

# 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 28, 2005**

❖ **STUDY SESSION 4:30 P.M.**

*Education Center - Roderick H. MacMillian Board Meeting Room*

***Presentation by Paul Goldfinger of School Services: Evaluation of Special Education Programs***

❖ **CLOSED SESSION 6:00 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 – Existing Litigation**

Significant exposure to litigation pursuant to Government Code §54956.9(a)  
(disclosure will jeopardize existing settlement negotiations)

**3. Conference with Legal Counsel - Anticipated Litigation**

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

**4. Personnel: Public Employee Discipline/Dismissal/Release**

(Pursuant to Government 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:**

\_\_\_\_\_ 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, 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.

❖ **PRESENTATION**

Recognition of 2004/05 Eagle Scouts

❖ **PUBLIC HEARINGS**

Public Hearing for the 2005/06 All Funds Tentative Budget in accordance with California Education Code Sections 42103 and 42127.

Public Hearing for the 2004/05 (Special Education Local Plan Area) SELPA-Wide Annual Service Delivery Plan and 2003/04 (Special Education Local Plan Area) SELPA-Wide Annual Budget Plan in accordance with California Education Code Section 56205(b)(2) and Title 34 Code of Federal Regulations C.F.R. Sections 300.231-300.233.

❖ **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 ten new individual contracts for a total Individual Education Cost (IEP) of \$114,400.00 through the 2005/06 school year, as established from the Individual Educational Program.
6. It is recommended that the Board of Education approve five parent reimbursement contracts for a total Individual Education Cost (IEP) of \$34,500.00 through the 2005/06 school year, as established from the Individual Educational Program.
7. It is recommended that the Board of Education approve forty seven special education master contracts as established from the Individual Educational Program for 2004/05 and 2005/06.
8. It is recommended that the Board of Education approve the contracts with Arrowhead Ranch Outdoor Science School for participation by Adams, Andersen, California, Lincoln, Mariners, Newport Coast, Newport Elementary, Victoria and Wilson Elementary Schools during the 2005/06 school year.
9. It is recommended that the Board of Education approve a five-year service contract agreement, renewable annually, with FireMaster Inland Empire for fire extinguisher and fire sprinkler servicing and inspection for the period of July 1, 2005 through June 30, 2010 in an amount not-to-exceed \$18,000.
10. It is recommended that the Board of Education approve a three-year service contract agreement, renewable annually, with American Classic Sanitation, Inc., for the rental and service of portable toilets, for the period of July 1, 2005 through June 30, 2008, in an amount not-to-exceed \$19,000.
11. It is recommended that the Board of Education approve an agreement between Newport-Mesa Unified School District and ADvTech Environmental Inc., in an amount not-to-exceed \$75,000 to provide continuing assistance to the District for compliance with OCHCA requirements, perform

- quarterly ground water well testing and develop bid specifications for future soil and groundwater remediation for the period of July 1, 2005 through June 30, 2006.
12. It is recommended that the Board of Education approve Amendment #1 to the agreement between Michael Merino Architects and Newport-Mesa Unified School District for architectural services at Newport-Coast Elementary School to perform a parking lot feasibility study at a cost not-to-exceed \$8,250.00 for the period ending September 1, 2005.
  13. It is recommended that the Board of Education approve Amendment #2 to the agreement between tBP Architecture and the Newport-Mesa Unified School District for the period ending June 30, 2006 at a cost not-to-exceed \$15,000.
  14. It is recommended that the Board of Education approve Amendment #1 to the agreement between the Newport-Mesa Unified School District and First American Title Company to perform title searches on district owned property for the period ending June 30, 2005 in an amount not-to-exceed \$19,800.00.
  15. It is recommended that the Board of Education authorize the Assistant Superintendent of Business Services to 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 \$197,176 for the period July 1, 2005 through June 30, 2006.
  16. It is recommended that the Board of Education approve settlement authority for a Stipulation with Award of \$23,800 plus future medical care for Claim No. 01-25590.
  17. It is recommended that the Board of Education approve settlement authority for a Stipulation with Award of \$16,742 plus future medical care for Claim No. 03-31200 and 05-37928.
  18. It is recommended that the Board of Education approve settlement authority to settle Claim No. 01-24989 by a Compromise and Release of \$55,000.
  19. It is recommended that the Board of Education authorize payment of the 2004/05 professional growth awards for classified employees in the amount of \$31,331.00.
  20. It is recommended that the Board of Education authorize payment of the 2004/05 professional growth awards for supervisory and confidential employees in the amount of \$2,952.25.
  21. Approval is recommended of Certificated Employees' Resignation/Termination Register No. 16-05.
  22. Approval is recommended of Certificated Employees' Leave of Absence Register No. 19-05.
  23. Approval is recommended of Classified Employees' Appointment/Reassignment Register No. 20-05.
  24. Approval is recommended of Classified Employees' Resignation/Termination Register No. 20-05.
  25. Approval is recommended of Classified Employees' Leave of Absence Register No. 18-05.
  26. Approval is recommended of Gift Register No. 19-05.
  27. Approval is recommended of Accounting Register No. 19-05.
  28. Approval is recommended of Measure A Accounting Register No. 19-05.

