

**NEWPORT-MESA UNIFIED SCHOOL DISTRICT**  
Regular Meeting of the Board of Education  
District Education Center  
Roderick H. MacMillian Board Meeting Room  
2985-A Bear Street, Costa Mesa  
November 22, 2005

- Call to Order           The regular meeting of the Board of Education of the Newport-Mesa Unified School District was called to order by the President Serene Stokes, at 4:35 p.m., on Tuesday, November 22, 2005, in the District Education Center, 2985-A Bear Street, Costa Mesa, California.
- Closed Session         At 4:36 p.m., President Stokes announced that the Board of Education would convene in Closed Session to address Student Discipline, Conference with Legal Counsel regarding Existing Litigation, Public Employee Discipline/Dismissal/Release, and Public Employment Contract: Title: Superintendent.
- Recess                 At 5:35 p.m., the Board took a recess.
- Presentation/  
Recited Actions  
Taken in Closed  
Session                In a prior session, the Board of Education took disciplinary action in student case no. 05-10-79 to expel the student from the schools of the Newport-Mesa Unified School District for the period of 11/22/05 through 6/22/06. During the expulsion period the student will attend ACCESS and must maintain acceptable grades, attendance and citizenship. The student is to complete 50 hours of community service and complete at least 8 counseling sessions for appropriate decision making as terms for the expulsion agreement. Motion by Mrs. Fluor, seconded by Mrs. Sneen and carried with a unanimous 6/0 vote (Black absent).
- In a prior session, the Board of Education took disciplinary action in student case no. 05-11-77 to expel the student from the schools of the Newport-Mesa Unified School District for the period of 11/22/05 through 6/22/06. During the expulsion period, the student must maintain acceptable grades, attendance and citizenship. The student is to complete 50 hours of community service and complete at least 8 counseling sessions for appropriate decision making as terms for the expulsion agreement. Motion by Mrs. Fluor, seconded by Mrs. Franco, and carried with a unanimous 7/0 vote.
- In a prior session, the Board of Education took disciplinary action in student case no. 05-16-77 to expel the student from the schools of the Newport-Mesa Unified School District for the period of 11/22/05 through 2/2/06. The expulsion is to be suspended and student will be transferred to another District school. The student must maintain acceptable grades, attendance and citizenship. The student is to complete 25 hours of community service and complete at least eight counseling sessions for appropriate decision making as terms for the expulsion agreement. Motion by Mrs. Franco, seconded by Mrs. Black and carried unanimously with a 7/0 vote.
- In a prior session, the Board of Education took disciplinary action in student case no. 05-14-79 to expel the student from the schools of the Newport-Mesa Unified School District for the period of 11/22/05 through 6/22/06. During the expulsion period, the student will attend ACCESS and must maintain acceptable grades, attendance and citizenship. The student is to complete 50 hours of community service and complete at least eight counseling sessions for appropriate decision making as terms for the

expulsion agreement. Motion by Mrs. Franco, seconded by Mrs. Black and carried unanimously with a 7/0 vote

Presentation At 6:25 p.m., the Board recognized Orange County Teacher of the Year honorees Ted Williams and Nancy Heiman. Ted Williams was selected as one of the top 5 Teacher of the Year honorees and is moving forward to the State Teacher of the Year process. Nancy Heiman was honored as a finalist.

Reception At 6:45 p.m., the Board hosted a reception in honor of the Teacher of the Year honorees.

Reconvene/Call to Order At 7:10 p.m., President Stokes opened the meeting with a silent invocation and pledge of allegiance led by Student Board Member Elizabeth Crosby.

Roll Call Members Present  
Serene Stokes, President  
Dave Brooks, Vice-President  
Linda Sneen, Clerk  
Dana Black, Member  
Tom Egan, Member  
Martha Fluor, Member  
Judy Franco, Member  
Robert J. Barbot, Secretary  
Sarah Grabarsky, Student Board Co-Rep – CMHS  
Devon Metkovich, Estancia HS  
Elizabeth Crosby, Student Board Rep – OCMCHS  
Stephany Salza, Co-Rep- Back Bay/Monte Vista HS

Administration  
Paul Reed, Deputy Superintendent, Business Services  
Susan Astarita, Assistant Superintendent, Elementary Education  
Lorri McCune, Assistant Superintendent, Human Resources  
Robert Metz, Interim Assistant Superintendent, Secondary Education

Adoption of Agenda Mr. Brooks moved adoption of the agenda noting an addendum has been added to the agenda as item #50.1 Presentation on the Status of the Measure F School Bond. Mrs. Black seconded the motion, and it carried unanimously with a 7/0 vote.

