

A G E N D A

NEWPORT-MESA UNIFIED SCHOOL DISTRICT

Regular Meeting of the Board of Education to
"Conduct the District's Business in Public"
Roderick H. MacMillian Board Meeting Room
District Education Center, 2985-A Bear Street, Costa Mesa

June 27, 2006

❖ **STUDY SESSION 4:00 P.M.**

Education Center - Roderick H. MacMillian Board Meeting Room

Strategic Plan Update

❖ **CLOSED SESSION 5:15 P.M.**

Education Center – Superintendent’s Office Conference Room

1. Conference With Labor Negotiator

N-MUSD Representative – Lorri McCune
Employee Organization – CSEA, N-MFT, N-MAA, Supervisors/Confidential
(Pursuant to Government Code §54957.6)

2. Conference with Legal Counsel - Anticipated Litigation

Significant exposure to litigation pursuant to Government Code §54956.9(b) –one potential cases

3. Conference with Legal Counsel – Existing Litigation

Significant exposure to litigation pursuant to Government Code §54956.9(b)

4. Student Transfer Request Appeal

The Board will hear an appeal of a student transfer request.
(Education Code requires closed session to prevent disclosure of confidential student record information)

5. Public Employee Evaluation

Title: Superintendent
(Pursuant to Education Code §54957)

❖ **RECESS 6:30 P.M.**

Education Center – Superintendent’s Office Conference Room

❖ **REGULAR MEETING 7:00 P.M.**

Education Center - Roderick H. MacMillian Board Meeting Room

Persons in the audience during the meeting of the Board of Education are asked not to talk during presentations or the meeting. If conversation with another person needs to take place, please do so outside the Board Room so as not to disrupt others or the meeting.

PRESENTATIONS AND PUBLIC COMMENTS. Any person wishing to speak on any item on the agenda will be granted three minutes at the time the item appears on the agenda, or in the case of a non-agenda item, may do so under Community Input or Audience Participation. Prior to addressing the Board, a card (located on the table at the rear entrance) must be completed and given to the Superintendent's executive assistant. Persons addressing the Board are asked to do so from the podium and microphone provided for that purpose in order to get the comments on the official video taped record.

1. **CALL TO ORDER.** The meeting was called to order by the presiding Chairperson, _____, at _____ p.m.

❖ **PRELIMINARY**

2. **OPENING CEREMONIES.** The meeting will open with a silent invocation, followed by a Pledge of Allegiance to the Flag.

3. **ROLL CALL:**

_____ David Brooks, President
_____ Linda Sneen, Vice-President
_____ Judy Franco, Clerk
_____ Dana Black, Member
_____ Tom Egan, Member
_____ Martha Fluor, Member
_____ Serene Stokes, Member
_____ Robert J. Barbot, Superintendent

4. **ADOPTION OF AGENDA.** Recommendation is made that the agenda be adopted as submitted. ACTION
Motion by _____ Seconded by _____ Vote _____

❖ **WRITTEN COMMUNICATIONS**

❖ **COMMUNITY INPUT**

Comment cards are requested to be completed prior to addressing the Board.

This is an opportunity for the public to address the Board. Depending upon the nature of the presentations, the Board President or Superintendent may respond or the President may call upon Board members for brief comments, questions of clarification, provide a reference to staff or other resources for factual information, or request the Superintendent to report back to the Board at a subsequent meeting concerning the matter.

However, in compliance with Board Policy and the Ralph M. Brown Act, the Board is not permitted to take action on non-agenda items. If appropriate, consistent with Board Policy, three or more members of the Board may direct the Superintendent to schedule an item for a future Board agenda.

REASONABLE ACCOMODATION FOR ANY INDIVIDUAL WITH A DISABILITY. Any individual with a disability who requires reasonable accommodation to participate in a Board meeting, may request assistance by contacting the Superintendent's Office at 2985-A Bear Street, Costa Mesa, Ca. 92626. Phone #: 714-424-5031 – Fax #: 714-424-5018.

