

BOARD OF TRUSTEES
Minutes
Thursday, April 1, 2010

1. CALL TO ORDER–ROLL CALL

President Brian O’Neal called the regular meeting of the Anaheim Union High School District Board of Trustees to order at 1:35 p.m.

Present: Brian O’Neal, president; Jordan Brandman, clerk; Anna L. Piercy, assistant clerk; and Thomas “Hoagy” Holguin, member; Joseph M. Farley, superintendent; Tim Holcomb, deputy superintendent; Fred Navarro, Dianne Poore, and Russell Lee-Sung, assistant superintendents.

Absent: Katherine H. Smith, member.

2. ADOPTION OF AGENDA

Staff requested the following amendments to the agenda:

Item 10.3, strike out paragraph 4 as it is a duplicate of paragraph 2, and at the end of the fifth paragraph, change the year from 1010 to 2010.

On the motion of Mr. Holguin, duly seconded and unanimously carried by those present, the Board of Trustees adopted the agenda as amended.

3. PUBLIC COMMENTS, CLOSED SESSION ITEMS

There were no requests to speak.

4. CLOSED SESSION

The Board of Trustees entered closed session at 1:37 p.m.

5. RECONVENE MEETING, PLEDGE OF ALLEGIANCE, AND MOMENT OF SILENCE

5.1 Reconvene Meeting

The Board of Trustees reconvened into open session at 6:01 p.m.

5.2 Pledge of Allegiance and Moment of Silence

Daphne Hammer, Walker Junior High School principal, led the Pledge of Allegiance to the Flag of the United States of America and the moment of silence, which was dedicated to the memory of Jaime Escalante, math teacher at Garfield High School.

6. INTRODUCTION OF GUESTS

Mr. O’Neal introduced Gerry Adams and Dan Clavel, AFSCME; Joanne Fawley, ASTA; Sharon Yager CSEA; Lisa Rockwell and Patricia Montelongo, APGA.

7. **REPORTS**

7.1 **Closed Session**

The clerk of the Board of Trustees reported the following actions taken during closed session.

7.1.1 No action taken regarding public employee performance evaluation, superintendent.

7.1.2 No action taken regarding employment contracts with the deputy superintendent, assistant superintendents, and district counsel.

7.1.3 No action taken regarding negotiations.

7.1.4 No action taken regarding existing litigation, case LASC No. BC361068, JCCP No. 4522.

7.1.5 No action taken regarding existing litigation, case OCSC No. 30-2009-0012591-CU-BC-CJC.

7.1.6 No action taken regarding potential litigation (1 case).

7.1.7 The Board of Trustees took formal action to approve the expulsion of the following students:

1. 09-151 under Education Code 48900(c)
2. 09-153 under Education Code 48900(c), 48900(f), 48900(g)
3. 09-154 under Education Code 48900(c), 48900(k)
4. 09-155 under Education Code 48900(g), 48915(b)(1)
5. 09-156 under Education Code 48900(b), 48915(a)(2)
6. 09-157 under Education Code 48900(a)(1), 48915(b)(1)
7. 09-158 under Education Code 48900(c), 48915(c)(3)
8. 09-160 under Education Code 48900(c), 48915(a)(3)
9. 09-162 under Education Code 48900(a)(1), 48900(k), 48915(b)(1)
10. 09-163 under Education Code 48900(b), 48915(a)(2), 48915(a)(3)
11. 09-166 under Education Code 48900(a)(1), 48900(c), 48915(b)(1)
12. 09-167 under Education Code 48900(a)(1), 48900(b)
13. 09-168 under Education Code 48900(b), 48900.2
14. 09-171 under Education Code 48900(k), 48915(b)(1)
15. 09-172 under Education Code 48900.4, 48900(g), 48900(l), 48915(b)(1)

7.1.8 The Board of Trustees took formal action to approve the readmission of students 08-200, 08-221, 08-358, and 09-03.

7.1.9 The Board of Trustees took formal action to deny the appeal of student A-2010-02.

7.2 **Principal's Report**

Ms. Hammer presented a report on Walker Junior High School, which included information on the Renaissance Fair, the Willy Walker Grade Factory, and the progress and goals of the Lesson Design Specialist.

