

**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  
March 13, 2007

Closed Session At 4:32 p.m., President Franco announced that the Board of Education would convene in Closed Session to address Student Discipline, Conference with Labor Negotiator, and Public Employee Discipline/Dismissal/Release.

Recess At 6:30 p.m., the Board took a brief recess.

Reconvene/Call to Order/Roll Call At 7:00 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
- Hannah Dean, OCMCHS Student Board Member
- Tori Fry, BBHS Student Board Member
- Taylor McClanahan, EHS Student Board Member

Adoption of Agenda Mrs. Fluor moved adoption of the agenda as submitted. Mr. Davenport seconded the motion, and it carried unanimously with a 7/0 vote.

Special Presentation  
Adoption of Resolution No. 21-03-07 – Music in Our Schools/Arts Education Month, March 2007

The Ensign Choir performed a series of songs in honor of Music in Our Schools/Arts Education Month, March 2007. Following the performance, the Board adopted Resolution No. 21-03-07 proclaiming the month of March as “Music in Our Schools/Arts Education Month”. Mrs. Fluor moved adoption of the Resolution and Mrs. Black seconded the motion.

Mrs. Franco - yes  
Mrs. Fluor - yes  
Mrs. Black - yes  
Mr. Brooks - yes  
Mr. Collier - yes  
Mr. Davenport – yes  
Mrs. Yelsey - yes

Resolution No. 21-03-07 was adopted by a unanimous roll call vote.

Community Input The following community members addressed the Board regarding teacher salaries and urged the Board to raise the compensation levels in the District relative to teachers. Marcus Franco, Frank Oppedisano, Kimberly Claytor, Carol Tipper, Jim Rogers.

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

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

Consent Calendar *Mrs. Fluor moved approval of the Consent Calendar with the exception of Item No. 23, which was pulled for separate action due to a stated conflict by Trustee Collier. Mr. Davenport seconded the motion, and it carried unanimously with a 7/0 vote.*

5. Approved ten new individual contracts for a total Individual Education Cost (IEP) of \$28,941.00 through the 2006/07 school year, as established from the Individual Educational Program.
6. Approved one parent reimbursement contract for a total Individual Education Cost (IEP) of \$140.14 through the 2006/07 school year, as established from the Individual Educational Program.
7. Approved a final compromise and release agreement – Office of Administrative Hearings (OAH) Case No. 2006120016 in the amount of \$23,000.00 pursuant to the laws of the State of California.
8. Approved a final compromise and release agreement – Office of Administrative Hearings (OAH) Case No. N200701810 in the amount of \$12,375.00 pursuant to the laws of the State of California.
9. Approved a final compromise and release agreement – Office of Administrative Hearings (OAH) Case No. N2006100052 in the amount of \$20,000.00 pursuant to the laws of the State of California.
10. Approved Change Order #8 with SMC Construction for Corona del Mar High School for the amount of (\$169,075.06).
11. Approved Service Contract Agreement No. SC06-07 between Newport-Mesa Unified School District and GKK Works for existing restroom modernization, architectural and engineering services at Rea Elementary School in an amount not-to-exceed \$6,384.00.
12. Authorized the Deputy Superintendent, Chief Business Official of Business Services to enter into a contract with Ambient Environmental, Inc., for the purpose of surveying and reporting hazardous materials at TeWinkle Gym, at a cost not-to-exceed \$3,900.00.
13. Approved the Service Agreement with U.S. Healthworks Medical Group Prof. Corp, for the period March 15, 2007 through March 14, 2008 to provide medical treatment for employee work-related injuries.
14. Approved Settlement Authority for a Stipulation with Request for Award of \$2,775.00 with a provision for future medical care for Claim No. 1207-03-0131.
15. Approved Settlement Authority for a Stipulation with Request for Award of \$11,050.00 with a provision for future medical care for Claim No. 1207-04-0115.
16. Approved Settlement Authority for a Stipulation with Request for Award of \$29,785.00 for Claim No. 1207-03-0103.
17. Approved Settlement Authority for a Stipulated Award at 41% or \$37,878.75 with a provision for future medical care or a Compromise and Release for \$65,000.00 for Claim No. 1207-03-0170.
18. Approved a request for a Certificated Employment Assignment Alternative/Option for two certificated employees pursuant to Education Code 44865.
19. Approved Certificated Employees' Leave of Absence Register No. 14-07.
20. Approved Certificated Employees' Appointment/Reassignment Register No. 14-07.
21. Approved Certificated Employees' Resignation/Termination Register No. 12-07.
22. Approved Classified Employees' Resignation/Termination Register No. 13-07.
24. Approved Classified Employees' Leave of Absence Register No. 13-07.
25. Approved Gift Register No. 13-07.
26. Approved Accounting Register No. 13-07.
27. Approved Measure A Accounting Register No. 13-07.
28. Approved Purchasing Report No. 13-07.
29. Approved Purchasing Report Measure A and F No. 13-07A/F.
30. Approved Independent Contractors Register No. 14-07.
31. Approved Student Trip Register No. 12-07.