Adoption of Minutes Mrs. Black moved adoption of the minutes from the regular meeting of October 11, 2005. Mrs. Franco seconded the motion, and it carried unanimously with a 7/0 vote.

Mrs. Fluor moved adoption of the minutes from the regular meeting of October 25, 2005. Mrs. Franco seconded the motion and it carried unanimously with a 6/0 vote, Brooks abstained.

Mrs. Fluor moved adoption of the special minutes of November 15, 2005. Mrs. Black seconded the motion, and it carried unanimously with a 6/0 vote, Franco abstained.

Community Input A group of individuals addressed the Board and encouraged that a decision be made relative to their requests to implement a Lacrosse Sports Program as an approved CIF sanctioned sport for the Newport-Mesa Unified School District. The group requested implementation for the Spring of 2006 season. The following individuals spoke in favor of implementation: Michael Gratzinger

LeighAnne Thomsen  
Mark Todd  
Vern Briggs  
Alec Abbott

Dr. Barbot addressed the group and indicated that Bob Metz, Assistant Superintendent of Secondary Education is already working with a group of parents and the four comprehensive high schools administration and athletic directors on the issue. A staff level study session has been scheduled for November 30 to review the associated issues of implementing the program. Among the issues for the District to consider are costs to start up and maintain the program at all four high schools, transportation, field availability, etc.

Student Board Member Report      Student Board members provided their reports on activities and events occurring at their individual school sites.

Parent Liaison Report      The HCPTA President and Co-President had prior commitments this evening and were unable to attend the meeting. No report.

Presentation      Jane Garland, Coordinator of Public Information provided an update on the District's "Pass it Forward" Fundraising Program and noted that the District students, community and staff have contributed over \$40,000 in the past three years towards various national and state issues including September 11, Hurricane Katrina, assistance with the homeless, etc.

Consent Calendar      *Mrs. Fluor moved approval of the Consent Calendar as presented. Mrs. Black seconded the motion, and it carried unanimously with a 7/0 vote.*

6. Approved fifty-five new individual contracts for a total Individual Education Cost (IEP) of \$492,476.89 through the 2006/07 school year, as established from the Individual Educational Program.
7. Approved twelve parent reimbursement contracts for a total Individual Education Cost (IEP) of \$47,224.15 through the 2006/07 school year, as established from the Individual Educational Program.
8. Approved the Final Compromise and Release Agreement SEHO Case No. SN-04-02461 and SN05-01242 in the amount of \$92,936.00 pursuant to the laws of the State of California.
9. Approved the Final Compromise and Release Agreement SEHO Case No. SN04-00982 in the amount of \$31,000.00 pursuant to the laws of the State of California.
10. Approved the Final Compromise and Release Agreement SEHO and Office of Administrative Hearings (OAH) Case No. SN04-02503 in the amount of \$6,714.00 pursuant to the laws of the State of California.
11. Approved the modification to the Final Compromise and Release Agreement SEHO Case No. SN04-01282 pursuant to the laws of the State of California.
12. Approved the list of nominees for membership appointments to the Special Education Community Advisory Committee (CAC).
13. Approved the Agreement between Newport-Mesa Unified School District and the Orange County Department of Education for Medi-Cal Administrative Activities for the period July 1, 2004 through June 30, 2006.
14. Ratified the field trip contract between Eastbluff Elementary School and Astrocamp for a trip that occurred October 10-14, 2005.