7.3 **Reports of Associations**

- 7.3.1 Joanne Fawley, ASTA president, commented on the seriousness of student achievement. She stated that teachers exist to see students achieve. She concluded by stating that teachers have an emotional commitment to student achievement.
- 7.3.2 Lisa Rockwell, APGA co-president, said counselors met for an in-service to discuss the College Board and how to prepare students for college. She also reported on various counseling activities throughout the district.

7.4 **Student Representative's Report**

Neda Arora, student representative to the Board of Trustees, reported on student activities throughout the district.

8. **PUBLIC COMMENTS, OPEN SESSION ITEMS**

- 8.1 David LaMont, custodian at Savanna High School, commented on a request made for a list of written job duties. He presented a list of custodial duties to the board.
- 8.2 Daniel Clavel commented on his administrative leave and requested that the board look into the administrative leave process.

9. **ITEMS OF BUSINESS**

9.1 **Resolution 2009/10-B-14, PARS Supplemental Retirement Plan**

On the motion of Mr. Brandman and duly seconded, following a lengthy discussion, the Board of Trustees adopted Resolution No. 2009/10-B-14, which provides a retirement incentive offer to eligible certificated employees who wish to voluntarily exercise their option to separate from district service. This plan is being made available through Public Agency Retirement Services (PARS) and is a supplementary retirement plan, a retirement incentive program supplementing STRS. The plan will be effective April 1, 2010, through August 1, 2015.

There are a variety of requirements and benchmarks that must be met for the district to ultimately participate in the program, all of which will be fully explained to interested parties in pre-retirement seminars and presentations. If a level of program participation, acceptable to the district, has not been reached as of the enrollment deadline, the district may withdraw the incentive before May 21, 2010.

The roll call vote follows.

Ayes: Trustees Holguin, Piercy, Brandman, and O'Neal

Absent: Trustee Smith

9.2 **Agreement for Administrative Services for the PARS Supplementary Retirement Plan**

On the motion of Mr. Holguin, duly seconded and unanimously carried by those present, following discussion, the Board of Trustees approved the agreement for the PARS Supplementary Retirement Plan. Participation in a retirement incentive plan for eligible certificated employees requires a formal agreement for administrative services with the firm that was selected to oversee the program. The firm, Public Agency Retirement Services

(PARS) was selected as the administrator after a comparison with another company. This program is intended to save district funds. (General Funds)

9.3 **Resolution 2009/10-HR-05, Concerning the Reinstatement of Classified Positions from the 2009-10 Reduction in Force**

On the motion of Mr. Brandman and duly seconded, the Board of Trustees adopted Resolution No. 2009/10-HR-05, Reinstatement of Classified Positions from the 2009-10 Reduction in Force. On December 10, 2009, the Board of Trustees took action to reduce particular kinds of services provided by classified employees. This action was necessitated by the state-wide budget crisis and significant reductions in district revenues. District staff carried out the board's decision by using a selection process that involved seniority, in accordance with the requirements of the Education Code.

The resolution reinstates ten classified positions from the 2009-10 Reduction in Force. The reinstatement of these specific Food Service Assistant I, Food Service Assistant III, and Food Service Assistant III-Bilingual positions is due to the confirmation of the multi-track school sites and the multi-track school calendar of the Anaheim City School District. The reinstatement process will be in accordance with the requirements of the Education Code. These positions will be funded from Food Services funds and will be offered to employees by seniority.

The roll call vote follows.

Ayes: Trustees Holguin, Piercy, Brandman, and O'Neal

Absent: Trustee Smith

9.4 **Resolution No. 2009/10-HR-06, Economic Uncertainty**

On the motion of Mr. Holguin and duly seconded, the Board of Trustees adopted Resolution No. 2009/10-HR-06, Economic Uncertainty, due to the anticipated adverse financial conditions of the state and the impact on the district budget. The resolution states that the district reserves the right to negotiate with the collective bargaining employee units, a reduction in salary and/or furloughs that correspond to a reduction in salary for the 2010-11 year.

