

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
February 13, 2007

- Closed Session At 4:05 p.m., President Franco announced that the Board of Education would convene in Closed Session to address Student Discipline, Conference with Labor Negotiator, Public Employee Discipline/Dismissal/Release and the added item of Conference with Legal Counsel – Existing Litigation.
- Recess At 6:00 p.m., the Board took a brief recess.
- Presentation At 6:33 p.m., President Franco reconvened the public meeting for the purpose of honoring the District’s Employee Super Star Award recipients. A reception was held immediately following the presentation.
- Reconvene/Call to Order/Roll Call At 7:17 p.m., President Franco called to order the Regular Board meeting with a silent invocation and Pledge of Allegiance led by student board member Sarah Grabarsky.

Members Present

- Judy Franco, President
- Martha Fluor, Vice-President
- Dana Black, Clerk
- Dave Brooks, Member
- Michael Collier, Member
- Walt Davenport, Member
- Karen Yelsey, Member
- Jeffrey Hubbard, Ed.D., Secretary
- Sarah Grabarsky, CMHS Student Board Member
- Emily Insley, NHHS Student Board Member
- Alison Gruber, CdMHS Student Board Member
- Stacy Nguyen, OCMCHS Student Board Member
- Taylor McClanahan, EHS Student Board Member
- Rebecca Prince, Student Board Member

- Adoption of Agenda Mrs. Fluor moved adoption of the agenda with a revision adding the addendum to Closed Session for the purpose of Conference with Legal Counsel – Existing Litigation.
- Adoption of Minutes Mrs. Black moved adoption of the following set of minutes. Mrs. Black seconded the motion and it carried unanimously with a 7/0 vote.
November 14, 2006 regular meeting
December 5, 2006 special meeting

Mrs. Black moved adoption of the following set of minutes. Mrs. Franco seconded the motion and it carried with a 2/2 vote, with an unofficial adoption of the minutes. (Fluor/Brooks abstained) (Members Egan, Sneen, Stokes retired from the Board).
November 28, 2006

Mrs. Black moved adoption of the following set of minutes. Mr. Davenport seconded the motion and it carried unanimously with a 7/0 vote.
December 7, 2006 special meeting
December 12, 2006 regular/organizational Meeting
January 9, 2007 regular meeting

Mrs. Black moved adoption of the following set of minutes. Mr. Davenport seconded the motion, and it carried with a 6/1 vote (Brooks abstained)

January 16-17, 2007 special meeting

Community Input No comments.
Presentation Cheryl Galloway presented the annual recognition of the 2007 Authors Festival bookmark contest winners. The annual breakfast will be held on March 8, 2007.

Public Hearing Costa Mesa Zone Elementary School Grade Level Reconfiguration The following community members addressed the Board regarding the Costa Mesa zone elementary school grade level reconfiguration:
Maura Villeli – supportive of reconfigurations.
Angela Hines – supportive of reconfigurations – prefers scenario 2.
Amy Wright – supportive of reconfigurations- prefers scenario 2.
Michele Fulkerson – not supportive of reconfigurations.
Marcus Franco – not supportive of reconfigurations.
Lori Millard – supportive of reconfigurations.
Martin Millard – supportive of reconfigurations- prefers scenario 2.
Patti Jasinski – supportive of reconfigurations- prefers scenario 2.
Morton Kieler – questioned combination classes and services and programs such as band, afterschool, etc, that are currently at Davis – would kids staying at feeder schools still get those additional programs?
Stacy Wise – not supportive of reconfigurations.
Alice Pasillas – supportive of reconfigurations.
Katrina Foley – supportive of reconfigurations – prefers scenario 3.
Linda McGavran – supportive of reconfigurations – prefers scenario 2.
Pam Brusic – not supportive of reconfigurations.
Daniel Derieg – not supportive of reconfigurations.
Kaitlyn Piatti – not supportive of reconfigurations.
Jennifer Piatti – not supportive of reconfigurations.
Jim Rogers – not supportive of reconfigurations.
Sarah Grabarsky – not supportive of reconfigurations.
Alison Gruber – not supportive of reconfigurations.
T. McClanahan – not supportive of reconfiguration.

Following the public hearing process, Board member Fluor requested a list of programs offered at current K-6 configured schools to address comments about loss of programs. She requested the list included district and foundation paid programs. Board member Collier also commented in response to inquiries about funding and noted that the money for the reconfigurations would come out of the general fund. Susan Astarita noted that in accordance with the established timeline, the item is slated for the Board’s approval consideration at the March 13, 2007 board meeting.

Student Board Members Student Board members provided reports on activities and events occurring at their respective school sites.

Recess/ Reconvene At 8:53 p.m., the Board took a brief recess.
At 9:05 p.m., President Franco reconvened the meeting.

Parent Liaison Report HCPTA Executive Vice President, Kristi Kirsch provided an update on current activities and events occurring with the PTA units.

