL DISTRICT AND
EL SOL SCIENCE AND ARTS ACADEMY OF SANTA ANA**

THIS AMENDMENT ("Amendment") to the Charter Facilities Agreement dated June 26, 2007 by and between Santa Ana Unified School District and El Sol Science and Arts Academy of Santa Ana is made this 22nd day of March, 2011 (the "Effective Date"), by and between Santa Ana Unified School District, a public school district organized and existing under the laws of the State of California ("District") and El Sol Science and Arts Academy of Santa Ana, a California non-profit public benefit corporation incorporated for purposes of operating El Sol Science and Arts Academy, a California public charter school ("Charter School"). The District and Charter School are collectively referred to as "the parties."

RECITALS

WHEREAS, El Sol Science and Arts Academy of Santa Ana ("El Sol") and the Santa Ana Unified School District ("District") entered into a Charter Facilities Use Agreement ("Agreement") dated June 26, 2007, whereby the District allows use of the District's property located at 1010 N. Broadway in Santa Ana ("property") by El Sol for the operation of the El Sol Science and Arts Academy of Santa Ana;

WHEREAS, pursuant to Section 1 of the Agreement, the Charter School's right to exclusive use of the Subject Property shall conclude at the expiration of this Agreement on June 30, 2010;

WHEREAS, pursuant to Section 18 of the Agreement, this Agreement, together with its attachments, constitutes the entire agreement between the parties and supersedes all prior discussions, negotiations and agreements, whether oral or written and may be amended or modified only by a written instrument executed by the Parties;

WHEREAS, at the June 22, 2010, meeting of the Santa Ana Unified School District Board of Education, an amendment extending the original charter facilities use agreement between the parties for ninety (90) days until September 28, 2010, was approved. All other terms and conditions of the Agreement remained in effect;

WHEREAS, during the ninety (90) day extension of the term of the Agreement, the Parties did engage in negotiation of, in good faith, a long term lease between the Parties for the Charter School's use of the property;

WHEREAS, at the expiration of the ninety (90) day extension of the original charter facilities use agreement on September 30, 2010, the parties desired to amend the agreement to extend the term for an additional thirty (30) days until October 31, 2010, to facilitate continued negotiation of, in good faith, a long term lease between the Parties for the Charter School's use of the property;

WHEREAS, at the September 28, 2010, meeting of the Santa Ana Unified School District Board of Education, an amendment extending the original Charter Facilities Use Agreement between the parties for an additional thirty (30) days was approved. All other terms and conditions of the Agreement remained in effect;

WHEREAS, discussions and negotiations between the parties has resulted in the drafting of a feasible Charter Facilities Use Agreement, additional time is still required to allow for the completion of review and approval of the document by the charter school governing board;

WHEREAS, to facilitate the completion of review and approval of the proposed facilities use agreement by the charter school governing board and to accommodate, if necessary, further discussion and negotiation, an amendment to further extend the term of the original charter facilities use agreement until November 31, 2010, was approved by the Santa Ana Unified School District Board on October 26, 2010.

WHEREAS, the development and refinement of several points of the proposed agreement was accomplished during the extension most recently approved by the Santa Ana Unified School District Board, the document is still pending finalization prior to submission to the Santa Ana Unified School District Board for consideration of approval. Therefore, approval of an extension of the term of the current agreement until June 30, 2011 in order to complete the remaining outstanding processes is being requested at this time.

NOW THEREFORE, in consideration of the covenants and agreements hereinafter set forth, the Parties agree as follows:

Amendment 5. Extension of Term of Charter Facilities Agreement by and between Santa Ana Unified School District and El Sol Science and Arts Academy of Santa Ana.

Subsequent to the expiration of the first extension of the Charter Facilities Use Agreement, the Santa Ana Unified School District Board approved amendments to further extend the term of the original agreement. While all other terms and conditions of the Agreement remained in effect, the term of the Charter School's right to exclusive use of the Subject Property was extended to facilitate ongoing discussions and negotiations related to the development and drafting of a feasible facilities use agreement.