The roll call vote follows.

Ayes: Trustees Holguin, Piercy, Brandman, and O'Neal

Absent: Trustee Smith

9.5 **Waiver Application, Local Educational Agency Title I, Part A**

On the motion of Mrs. Piercy, duly seconded and unanimously carried by those present, the Board of Trustees approved the Local Educational Agency, Title I, Part A, Waiver Application. The district, in accordance with California Department of Education (CDE) guidelines, is submitting an application to waive eight federal program requirements. The most significant of these waivers allows for additional flexibility in the use of American Recovery and Reinvestment Act (ARRA) Title I, and Title I, Part A, funding, and eliminate the 15 percent carryover restriction on Title I, Part A, funding, from 2009-10 to 2010-11. This allows the district to continue to fund portions of the Lesson Design Specialist project and provide Title I programs at Savanna and Western High Schools. (ARRA Title I, and Title I, Part A, Funds)

9.6 **Application, Universal Grant, After School Education and Safety (ASES) Program**

On the motion of Mrs. Piercy, duly seconded and unanimously carried by those present, following discussion, the Board of Trustees approved the After School Education and Safety (ASES) Program Universal Grant application, submitted by the district, on behalf of Lexington Junior High School and the Boys and Girls Club of Cypress. The stated program objectives for ASES are to "merge school reform strategies with community resources in efforts to improve assistance to students and to broaden the base of support for education in the critical hours after school." The grant is designed to provide tutoring in literacy development, academic enrichment, counseling services, and physical fitness activities for students, after school, in a safe and constructive environment. The amount requested for this grant is \$151,200.

9.7 **Public Hearing, Disclosure of Request for Waiver, QEIA**

On the motion of Mr. Holguin, duly seconded and unanimously carried by those present, the Board of Trustees opened a public hearing for a request for a waiver to California Education Code Section 52055.740 (C)(i), to increase the ninth grade Quality Education Investment Act (QEIA) pupil to teacher targets from 21:1 to 23:1 at Anaheim High School, at 6:49 p.m.

There were no requests to speak.

On the motion of Mr. Holguin, duly seconded and unanimously carried by those present, the Board of Trustees closed the public hearing, at 6:49 p.m.

9.8 **Waiver Request, Quality Education Investment Act (QEIA) Class Size Reduction for Anaheim High School**

On the motion of Mr. Holguin, duly seconded and unanimously carried by those present, the Board of Trustees approved the QEIA class size reduction waiver request for Anaheim High School. The Anaheim High School QEIA ninth grade class size reduction target for August 30, 2010, through June 30, 2014, is 21:1 for all core content areas: English language arts, reading, mathematics, science, and history/social science. The district would like to submit a waiver request to the State Board of Education to increase the targets from 21:1 to 23:1. Anaheim High School may not be able to meet the 21:1 target through June 30, 2014, because California budget reductions and funding flexibilities reduced supplementary funds that were being used to facilitate the class size reduction target. Specifically, the Morgan Hart ninth grade class size reduction program was in place when the ninth grade QEIA target was established, and it is no longer available. (QEIA Funds)

9.9 **Settlement Agreement and General Release, Harbor Construction Company, Inc.**

On the motion of Mrs. Piercy, duly seconded and unanimously carried by those present, the Board of Trustees approved a settlement agreement and general release with Harbor Construction Company, Inc., which was contracted to perform work in conjunction with the Katella High School Modernization. Upon completion of the contract, a dispute arose with Harbor Construction Company, Inc. over the terms and conditions of the contract. Subsequently, Harbor Construction Company, Inc. filed a claim with the district. The district and Harbor Construction Company, Inc. now desire to settle all disputes. (Facilities Funds)

9.10 **Rejection of Liability Claim**

On the motion of Mrs. Piercy, duly seconded and unanimously carried by those present, the Board of Trustees rejected a liability claim that was filed on March 9, 2010, and was

identified as AUHSD 10-01 (Tort Claim #301). After review, staff determined that the claim was not a proper charge against the district. This is a personal injury claim.