When addressing the Board, please state your name and address for the record.

❖ **PUBLIC HEARINGS**

- **PUBLIC HEARING - 2006/07 ALL FUNDS TENTATIVE BUDGET PURSUANT TO EDUCATION CODE 42103 AND 42127.**
- **PUBLIC HEARING - SELPA-wide ANNUAL SERVICE DELIVERY PLAN AND SELPA-wide ANNUAL BUDGET PLAN FOR 2005/06 PURSUANT TO EDUCATION CODE 53205(b)(2).**

❖ **PRESENTATIONS**

- **PRESENTATION OF 2005/06 DELAC (DISTRICT ENGLISH LEARNER ADVISORY COMMITTEE) ANNUAL REPORT**
- **PRESENTATION OF DISTINGUISHED SERVICE AWARDS:**

ADOPTION OF RESOLUTION NO. 39-06-06 – DISTINGUISHED SERVICE AWARD – DR. LORRI MCCUNE.

Adoption of Resolution No. 39-06-06 is recommended.

Motion by _____ Seconded by _____

ROLL CALL VOTE:

_____ Mrs. Black	_____ Mrs. Franco, Clerk
_____ Mr. Egan	_____ Mrs. Sneen, Vice President
_____ Mrs. Fluor	_____ Mr. Brooks, President
_____ Mrs. Stokes	

ADOPTION OF RESOLUTION NO. 40-06-06 – DISTINGUISHED SERVICE AWARD – DR. ROBERT BARBOT.

Adoption of Resolution No. 40-06-06 is recommended.

Motion by _____ Seconded by _____

ROLL CALL VOTE:

_____ Mrs. Black	_____ Mrs. Franco, Clerk
_____ Mr. Egan	_____ Mrs. Sneen, Vice President
_____ Mrs. Fluor	_____ Mr. Brooks, President
_____ Mrs. Stokes	

❖ **RECEPTION**

The Board will host a brief reception following the presentations.

❖ **PARENT LIAISON REPORT**

❖ **CONSENT CALENDAR**

All items listed under the Consent Calendar are considered by the Board to be routine and will be enacted by the Board in one motion. There will be no discussion of these items prior to the time the Board votes on the motion unless members of the Board, staff or the public request specific items to be discussed and/or removed from the Consent Calendar. Public requests of items to be discussed and/or removed should be submitted in writing prior to the Board's consideration of the Consent Calendar.

5. It is recommended that the Board of Education approve thirty two new individual contracts for a total Individual Education Cost (IEP) of \$534,377.50 through the 2006/07 school year.
6. It is recommended that the Board of Education approve one parent reimbursement contract for a total Individual Education Cost (IEP) of \$13,642.50 through the 2006/07 school year, as established from the Individual Educational Program.
7. It is recommended that the Board of Education approve forty-one master contracts for the 2006/07 school year as established from the Individual Educational Program.
8. It is recommended that the Board of Education approve a Final Compromise and Release Agreement - Office of Administrative Hearings (OAH) Case No. N2006030772 in the amount of \$110,850.00 through the 2006/07 school year pursuant to the laws of the State of California.
9. It is recommended that the Board of Education approve a Final Compromise and Release Agreement - Office of Administrative Hearings (OAH) Case No. N2006051027 in the amount of \$23,655.00 through the 2006/07 school year pursuant to the laws of the State of California.
10. It is recommended that the Board of Education approve a Final Compromise and Release Agreement - Office of Administrative Hearings (OAH) Case No. N2006050655 in the amount of \$99,758.00 through the 2006/07 school year pursuant to the laws of the State of California.