15. Ratified the field trip contract between Harbor View Elementary School and Sea World Adventure Camp for a trip that occurred November 8-9, 2005.
16. Approved the field trip contracts between College Park, Davis, Eastbluff, Newport Heights and Newport Coast Elementary School's with Ocean Institute Field Study Program for participation during the 2005/06 school year.
17. Received the School Improvement Progress Quarterly Report from the Orange County Department of Education for College Park Elementary School regarding the School Assistance and Intervention Team (SAIT).
18. Approved the No Child Left Behind (NCLB) Supplemental Educational Services Provider Required by Title I Section 116(e) Master Contract between Newport-Mesa Unified School District and Professional Tutors of America.
19. Approved the No Child Left Behind (NCLB) Supplemental Educational Services Provider Required by Title I Section 116(e) Master Contract between Newport-Mesa Unified School District and Smart Kids Tutoring & Learning Center, Inc.
20. Approved submission of the Carl Perkins Vocational Education Application for funding for secondary education for the 2005/06 school year.
21. Approved Agreement No. 2942 between the Orange County Department of Education and Newport-Mesa Unified School District to allocate Granted Awarded funding for the Smaller Learning Communities Program at Costa Mesa High School and Newport Harbor High School.
22. Approved the Service Agreement between Newport-Mesa Unified School District and Kenexa Technology, Inc., for the license fee in the amount of \$21,000 for the purpose of conducting Teacher and Administrator Selector Assessments as part of the human resources hiring process.
23. Approved a three-year Service Contract Agreement, renewable annually, with United Site Services of California, Inc., for the period of November 23, 2005 through November 22, 2008 in an amount not-to-exceed \$19,000.00 per year.
24. Approved Service Contract No. SC08-06 between Thomas Blurock Architects, Inc., and Newport-Mesa Unified School District for design of site work of two relocatable buildings and related electrical and civil work associated with installing two relocatables at Pomona Elementary School for the use of childcare facilities.
25. Approved Service Contract No. SC07-06 between Thomas Blurock Architects, Inc., and Newport-Mesa Unified School District for design of site work of one relocatable building and related electrical and civil work associated with installing one relocatable at Eastbluff Elementary School for the use of a science lab.
26. Authorized the Deputy Superintendent, Chief Business Official, to enter into an agreement between the Newport-Mesa Unified School District and the Friends of the Costa Mesa Libraries for the lease and eventual purchase of a surplus relocatable classroom unit.
27. Authorized the Deputy Superintendent, Chief Business Official, to enter into a contract with Managing Business Solutions, Inc., at a not-to-exceed price of \$41,850 for the purpose of the certification of relocatable buildings.
28. Directed that a Notice of Completion be filed for the cabling

- internal connections at Adams Elementary School at a total contract cost not-to-exceed \$131,533.75.
29. Rejected Claim No. 05-41759W to protect the Statute of Limitations for further legal action by the claimant.
  30. Rejected Claim No. 05-41760W and refer the claim to the District's legal counsel.
  31. Approved Settlement Authority for a Stipulations with Request for Awarded of \$47,642.50 with a provision for future medical care for Claim No. 00-21500.
  32. Approved Settlement Authority for a Compromise and Release in the amount of \$27,000 for Claim No.89003781.
  33. Approved Settlement Authority for a Stipulations with Request for Awarded of \$10,600.00 with a provision for future medical care for Claim No. 01-23555.
  34. Approved Settlement Authority for a Compromise and Release in the amount of \$37,000 for Claim No. 04-34315.
  35. Approved Settlement Authority for a Stipulations with Request for Awarded of \$8,556.25 with a provision for future medical care for Claim No. 03-31765.
  36. Approved Certificated Employees' Resignation/Termination Register No. 07-06.
  37. Approved Certificated Employees' Leave of Absence Register No. 07-06.
  38. Approved Certificated Employees' Appointment/Reassignment Register No. 07-06.
  39. Approved Classified Employees' Appointment/Reassignment Register No. 07-06.
  40. Approved Classified Employees' Resignation/Termination Register No. 07-06.
  41. Approved Classified Employees' Leave of Absence Register No. 05-06.
  42. Approved Gift Register No. 05-06.
  43. Approved Accounting Register No. 06-06.
  44. Approved Measure A Accounting Register No. 06-06.
  45. Approved Purchasing Report No. 06-06.
    - a. Approved Purchase Order Report covering period October 17, 2005 through November 13, 2005 in the amount of \$2,078,929.14.
    - b. Approved Travel Approval Request Report covering period October 17, 2005 through November 13, 2005.
    - c. Approved Transfer of Equipment Report covering period October 17, 2005 through November 13, 2005.
    - d. Ratified the award of Bid #101-06/Contract #101-06 to Graybar Electric for electrical supplies and lamps for a period of up to three years, renewable annually by mutual agreement.
    - e. Granted permission to use piggyback Contract #04/05-009 Desert Sands Unified School District to purchase a 25 passenger special-needs school bus.
    - f. Rejected of single bid received for Bid #104-06 Tree Trimming – Time and Material – District-wide.
    - g. Awarded and issued Notice to Proceed for Bid #105-06 Paving/Asphalt – Time and Material – District-wide to Beach Paving.
    - h. Approved renewal of Contract #115-05 with Park Specialties for the period of December 15, 2005 through December 14, 2006.
    - i. Granted permission to use piggyback Contract #NSD02-