Consent Calendar *Mr. Davenport moved approval of the Consent Calendar as presented with the exception of item no. 26 which was pulled for separate action. Mrs. Fluor seconded the motion and it carried unanimously.*

- 6. Approved seven new individual contracts for a total Individual Education Cost (IEP) of \$53,091.00 through the 2006/07 school year, as established from the Individual Educational Program.
- 7. Approved three parent reimbursement contracts for a total Individual Education Cost (IEP) of \$1,600.00 through the 2006/07 school year, as established from the Individual

- Educational Program.
8. Approved an addendum to a Master Contract with Abramson Audiology as established from the Individual Educational Program.
 9. Approved the Final Compromise and Release Agreement Office of Administrative Hearings (OAH) Case No. N2006120177 in the amount of \$2,750.00 pursuant to the laws of the State of California.
 10. Approved the Final Compromise and Release Agreement Office of Administrative Hearings (OAH) Case No. N2006100725 in the amount of \$3,000.00 pursuant to the laws of the State of California.
 11. Approved the Final Compromise and Release Agreement Office of Administrative Hearings (OAH) Case No. N2005070454 in the amount of \$20,000.00 pursuant to the laws of the State of California.
 12. Approved the Final Compromise and Release Agreement Office of Administrative Hearings (OAH) Case No. N2006120561 and N2007010024 in the amount of \$30,000.00 pursuant to the laws of the State of California.
 13. Approved the request to destroy thirty eight boxes of special education records for students born 1978 to 1981 pursuant to California Code of Regulations, Title 5, Section 437.
 14. Approved the agreement and amendment No. 30505 between the Orange County Department of Education and Newport-Mesa Unified School District to provide faculty training for implementation of the Coordinated Approach to Child Health (C.A.T.C.H.) physical activity program.
 15. Approved Change Order #6 with P.W. Construction for Estancia High School in the amount of \$125,821.00.
 16. Approved Settlement Authority for a Stipulation with Request for Award of \$0.00 with a provision for future medical care for Claim No. 1207-06-0140.
 17. Approved Settlement Authority for Stipulation with Request for Award of \$29,150.00 with a provision for future medical case for Claim No. 1207-04-0109.
 18. Retained Vavrinek, Trine, Day and Co., as the District auditor for the three-year period 2006/07, 2007/08 and 2008/09 at a maximum annual fee of \$51,000.
 19. Accepted the SCAQMD Contract Number 07152 in the amount of \$150,000 for the natural gas fueling station infrastructure.
 20. Approved a Credential Waiver for one Certificated Employee pursuant to Education Codes 44252(b), 44265, and 44830(a).
 21. Approved the STRS Post-Retirement Earning Limitation Exemption Request for Fred Gill (Speech and Language Pathologist) at Costa Mesa High School effective August 23, 2006 to June 22, 2007 pursuant to Education Code 22119.5.
 22. Approved Certificated Employees' Leave of Absence Register No. 12-07.
 23. Approved Certificated Employees' Appointment/Reassignment Register No. 12-07.
 24. Approved Certificated Employees' Resignation/Termination Register No. 10-07.
 25. Approved Classified Employees' Resignation/Termination Register No. 11-07.
 27. Approved Classified Employees' Leave of Absence Register No. 11-07.
 28. Approved Gift Register No. 11-07.
 29. Approved Accounting Register No. 11-07.
 30. Approved Measure A Accounting Register No. 11-07.
 31. Approved Purchasing Report No. 11-07.
 32. Approved Purchasing Report Measure A and F No. 11-07A/F.
 33. Approved Independent Contractors Register No. 12-07.
 34. Approved Student Trip Register No. 10-07.

Mr. Davenport moved approval of Consent Item No. 26. Mrs. Fluor seconded the motion and it carried with a 6/0 vote, with Michael Collier abstaining due to a stated conflict as a family member was being approved for an appointment.

26. Approved Classified Employees' Appointment/Reassignment Register No. 11-07.

Approval of
Recommendations
for No Child Left
Behind Panel
Reports

Dr. Hubbard provided a brief review of the NCLB process and panel reports as well as his recommendation for action by the Board this evening. On February 6, 2007, the Board was presented with the detailed reports from the Panel members on: Pomona Elementary, Wilson Elementary, TeWinkle Middle Schools. A comprehensive timeline as well as the official reports are apart of the official record agenda book.

The following community members addressed the Board on this item:

Sharon Sutton addressed the Board and noted that taxpayers deserve more for their money. They deserve the same opportunity for education across the district.

Jim Rogers addressed the Board and noted that this is a reality for us. He reiterated that the union is ready, willing and able to work in conjunction with the district and that by working collaboratively we will come up with solutions.

Board members also commented on the process:

Member Yelsey noted that we should all be concerned about this. We need to work collectively to do so. In voting for acceptance, we are putting pressure on staff and Dr. Hubbard to come up with serious recommendations. We have to work together to reverse low expectations and we all need to step up. We have to set higher expectations at home and at school.