11. It is recommended that the Board of Education approve a Final Compromise and Release Agreement – Special Education Hearing Office (SEHO) Case Nos. SN-05-01446 and SN-05-01618, and Office of Administrative Hearings (OAH) Case Nos. N2005070061 and N2005070133 in the amount of \$43,590.00 through the 2006/07 school year pursuant to the laws of the State of California.
12. It is recommended that the Board of Education approve a Final Compromise and Release Agreement - Office of Administrative Hearings (OAH) Case No. N2006040509 in the amount of \$32,820.00 through the 2006/07 school year pursuant to the laws of the State of California.
13. It is recommended that the Board of Education approve a Final Compromise and Release Agreement - Office of Administrative Hearings (OAH) Case No. N2005100637 in the amount of \$76,608.00 through the 2006/07 school year pursuant to the laws of the State of California.
14. It is recommended that the Board of Education accept receipt of \$175,000 (HOPE School Readiness Resource Program) grant renewal award from the Children and Families Commission of Orange County for two years beginning July 1, 2006.
15. It is recommended that the Board of Education approve Agreement No. 29234 and Amendment #1 between the Orange County Department of Education and Newport-Mesa Unified School District to provide faculty training for implementation of the C.A.T.C.H. Physical Activity Program.
16. It is recommended that the Board of Education accept receipt of the Fifth School Assistance and Intervention Team (SAIT) Report from the Orange County Department of Education for College Park Elementary School.
17. It is recommended that the Board of Education award Bakery Products Contract #02-07 to Upper Crust Bakery.
18. It is recommended that the Board of Education approve the adjustment to the lunch meal pricing to \$2.50 effective July 1, 2006.
19. It is recommended that the Board of Education authorize the Deputy Superintendent to enter into a software licensing agreement with Colbi Technologies, Inc., for the provision of project accounting, software, training and support for the Measure F Projects.
20. It is recommended that the Board of Education approve the purchase of Excess Workers' Compensation Coverage from the Continental Casualty Company (CNA) at an annual premium rate of \$.1740 per \$100 of payroll or \$223,880 for the period July 1, 2006 through June 30, 2007.
21. It is recommended that the Board of Education ratify the Agreement between Contact Security, Inc., and the Newport-Mesa Unified School District to provide security services for the period of June 16, 2006 through June 30, 2006 for hourly services not-to-exceed \$12,000.
22. It is recommended that the Board of Education ratify the Agreement between Barry's Security Services and the Newport-Mesa Unified School District to provide security services for the period June 16, 2006 through June 30, 2007 for hourly services not to exceed \$10,000.
23. It is recommended that the Board of Education approve the Agreement between Public Agency Retirement Services and the Newport-Mesa Unified School District for the purpose of providing retirement plan administration in an amount not-to-exceed \$18,888 effective July 1, 2006.
24. It is recommended that the Board of Education authorize the Deputy Superintendent to enter into a contract with McCarthy Building Companies, Inc. to provide project management services as authorized for the Robins-Loats Building replacement and the construction of TeWinkle Gymnasium as part of Measure F.

25. It is recommended that the Board of Education approve a Use of Facilities Agreement between the County of Orange, California Children Services, and Newport-Mesa Unified School District at Harper for the period July 1, 2006 through June 30, 2016 as referenced.
26. It is recommended that the Board of Education direct that a Notice of Completion be filed for the cabling internal connections at TeWinkle Intermediate School at a total contract cost not-to-exceed \$110,061.61.
27. It is recommended that the Board of Education approve a Memorandum of Understanding between Newport-Mesa Unified School District and the Orange County Department of Education for participation by Estancia High School in the Small Learning Community (SLC) Orange County Collaborative Program.
28. It is recommended that the Board of Education approve the School Psychology Fieldwork Agreement between Newport-Mesa Unified School District and Chapman University.
29. It is recommended that the Board of Education approve the School Counseling Fieldwork Agreement between Newport-Mesa Unified School District and Chapman University.
30. It is recommended that the Board of Education authorize the Deputy Superintendent, Business Services or his designee to execute the Agreement between the Newport-Mesa Unified School District and California State University, Fullerton for the purpose of authorizing student teaching opportunities through June 30, 2009.
31. It is recommended that the Board of Education approve the request for a Credential Waiver for one Certificated Employee pursuant to Education Codes 44252(b), 44265 and 44830(a).
32. Approval is recommended of Certificated Employees' Leave of Absence Register No. 19-06.
33. Approval is recommended of Certificated Employees' Resignation/Termination Register No. 19-06.
34. Approval is recommended of Certificated Employees' Appointment/Reassignment Register No. 19-06.
35. Approval is recommended of Classified Employees' Leave of Absence Register No. 14-06.
36. Approval is recommended of Classified Employees' Resignation/Termination Register No. 18-06.
37. Approval is recommended of Classified Employees' Appointment/Reassignment Register No. 17-06.
38. Approval is recommended of Gift Register No. 17-06.
39. Approval is recommended of Accounting Register No. 18-06.
40. Approval is recommended of Measure A Accounting Register No. 18-06.