29. Approval is recommended of Purchasing Report No. 19-05.
  - a. Approval of Purchase Order Report covering period June 6, 2005 through June 19, 2005 in the amount of \$562,114.50.
  - b. Approval of Travel Approval Request Report covering period June 6, 2005 through June 19, 2005.
  - c. Approval of Transfer of Equipment Report covering period June 6, 2005 through June 19, 2005.
  - d. Award Bid/Contract #132-05 ball walls at Harbor View and Woodland Elementary Schools to Arya Construction and ratify the Notice to Proceed to commence work.
  - e. Receive report issues by Dan Lau of Danka Enterprises and authorize Apple Computer, Inc., as the sole source provider of Apple Computer, Inc., products and services according to the opinion of consultant Dan Lau, Danka Enterprises.
  - f. Authorize permission to advertise for Bid #142-05 shade structures, districtwide, and approve the Assistant Superintendent of Business Services to award the bid, sign a contract, and issue the Notice to Proceed to the lowest qualified bidder.
  - g. Authorize permission to advertise for Bid #143-05 cut stock paper to meet the needs of the District.
  - h. Authorize permission to advertise for roof replacement on Dodge Hall (Building B) at Newport Harbor High School Bid #144-05 and authorize the Assistant Superintendent of Business Services to award to bid to the lowest qualified bidder.
  
30. Approval is recommended of Measure A Purchasing Report No. 19-05A.
  - a. Approval of the Notice to Proceed on Contract #7335-318 for relocation of portable buildings at Wilson Elementary School in the amount of \$59,920.00.
  - b. Approval of the Notice to Proceed on Contract #7335-319 for relocation of portable buildings at Killybrooke and Adams Elementary Schools in the amount of \$56,000.00.
  - c. Approval of the Notice to Proceed on Contract #7335-321 for relocation of portable buildings at Killybrooke, Adams and College Park Elementary Schools in the amount of \$50,400.00.
  - d. Direct that a Notice of Completion be filed for the work through Contract #113-03 to Cavecche Engineering at Wilson Elementary School – Measure A Modernization in an amount not-to-exceed \$2,740,607.28.
  
31. Approval is recommended of Measure A Operations Report No. 19-05.
  - a. Approval of Change Orders #20, #21 and #22 with Mackone Development for Costa Mesa High School in the amount of \$215,712.00.
  
32. Approval is recommended of Independent Contractors' Register No. 20-05.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

Vote \_\_\_\_\_

❖ DISCUSSION/ACTION

**33. ADOPTION OF RESOLUTION NO. 41-06-05 ADOPTING THE DISTRICT'S 2005/06 ALL FUNDS TENTATIVE BUDGET.**

DISCUSSION  
/ACTION

Adoption of Resolution No. 41-06-05 is recommended.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

ROLL CALL VOTE:

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

**34. APPROVAL OF A MEMORANDUM OF UNDERSTANDING FOR PAYMENT OF SPECIAL EDUCATION MENTAL HEALTH SERVICES BETWEEN THE ORANGE COUNTY DEPARTMENT OF EDUCATION AND ORANGE COUNTY SCHOOL DISTRICTS AND APPROVAL OF AN AGREEMENT FOR THE PROVISION OF SPECIAL EDUCATION MENTAL HEALTH SERVICES BETWEEN THE COUNTY OF ORANGE, ORANGE COUNTY DEPARTMENT OF EDUCATION, AND SPECIAL EDUCATION LOCAL PLAN AREAS.**

DISCUSSION  
/ACTION

It is recommended that the Board of Education authorize the Superintendent to enter into the proposed Memorandum of Understanding with the Orange County Department of Education and the proposed Agreement with the County of Orange and the Orange County Department of Education for the provision of Mental Health Services.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_ Vote \_\_\_\_\_

**35. ADOPTION OF 2004/05 SELPA-WIDE ANNUAL SERVICE DELIVERY PLAN AND 2004/05 SELPA-WIDE ANNUAL BUDGET PLAN.**

DISCUSSION  
/ACTION

It is recommended that the Board of Education adopt the 2004/05 (Special Education Local Plan Area) SELPA-wide Annual Service Delivery Plan and The 2004/05 (Special Education Local Plan Area) SELPA-wide Annual Budget Plan as presented.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_ Vote \_\_\_\_\_

**36. ADOPTION OF RESOLUTION NO. 42-06-05 CERTIFYING THE BOARD'S APPROVAL OF CONTRACT NO. CPRE-4240 WITH THE CALIFORNIA DEPARTMENT OF EDUCATION FOR THE STATE PRESCHOOL PROGRAMS.**

DISCUSSION  
/ACTION

Adoption of Resolution No. 42-06-05 is recommended.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

ROLL CALL VOTE:

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

**37. APPROVAL OF DELEGATION OF AUTHORITY.**

DISCUSSION  
/ACTION

It is recommended that the Board of Education delegate to the Superintendent, Assistant Superintendent of Business Services, Assistant Superintendent of Human Resources, Assistant Superintendent of Elementary Education, and the Interim Assistant Superintendent of Secondary Education, for the period of July 13, 2005 through August 22, 2005, the authority to enter into contracts for consultants, construction repair work, and equipment, authorize purchase orders, authorize going to bid, and to accept bids, authorize notices to proceed and notices of completion, make budget transfers, authorize attendance at conferences, accept employees' resignations, approve changes in employment status, and settle liability workers' compensation claims.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

Vote \_\_\_\_\_

❖ **INFORMAL REPORTS**

**38. Superintendent**

**39. Assistant Superintendents**

**40. Board Members**

**41. Legislative Representative**

**42. 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.

**43. ADJOURNMENT, \_\_\_\_\_ p.m.**

**ACTION**

❖ **CLOSED SESSION**

*Education Center – Superintendent’s Office Conference Room*

**Public Employee Evaluation**

**Title: Superintendent**

(Pursuant to Education Code §54957)

**44. ADJOURNMENT OF CLOSED SESSION, \_\_\_\_\_ p.m.**

**ACTION**