9.11 **School Sponsored Student Organization**

On the motion of Mrs. Piercy, duly seconded and unanimously carried by those present, the Board of Trustees approved the school sponsored student organization as listed.

Magnolia High School, Club Kid

Neda Aurora, in a preferential vote, expressed her support for the student organization.

9.12 **New Job Description, Director, Child Welfare and Attendance**

On the motion of Mr. Brandman, duly seconded and unanimously carried by those present, the Board of Trustees reviewed and approved the new job description, Director, Child Welfare and Attendance. This description replaces the current job description for Program Administrator, Safe Schools, and more clearly defines the specific duties and essential functions of this role.

9.13 **Public Hearing, Disclosure of Collective Bargaining Agreement with CSEA**

On the motion of Mr. Holguin, duly seconded and unanimously carried by those present, the Board of Trustees opened a public hearing on the collective bargaining agreement with the California School Employees Association for the 2010-11 year, in accordance with AB 1200 (Statutes of 1991, G.C. 3547.3, Chapter 1213), at 6:51 p.m.

There were no requests to speak.

On the motion of Mrs. Piercy, duly seconded and unanimously carried by those present, the Board of Trustees closed the public hearing, at 6:51 p.m.

9.14 **Adoption of the 2010-11 Collective Bargaining Agreement with CSEA**

On the motion of Mrs. Piercy, duly seconded and unanimously carried by those present, the Board of Trustees adopted the 2010-11 collective bargaining agreement with the California School Employees Association.

9.15 **Initial Contract Proposal, AUHSD to AFSCME**

In accordance with Board Policy 6500.01, the Anaheim Union High School District's initial contract proposal to the American Federation of State, County and Municipal Employees for 2010-11 was presented, in writing, to the Board of Trustees.

9.16 **Public Hearing, Initial Contract Proposal, AUHSD to AFSCME**

On the motion of Mr. Holguin, duly seconded and unanimously carried by those present, the Board of Trustees opened a public hearing on the Anaheim Union High School District's initial contract proposal to the American Federation of State, County and Municipal Employees for the 2010-11 year, at 6:52 p.m.

There were no requests to speak.

On the motion of Mr. Holguin, duly seconded and unanimously carried by those present, the Board of Trustees closed the public hearing, at 6:52 p.m.

10. **CONSENT CALENDAR**

On the motion of Mr. Brandman, duly seconded and unanimously carried by those present, the Board of Trustees approved/ratified the following consent calendar.

10.1 **Educational Consulting Agreement Amendments**

10.1.1 **University of California, Irvine, Irvine Math Project**

The Board of Trustees approved the educational consulting agreement amendment with the University of California, Irvine (UCI), Irvine Math Project. Staff development currently being provided will be expanded to include Sycamore and Walker Junior High School math teachers. This will assist them in addressing the needs of seventh grade students who require intensive math instruction in pre-algebra. UCI will also work with a district-wide committee of eighth grade algebra teachers to develop a curriculum guide designed to better meet the needs of students who struggle with the current basic algebra curriculum. This new curriculum guide will be put in place for 2010-11, and it will also include quarterly common assessments used to measure the level of students' mastery of essential algebra standards. The original agreement for \$9,680 was approved on August 27, 2009. In order to continue to provide additional services, a \$5,000 increase to the original agreement amount was approved, with a maximum amount not to exceed \$14,680, through June 30, 2010. (Title I Funds)

10.1.2 **Sylvan Learning Center (Learning Partners, Inc.)**

The Board of Trustees approved the educational consulting agreement amendment with Sylvan Learning Center (Learning Partners, Inc.), a Supplemental Educational Services (SES) provider. The services are a requirement of the of the No Child Left Behind Act (NCLB) of 2001, for schools in years two through five of Program Improvement (PI). Ball, Brookhurst, Dale, Orangeview, South, and Sycamore Junior High Schools are offering the supplemental tutoring services to low-income students. An increase in the original amount for Sylvan Learning Center is requested as a result of increased parent demand. Services are being provided November 2, 2009, through May 15, 2010. The original amount approved on October 15, 2009, was not to exceed \$15,000. The amended amount is at a cost not to exceed \$50,000. (Title I Funds)