*Mrs. Black moved approval of Item No. 23. Mr. Davenport seconded the motion, and it carried unanimously with a 6/0 vote, Trustee Collier abstained.*

23. Approved Classified Employees' Appointment/Reassignment Register No. 13-07.

Approval of  
Adoption of  
Resolution No.  
21-03-07 of the  
Newport-Mesa  
Unified School  
District Honoring  
Music in our  
Schools/Arts  
Education Month,  
March 2007

Adopted at the beginning of the meeting at the same time as the Presentation by the Ensign Choir.

Costa Mesa Zone  
Elementary  
School Grade  
Level  
Configurations

Dr. Hubbard reviewed the process to date relative to the Costa Mesa zone elementary school grade level configurations. He noted that after careful consideration of the issues surrounding the grade level configuration of the Costa Mesa schools, the staff recommendation is to maintain the current grade level configuration. The staff also recommends including the topic of grade level configuration into the discussions currently being held by the school redesign task force. The group is focused on addressing issues at all grade levels district-wide. If the Board accepts the staff's recommendation, no formal action is needed by the Board other than to accept and file the findings. Additionally, Dr. Hubbard noted that he has asked Susan Astarita and Paul Reed to review the demographics of the entire district and take a holistic approach to the issue.

Following Dr. Hubbard's recommendations, the following community members addressed the Board:

Samantha Fluor – in support of reconfigurations  
Kyanna Truong – in support of reconfigurations  
Linda Dailey – not supportive of reconfigurations  
Brian Valles – in support of reconfigurations

Following the community input, the Board entertained a lengthy discussion about options, possible motions and solutions. Member Davenport questioned how soon would the Board hear from the redesign committee? Member Yelsey noted she has compassion for all involved. She stated that the elementary schools should be adjusted now and that K-6 is the best for student achievement. Member Fluor stated that she has been very involved for the past two years and that her granddaughter has been affected personally by the current configurations. As a parent she stated she has watched her granddaughter's friend's move to other schools instead of matriculating to Davis. She also stated her concern with the staff's recommendation based on facilities and costs. Member Brooks commented that he too is sympathetic to the issues raised by his colleagues but that he feels there is a bigger picture to review and look at district-wide rather than one zone at a time. Member Black commented that she feels the current configurations splits families and she is supportive of scenario 3. Member Collier commented that he believes we have to look at the whole district and that costs have to be a factor for consideration and that a district-wide plan is needed. Member Black addressed the Board again and stated that if this was a Newport school this would be a done deal. Several motions were placed on the table:

1. Motion by Mrs. Black in support of scenario 3. Seconded by Mrs. Fluor and supported by Mrs. Yelsey.
2. A second motion was placed on the floor: Motion by Mr. Davenport in support of scenario 1. Seconded by Mrs. Black and supported by Mrs. Yelsey and Mrs. Fluor with questions from Mr. Davenport.
3. A substitute motion was then placed on the floor: Motion by Mrs. Fluor to allow 4<sup>th</sup> grade to remain at the Costa Mesa elementary schools for the 2007/08 school year with no changes to Davis or Costa Mesa High School's current configurations. It was noted that the District would have to invoke collective bargaining language on involuntary transfers among other considerations.

The Board entertained a discussion about the various motions. At 9:14 p.m., Member Fluor asked to withdraw the motions on the table, take a recess, and reconvene in ten minutes with a new motion crafted by Mrs. Fluor, Mrs. Yelsey, Mrs. Black and Mr. Davenport.