41. Approval is recommended of Purchasing Report No. 18-06.
 - a. Purchase Order Report covering period June 5, 2006 through June 18, 2006 in the amount of \$445,140.51.
 - b. Travel Approval Request Report covering period June 5, 2006 through June 18, 2006.
 - c. Transfer of Equipment Report covering period June 5, 2006 through June 18, 2006.
 - d. #113-04 Renewal and price increase with Maintex for custodial supplies.
 - e. #118-06 Award and Notice to Proceed with Capos Construction for ball walls at selected sites.
 - f. Approval of computer and electrical equipment and universal waste collection and recycling services with AERC Recycling Solutions.
 - g. #112-06 Award to California Yellow Cab Company (Call Oscar, Inc.) for charter bus service for severe and non-severe special education students.
 - h. #130-06 Service Agreement with Follett Educational Services for sale, donation and recycling of retired textbooks and workbooks.

42. Approval is recommended of Purchasing Report No. 18-06A – Measure A.
 - a. #111-05 Notice of Completion to Construct One Corp., for Measure A Modernization at Pomona Elementary School in an amount not-to-exceed \$3,932,590.23.

43. Approval is recommended of Measure A Operations Report No. 18-06.
 - a. Approval of Change Order #3 – G-2000 Construction - Lincoln Elementary School.
 - b. Approval of Change Order #5- PW Construction – Estancia High School.
 - c. Approval of Change Order #3 – Macerich Construction – Andersen Elementary School.

44. Approval is recommended of Independent Contractors’ Register No. 18-06.

Motion by _____ Seconded by _____ Vote _____

❖ RESOLUTION CONSENT CALENDAR

All items listed under the Resolution Consent Calendar are considered by the Board to be routine and will be enacted by the Board in one roll call vote and will be deemed the same vote for each of the items. There will be no discussion of these items prior to the time the Board votes on the motion unless members of the Board, staff or the public request specific items to be discussed and/or removed from the Resolution Consent Calendar. Public requests of items to be discussed and/or removed should be submitted in writing prior to the Board's consideration of the Consent Calendar.

45. Adoption of Resolution No. 35-06-06 – Authorizing Signature Authority for the Newport-Mesa Unified School District for Wells Fargo Bank effective July 1, 2006.
46. Adoption of Resolution No. 36-06-06 – Authorizing Signature Authority for the Newport-Mesa Unified School District for the Orange County Department of Education.
47. Adoption of Resolution No. 37-06-06 – Authorizing Signature Authority for the Newport-Mesa Unified School District for the Child Development Fund effective July 1, 2006.

Motion By _____ Seconded By _____

ROLL CALL VOTE:

_____ Mrs. Black _____ Mr. Egan _____ Mrs. Fluor _____ Mrs. Stokes	_____ Mrs. Franco, Clerk _____ Mrs. Sneen, Vice President _____ Mr. Brooks, President
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❖ DISCUSSION/ACTION