- 04 Newhall School District and Culver-Newlin to purchase school furnishings, office furnishings and accessories.
- j. Ratified Notice of Completion and its filing for projects completed at College Park and Harbor View Elementary Schools under Irrigation Systems – District-wide – Time and Materials Bid #100-06 by Haynes Landscaping in the amount of \$51,743.
  - k. Ratified the Notice of Completion and its filing for the project completed at Newport Coast Elementary School under electrical, low voltage, data and related wiring systems – District-wide- Time and Material Bid #105-05 Giannelli Electric in the amount of \$36,366.42.
  - l. Ratified Change Order #1 for additional roof decking repair in the amount of \$3,485 and Bid Alternate #1 to replace ten skylights in the amount of \$2,750 and to amend the Notice of Completion of Bid #119-05 in the amount of \$122,735, an increase of \$6,235 for San Marino Roofing Company.
  - m. Approved Change Order #1 and amend Notice of Completion to Bid #118-05 Roy’s Flooring to resurface gym floors at Estancia and Ensign in the amount of \$83,600.
46. Approved Measure A Purchasing Report No. 06-06A.
- a. Authorized permission to advertise for Bid #110-06 Davis Education Center – Contract B- window replacement – and approved the Deputy Superintendent of Business Services to sign a contract and issue a Notice to Proceed to the lowest qualified bidder.
  - b. Ratified the Notice to Proceed for Contract #105-05 (7335-354) to Giannelli Electric for electrical work at Costa Mesa High School.
  - c. Directed that a Notice of Completion be filed for the work through Contract #115-05 to Sasco Electric at Newport Harbor High School in an amount not-to-exceed \$1,083,033.00.
  - d. Directed that a Notice of Completion be filed for the plumbing work through Contract #116-04 to Pan Pacific Plumbing at Newport Harbor High School in an amount not-to-exceed \$162,501.90.
  - e. Directed that a Notice of Completion be filed for the work through Contract #110-03 to Mackone Development, Inc., at Costa Mesa High School in an amount not-to-exceed \$11,357,700.00.
  - f. Directed that a Notice of Completion be filed for the interim housing work through Contract #135-05 to Silver Creek Industries at Wilson Elementary School in an amount not-to-exceed \$633,914.00.
  - g. Directed that a Notice of Completion be filed for the work through Contract #105-05 (7335-354) to Giannelli Electric at Costa Mesa High School in an amount not-to-exceed \$19,916.00.
47. Approved Measure A Operations Report No. 06-06.
- a. Approved Amendment #8 – GKK Architects – Adams Elementary School.
  - b. Approved Amendment #6- GKK Architects – California Elementary School.
  - c. Approved Amendment #5- GKK Architects –Rea

- Elementary School.
- d. Approved Amendment #8 – HMC Architects – Estancia High School.
- e. Approved Amendment #6- LPA Architects – Andersen Elementary School.
- f. Approved Change Order #7 and #8 – Mackone Development – Newport Harbor High School.
- g. Approved Change Order #27 and #28 – Mackone Development – Costa Mesa High School.
- h. Approved Change Order #1 – Cavecche Engineering – Rea Elementary School.
- i. Approved Amendment #17- LPA Architects – Newport Harbor High School.
- j. Approved Amendment #7- LPA Architects – Lincoln Elementary School.
- k. Approved Amendment #8 – HMC Architects – College Park Elementary School.

48. Approved Independent Contractors’ Register No. 07-06.

Introduction of New Staff Will be rescheduled to December or January as staff was not available to attend.

Measure A Program – Citizen’s Oversight Committee Quarterly Report. Measure A Citizens Oversight Committee Chair Chris Ludlow provided a brief summary of the Quarterly Report and status of the Measure A Program.

Measure A Program – Project Management Team Quarterly Report. Bonnie Martin, Project Manager for the Measure A Program provided a PowerPoint presentation of the progress and status of Measure A to date. The presentation included photos of before and after Measure A at all sites and highlighted the follow up landscaping work completed by the District’s Maintenance and Operations Department at all Measure A sites that commences at the conclusion of the construction process.

Presentation – Update on Measure F School Bond – Added as Addendum to Board Agenda – Item #50.1 Measure F Campaign Committee Chairman Mark Buchanan presented a PowerPoint review of the Measure F Program and Campaign. On November 8, 2005, the voters of Newport-Mesa Unified School District successfully passed the Measure F School Bond at 56.1%. The Board thanked and congratulated Mark for his work with the campaign and all of the volunteer’s efforts. More information will follow in the coming months on the implementation plans for Measure F.

Recess At 8:49 p.m., the Board took a brief recess.

Reconvene At 9:01 p.m., the Board reconvened.

2004/05 Scholastic Aptitude Test (SAT) Presentation. Peggy Anatol, Director of K-12 Assessment provided a brief overview of the 2004/05 SAT Assessments. Dr. Anatol noted that the District continues to maintain verbal and math mean scores above the State level. Over the past few years, it has been the District’s goal to increase the number of students participating in the test which has changed the data results for the overall District scores.