Mrs. Fluor moved to (1) accept the NCLB Hearing panel reports for Pomona Elementary School, TeWinkle Middle School, and Wilson Elementary School as presented; (2) direct the Superintendent to develop an implementation plan with specific recommendations, timelines and budget to meet the mandates of NCLB at the affected schools; and (3) direct the Superintendent to present the implementation plan for action by the Board of Education at the regular meeting of March 27, 2007. Mr. Davenport seconded the motion, and it carried unanimously with a 7/0 vote.

Approval of
2006/07
Consolidated
Application for
Funding
Categorical
Programs, Part II

Susan Astarita presented information on the 2006/07 Consolidated Application for Funding Categorical Programs Part II. Board members entertained a discussion and asked for additional information to be provided as we look towards next year's approvals including a review of schools that are included in the allocations and a review of how sites are spending their allocations. Mr. Davenport moved approval and Mrs. Brooks seconded the motion, and it carried with a 6/1 vote, Fluor opposed.

Presentation of
Plans for
Replacement of
Robins-Loats
Building at
Newport Harbor
High School

Don Pender from LPA Architects reviewed the process to date and presented the new design for the replacement of the Robins/Loats Building.

Approval of 2007
Summer School
Program Site and
Calendars

Mrs. Fluor moved approval of the 2007 Summer School sites at Estancia High School and TeWinkle Middle School and the summer school calendars for both programs. Mr. Brooks seconded the motion, and it carried unanimously with a 7/0 vote.

Approval of
Quarterly
Investment Report

Mrs. Black moved to receive the Quarterly Investment Report. Mr. Davenport seconded the motion, and it carried unanimously with a 7/0 vote.

Superintendent/
Assistant
Superintendent's
Reports

The Superintendent and Assistant Superintendents provided reports on various items of interest.

Minutes of Regular Meeting

**ADOPTED MINUTES
February 13, 2007**

Board Members Reports Board members provided reports on their recent attendance at events and activities and shared information of interest to other Board members.

Board member Fluor requested an item be placed on a future agenda relative to studying trustee areas. Mrs. Fluor will follow up with submission of a 1420 Board Policy Agenda Request Form.

Legislative Report No report.

CROP Report Mrs. Fluor noted that there is an upcoming March 12 legislation safari.

Audience Participation No comments.

Recited Actions Taken in Closed Session In a prior session, The Board of Education has taken discipline action in the student case #06 21 79. The action taken was to expel the student from the schools of the Newport-Mesa Unified School District for the period of 2/13/07 through 6/30/07. During the expulsion period the student will attend ACCESS or another appropriate setting and must maintain acceptable grades, attendance and citizenship. The student is also to complete 25 hours of community service and at least 8 hours of counseling for appropriate decision-making. It was moved by Dave Brooks and seconded by Walter Davenport. This action was taken by a 6-0 vote on 2/13/07. Michael Collier was absent.

In a prior session, The Board of Education has taken discipline action in the student case #06 20 77. The action taken was to expel the student from the schools of the Newport-Mesa Unified School District for the period of 2/13/07 through 6/30/07. During the expulsion period the student will attend ACCESS or another appropriate setting and must maintain acceptable grades, attendance and citizenship. The student is also to complete 25 hours of community service and at least 8 hours of counseling for appropriate decision-making. It was moved by Dave Brooks and seconded by Walter Davenport. This action was taken by a 6-0 vote on 2/13/07. Michael Collier was absent.

In a prior session, The Board of Education has taken discipline action in the student case #06 18 60. The action taken was to expel the student from the schools of the Newport-Mesa Unified School District for the period of 2/13/07 through 6/30/07. During the expulsion period the student will attend ACCESS or another appropriate setting and must maintain acceptable grades, attendance and citizenship. The student is also to complete 25 hours of community service and at least 12 hours of counseling for drug and alcohol abuse. It was moved by Martha Fluor and seconded by Dave Brooks. This action was taken by a 6-0 vote on 2/13/07. Michael Collier was absent.

In a prior session, The Board of Education has taken discipline action in the student case #06 22 52. The action taken was to expel the student from the schools of the Newport-Mesa Unified School District for the period of 2/13/07 through 6/21/07, to suspend the expulsion, and to transfer the student to Kaiser Elementary. During the expulsion period the student must maintain acceptable grades, attendance and citizenship. The student is also to complete 20 hours of on-site school community service and at least 10 hours of counseling for appropriate decision-making and anger management. It was moved by Martha Fluor and seconded by Dana Black. This action was taken by a 7-0 vote on 2/13/07.

Permanent Record A DVD of the Board meeting discussions is on file in the Superintendent’s Office as a matter of the permanent record.

Adjournment At 10:56 p.m. President Franco adjourned the meeting.

Jeffrey C. Hubbard, Secretary