- 48. APPROVAL OF SECOND READING -NEW POLICY AND RULE AND REGULATION NO. 7700 – CHARTER SCHOOLS.** DISCUSSION /ACTION
Approval of the second reading and adoption of the new policy and rule and regulation is recommended.
Motion by _____ Secoded by _____ Vote _____
- 49. MAINTENANCE AND OPERATIONS INFORMATIONAL UPDATE - PROJECTED PROJECTS 2006/07.** DISCUSSION
Staff will provide an informational update on planned projects for 2006/07.
- 50. APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN THE COAST COMMUNITY COLLEGE DISTRICT AND THE NEWPORT-MESA UNIFIED SCHOOL DISTRICT FOR THE ESTABLISHMENT OF THE EARLY COLLEGE HIGH SCHOOL.** DISCUSSION /ACTION
Approval of the Memorandum is recommended.
Motion by _____ Secoded by _____ Vote _____
- 51. APPROVAL OF FIRST READING -REVISED RULE AND REGULATION NO. 5123- PROMOTION/ACCELERATION/RETENTION.** DISCUSSION /ACTION
Approval of the first reading is recommended.
Motion by _____ Secoded by _____ Vote _____
- 52. APPROVAL AND ADOPTION OF SELPA-WIDE ANNUAL SERVICE DELIVERY PLAN AND SELPA-WIDE ANNUAL BUDGET 2005/06.** DISCUSSION /ACTION
Approval and adoption is recommended.
Motion by _____ Secoded by _____ Vote _____
- 53. ADOPTION OF RESOLUTION NO. 38-06-06 – ALL FUNDS TENTATIVE BUDGET 2006/07.** DISCUSSION /ACTION
Adoption of Resolution No. 38-06-06 is recommended.
Motion by _____ Secoded by _____

ROLL CALL VOTE:

_____ Mrs. Black	_____ Mrs. Franco, Clerk
_____ Mr. Egan	_____ Mrs. Sneen, Vice President
_____ Mrs. Fluor	_____ Mr. Brooks, President
_____ Mrs. Stokes	

54. SET PUBLIC HEARING – GRANTING EASEMENT – KAISER ELEMENTARY SCHOOL.

DISCUSSION
/ACTION

It is recommended that the Board of Education set a public hearing on Tuesday, July 11, 2006 at approximately 7:05 p.m., pursuant to Education Code 17556.

Motion by _____ Seconded by _____

Vote _____

55. APPROVAL OF DELEGATION OF AUTHORITY.

DISCUSSION
/ACTION

It is recommended that the Board of Education approve the Delegation of Authority to the Superintendent, Deputy Superintendent, Assistant Superintendent of Elementary Education and the Director of Classified Personnel for the period of July 12, 2006 through August 22, 2006.

Motion by _____ Seconded by _____

Vote _____

56. ADOPTION OF RESOLUTION NO. 41-06-06 – DESIGNATION OF A NAME FOR THE EDUCATIONAL SUPPORT CENTER AT MEYER PLACE.

DISCUSSION
/ACTION

Adoption of Resolution No. 41-06-06 is recommended.

Motion by _____ Seconded by _____

ROLL CALL VOTE:

_____ Mrs. Black	_____ Mrs. Franco, Clerk
_____ Mr. Egan	_____ Mrs. Sneen, Vice President
_____ Mrs. Fluor	_____ Mr. Brooks, President
_____ Mrs. Stokes	

❖ INFORMAL REPORTS

57. Superintendent

58. Assistant Superintendents

59. Board Members

60. Legislative Representative

61. CROP Report

❖ **AUDIENCE PARTICIPATION**

Comment cards are requested to be completed prior to addressing the Board. If no cards are received prior to audience participation, the Board Clerk will omit the reading of the Brown Act statement and the Board President will adjourn the meeting.

This is an opportunity for the public to address the Board. Depending upon the nature of the presentations, the Board President or Superintendent may respond or the President may call upon Board members for brief comments, questions of clarification, provide a reference to staff or other resources for factual information, or request the Superintendent to report back to the Board at a subsequent meeting concerning the matter. However, in compliance with Board Policy and the Ralph M. Brown Act, the Board is not permitted to take action on non-agenda items. If appropriate, consistent with Board Policy three or more members of the Board may direct the Superintendent to schedule an item for a future Board agenda.

When addressing the Board, please state your name and address for the record.

62. ADJOURNMENT, _____ p.m.

ACTION