10.2 **Agreement Amendments, The Regents of the University of California MESA Schools Program (MSP)**

The Board of Trustees approved the amendment to Agreement No. 06-MSP-14, which will now be Agreement No. 06-MSP-20 and approved the amendment to Agreement No. 06-MSP-20 with The Regents of the University of California MESA Schools Program (MSP). This amendment is required to reduce the funding level of the agreement by \$15,000. The reduction in funds is required because "MESA Day" will not be hosted by the Orange County MESA program, which is currently housed in the AUHSD. These funds are to be transferred to another MESA program that will host the "MESA Day" event. The reduction in funds will not affect the MESA program and will not have a negative impact on the district's budget.

10.3 **Sole Source Justification, TeleParent Educational Systems, LLC**

The Board of Trustees approved the consulting agreement with Jack Plicet to analyze our school-to-home communication needs, and develop a sole source justification document for TeleParent Educational Systems, LLC.

The contract total with TeleParent Educational Systems, LLC will be approximately \$86,546 for three years, which is over the bid limit (PCC 20111). A sole source justification is needed when only one source is available and the estimated value of the purchase exceeds the bid limit.

The TeleParent Educational Systems, LLC TeleParent System facilitates attendance calling, emergency broadcasting, and community outreach from the classroom to the administrative office. The purpose of the system is to communicate student information to parents and guardians and to communicate pertinent school information to the community. TeleParent uses human-translated scripts in 23 languages to facilitate multilingual, one-way communications from teachers and administrators to the community.

TeleParent Educational Systems, LLC has a one-of-a-kind system and should be considered a sole source vendor. Sole sourcing a vendor will require an opinion from an independent consultant with expertise regarding the product, or service, required by a district. The opinion should be obtained from an impartial third party prior to an award of any contract. Jack Plicet has performed this service for several school districts in Orange County, including Garden Grove Unified School District. He will analyze our school-to-home communication needs and develop a sole source justification document. This document will then be brought to the Board of Trustees for approval. Services will be provided April 2, 2010, through June 2, 2010, at a cost not to exceed \$2,100.

If the board subsequently approves the sole source justification document, then the purchasing department will precede with the purchase of the TeleParent Educational Systems, LLC, TeleParent System, for school-to-home communication. (Title I Funds)

10.4 **Award of Bid, for Financial Auditing Services**

The Board of Trustees approved the award of bid for auditing services to Vavrinek, Trine, Day & Company, LLP to provide financial auditing services to the district commencing April 2010, at a cost not to exceed \$45,000 per year. California school districts are required to have an annual financial and compliance audit, per Education Code Sections 14500 et al., and 41020. Financial and compliance audits are performed in accordance with generally accepted audit standards issued by the Comptroller General of the United States and Standards and Procedures for Audits of California K-12 Local Education Agencies issued by the California Education Audit Appeals Panel. The auditor audits the financial statements, categorical programs, and various financial procedures in order to express an opinion on the financial statements and position of the district. A competitive request for proposal was used by district staff to determine the contractor best qualified to provide auditing services. (General Funds)

10.5 **Agreement, Stutz Artiano Shinoff and Holtz, A.P.C.**

The Board of Trustees approved an increase in the retainer agreement with Stutz Artiano Shinoff and Holtz, A.P.C., consultant for legal services, by \$200,000, for a total cost not to exceed \$350,000. The original agreement, which was included as the exhibit, was approved on June 25, 2009, for the 2009-10 year in the amount of \$150,000. This increase was necessitated by unexpected legal assistance including layoff matters. (General Funds)

10.6 **Meal Agreement Addendum, TWLC Foundation**

The Board of Trustees approved the meal agreement addendum, with inter-agencies each year, in order to continue providing meals to the Tiger Woods Learning Center (TWLC) Foundation. This agreement generates income from the meals served. The price charged for lunch will increase from \$2.50 to \$2.75. Services will be provided April 1, 2010, through June 30, 2011.