**Minutes of Regular Meeting**

**ADOPTED MINUTES  
November 22, 2005**

- Approval of (1) Agreement and (2) Revision to Board Rule and Regulation No. 4210 Addendum Relative to the JADE/Second Chance Programs. Mrs. Franco moved approval of (1) Agreement and (2) Revision to Board Rule and Regulation No. 4210 Addendum Relative to the JADE/Second Chance Programs. Mrs. Fluor seconded the motion, and it carried unanimously with a 7/0 vote, in one reading.
- Quarterly Investment Report. Mrs. Fluor moved to receive the Quarterly Investment Report. Mrs. Sneen seconded the motion, and it carried unanimously with a 7/0 vote.
- Approval of List Authorizing Signature Authority for Various District Accounts. Mr. Brooks moved approval of the list authorizing signature authority for various District accounts and moving of the ASB Account at the Alternative Education Center from Wells Fargo Bank to the Orange County Teachers' Federal Credit Union. Mrs. Sneen seconded the motion, and it carried unanimously with a 7/0 vote.
- Adoption of Resolution No. 18-11-06 – Establishing an Intent for the Reimbursement of Capital Expenditures from the Banc of America Lease Line of Credit Approved by the Board of Education on October 25, 2005. Mrs. Fluor moved adoption of Resolution No. 18-11-06 Establishing an Intent for the Reimbursement of Capital Expenditures from the Banc of America Lease Line of Credit Approved by the Board of Education on October 25, 2005. Mrs. Black seconded the motion.  
Mr. Brooks - yes  
Mr. Egan - yes  
Mrs. Franco - yes  
Mrs. Sneen - yes  
Mrs. Stokes - yes  
Mrs. Black - yes  
Mrs. Fluor – yes  
Resolution No. 18-11-06 was adopted by a unanimous 7/0 roll call vote.
- Set the Board's Annual Organizational Meeting – December 13, 2005. Mrs. Sneen moved approval to set the Board's Annual Organizational Meeting to be held on December 13, 2005 at 7:00 p.m. Mrs. Black seconded the motion, and it carried unanimously with a 7/0 vote.
- Change in Board Meeting Schedule Mrs. Franco moved approval to cancel the regularly scheduled Board meeting of December 27, 2005 due to the District's winter break schedule. Mrs. Fluor seconded the motion, and it carried unanimously with a 7/0 vote.
- Superintendent/ Assistant Superintendent's Report No comments.
- Board Members Reports President Stokes reported that in a prior session, Dr. Barbot submitted his formal letter of retirement to the Board of Education effective June 30, 2006. President Stokes recited Dr. Barbot's letter for the public record. President Stokes noted that in anticipation of Dr. Barbot's retirement, the Board has begun the search process and has scheduled a meeting on November 28 with California Schools Boards Association Advisor Richard

Loveall to formally begin the Superintendent search process.

Below is Dr. Barbot’s formal letter for the public record:

Dear Members of the Board of Education,

It has been my privilege to serve as an educator for the last 37 years. The last 20 years as a school district superintendent and the last 8 years (as of June 30, 2006) as Superintendent of the Newport-Mesa Unified School District. I am deeply grateful for the opportunities to serve as Superintendent that this School Board and its three communities have provided me. I believe strongly that public education is the cornerstone of democracy! Students have (and in my 37 years of experience have always had) tremendous needs and challenges. In the role of educator, you never know for sure just what impact you have had on helping students with these needs and challenges. I hope and pray that my impact has been positive.

All things have their season. I believe that change is good for individuals as well as for an organization. Therefore, with this letter, I wish to formalize what is commonly known by the Board and known by many throughout the Newport-Mesa community, my intention to retire at the conclusion of my current contract effect July 1, 2006. It is my belief that by acting now, the Board and the community will have ample time to find and hire my replacement.

Over the next seven months, I will be working with staff to complete the Board goals for 2005/06 and ensure the completion of Measure A, as well as the implementation of Measure F as promised.

After June 30, 2006, I intend to spend more time with my wife, my adult children, my three grandchildren, extended family members and to pursue some strong interests both in and out of the public school arena.

With deep thanks, appreciation, and hopes for the continued successful efforts in N-MUSD toward the ideal of having all students succeed.

Robert J. Barbot, Ed.D.  
Superintendent

- Legislative Report      No report.
- CROP Report              No report.
- Adjournment              At 9:34 p.m., President Stokes adjourned the meeting.

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Robert J. Barbot, Secretary