At 9:25 p.m., the Board reconvened and proposed a new motion for consideration:

*Mrs. Fluor moved to add 4<sup>th</sup> grade to Costa Mesa zone elementary schools for the 2007/08 school year. 4<sup>th</sup> grade will also remain at Davis for the 2007/08 school year providing parents with a choice of 4<sup>th</sup> grade attendance options at their home school or Davis. Staff will review the associated logistics with the 4<sup>th</sup> grade implementation as well as staffing considerations, consistent with the collective bargaining agreement and present an implementation plan to the Board at the April 24, 2007 board meeting. Concurrently, the Board directed staff to review future configuration options and make a report of findings and recommendations to the Board at their first meeting in December, 2007. Mrs. Black seconded the motion, and it carried with a 5/2 vote (Brooks, Franco opposed).*

Following the vote, NMFT President Jim Rogers requested an opportunity to address the Board. He stated that the Board’s action this evening with the reconfigurations sent a clear message to the teachers that their salaries are not a priority for the Board.

Approval of First 5 Special Needs Demonstration Site Project – Learning, Early Intervention, and Parent Support (LEAPS) Project for Pomona School - Additional Funding to Provide Additional Services

Mrs. Fluor moved approval of the First 5 Special Needs Demonstration Site Project – LEAPS Program – additional funding for additional services as presented. Mr. Davenport seconded the motion, and it carried unanimously with a 7/0 vote.

Presentation by Math Task Force

Dr. Chuck Hinman presented the Math Task Force’s finding and recommendations for changes and future action by the Board.

Approval of 2006-07 Second Period Interim Report

Mrs. Fluor moved to approve the 2006/07 Second Period Interim Report and adopt a positive certification pursuant to Education Code 42131. Mr. Davenport seconded the motion, and it carried unanimously with a 7/0 vote.

2007 California School Employees Association (CSBA) Delegate Assembly Election, Region 15

Mrs. Fluor moved to cast votes for the following eight candidates for the 2007 CSBA Delegate Assembly, Region 15. Mrs. Franco seconded the motion, and it carried unanimously with a 7/0 vote.  
Bonnie Castrey  
Judy Edwards  
Karin Freeman  
Sue Kuwabara  
Jose Moreno  
Craig T. Olson  
Robert A. Singer  
Elizabeth Swift

Cancellation of Regular Board Meeting of April 10, 2007

Mr. Davenport moved approval to cancel the regularly scheduled board meeting of April 10, 2007 due to the conflict with the student spring recess. Mr. Brooks seconded the motion, and it carried unanimously with a 7/0 vote.

Additionally, Mrs. Fluor requested that the Board set a special meeting to be held on Tuesday, April 17, 2007 (if deemed necessary). Mrs. Black seconded the motion, and it carried with a 5/2 vote (Brooks/Collier opposed).

**Minutes of Regular Meeting**

**ADOPTED MINUTES  
March 13, 2007**

Superintendent/ Assistant Superintendent's Report	The Superintendent and Assistant Superintendents provided reports on various items of interest.
Board Members Reports	Board members provided reports on their recent attendance at events and activities and shared information of interest to other Board members.
Legislative Report	No report.
CROP Report	No report.
Audience Participation	No comments.
Recited Actions Taken in Closed Session	<p>In a prior session, The Board of Education has taken discipline action in the student case #06 25 72. The action taken was to expel the student from the schools of the Newport-Mesa Unified School District for the period of 3/13/07 through 1/30/08. The expulsion may be suspended from 9/4/07 through 1/30/08 if the student completes his community service and counseling. 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 Walt Davenport. This action was taken by a 6-0 vote on 3/13/07. Martha Fluor was absent.</p> <p>In a prior session, The Board of Education has taken discipline action in the student case #06 24 72. The action taken was to expel the student from the schools of the Newport-Mesa Unified School District for the period of 3/13/07 through 6/30/07. The expulsion is to be suspended and the student will be transferred to Rea Elementary. During the expulsion period the student 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 Walt Davenport and seconded by Dana Black. This action was taken by a 6-0 vote on 3/13/07. Martha Fluor was absent.</p> <p>In a prior session, The Board of Education has taken discipline action in the student case #06 26 72. The action taken was to expel the student from the schools of the Newport-Mesa Unified School District for the period of 3/13/07 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 Michael Collier. Martha Fluor was absent. This action was taken by a 6-0 vote on 3/13/07.</p>
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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 11:12 p.m. President Franco adjourned the meeting.

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Jeffrey C. Hubbard, Secretary