10.7 **Declaring Certain Furniture and Equipment as Unusable, Obsolete, and/or Out-of-Date, and Ready for Sale, or Destruction**

The Board of Trustees approved the list of district furniture and equipment as unusable, obsolete, and/or out-of-date, and ready for sale, or destruction and authorized proper disposal through the auction process to the highest bidder.

10.8 **Declaring Certain Textbooks and Instructional Materials as Unusable, Obsolete and/or Out-of-Date, Damaged, and Ready for Sale, or Destruction**

The Board of Trustees approved the list of district textbooks and instructional materials as unusable, obsolete and/or out-of-date, damaged, and ready for sale, or destruction, and authorized staff to dispose of the textbooks and instructional materials in accordance with Education Code Section 60510.

10.9 **Individual Service Contracts**

The Board of Trustees approved/ratified the individual service contracts as submitted. (Special Education Funds)

10.10 **Certificated Personnel Report**

The Board of Trustees approved/ratified the certificated personnel report as submitted.

10.11 **Classified Personnel Report**

The Board of Trustees approved/ratified the classified personnel report as submitted.

10.12 **Field Trip Report**

The Board of Trustees approved/ratified the field trip report as submitted.

10.13 **Purchase Order Detail Report**

The Board of Trustees ratified the purchase order detail report, March 2, 2010, through March 22, 2010.

10.14 **Check Register/Warrants Report**

The Board of Trustees ratified the check register/warrants report March 2, 2010, through March 22, 2010.

10.15 **Donations**

The Board of Trustees accepted the donations as listed.

<u>Location</u>	<u>Donated by</u>	<u>Item</u>
Anaheim	Wells Fargo on behalf of Carolina Lozano	\$40
	Perla Capital Group	\$150
District Office	Susan Stocks	Floor pedestals for art contests
Lexington	Wells Fargo on behalf of Larry Garcia	\$1,000

10.16 **Board of Trustees' Meeting Minutes**

The Board of Trustees approved the minutes as submitted.

March 3, 2010, Special Meeting

11. **SUPPLEMENTAL INFORMATION**

11.1 Minutes of Department Meetings

11.2 Associated Student Body Fund, October 2009 and November 2009

11.3 Enrollment, Month 6

12. **SUPERINTENDENT AND STAFF REPORT**

There was no report at this time.

13. **BOARD OF TRUSTEES' REPORT**

Mr. Holguin discussed his attendance at Tom Danley's retirement party.

Mrs. Piercy commented that she attended the Daniel Pink lecture, the Insurance Committee meeting, the SELPA meeting, the Brookhurst Junior High School cross-country track meet, and the Anaheim Sister Cities' meeting.

Mr. Brandman said he substituted in classes at Anaheim High School, he attended the OCDE ceremony honoring the Anaheim Prep/Sports Activities Foundation, the Budget Committee meeting, the Boys and Girls Club Annual Gala, Tom Danley's retirement party, and the ROP meeting.

Mr. O'Neal stated he attended Tom Danley's retirement party, Dale Junior High School Open House, the Budget Committee meeting, Anaheim Sister Cities' meeting, and the Anaheim Sister Cities' Executive Board meeting.

14. **ADVANCE PLANNING**

14.1 **Future Meeting Dates**

The next regular meeting of the Board of Trustees will be held on Thursday, April 29, 2010, at 6:00 p.m.

Thursday, May 13
Thursday, June 3
Thursday, June 24
Thursday, July 15
Thursday, August 5
Thursday, August 19

Thursday, September 2
Thursday, September 23
Thursday, October 14
Thursday, November 4
Thursday, December 9

14.2 **Suggested Agenda Items**

Mr. Holguin requested an update on employee surveys.

15. **ADJOURNMENT**

On the motion of Mrs. Piercy, duly seconded and unanimously carried by those present, the Board of Trustees adjourned the meeting at 7:03 p.m.

Approved _____
Clerk, Board of Trustees