

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

November 22, 2005

❖ **CLOSED SESSION 4:30 P.M.**

Education Center – Superintendent's Office Conference Room

1. Student Discipline

(Pursuant to Education Code §35146, §48918(c))

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. Personnel: Public Employee Discipline/Dismissal/Release

(Pursuant to Government Code §54957)

4. Public Employment Contract

Title: Superintendent

(Pursuant to Government Code §54957)

❖ **RECESS 5:30 P.M.**

Education Center – Superintendent's Office Conference Room

❖ **PRESENTATION 6:00 P.M.**

Education Center - Roderick H. MacMillian Board Meeting Room

Recognition of Orange County Teachers of the Year Honorees:

★ *Ted Williams*

★ *Nancy Heiman*

❖ **RECEPTION 6:30 P.M.**

The Board will take a brief recess to host a reception.

❖ **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
- _____ Sarah Grabarsky, Co- Rep -Costa Mesa HS
- _____ Tu Nguyen, Co- Rep -Costa Mesa HS
- _____ Nicole Wall, Newport Harbor HS
- _____ Mark Morihiro, Alternate -Newport Harbor HS
- _____ Susan Moheimani, Corona Del Mar HS
- _____ Devon Metkovich, Estancia HS
- _____ Bridgette Gleason, Alternate -Estancia HS
- _____ Elizabeth Crosby, OC Middle College HS
- _____ Daniel DeArakal, Alternate -OC Middle College HS
- _____ Devin Meaders, Co-Rep -Back Bay/Monte Vista HS
- _____ Alyssa Vega, Co-Rep -Back Bay/Monte Vista HS
- _____ Stephany Salza, Co-Rep- Back Bay/Monte Vista HS
- _____ James Cochran, Co-Rep - Back Bay/Monte Vista HS

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

5. **ADOPTION OF MINUTES.** Recommendation is made that the minutes be adopted as submitted. ACTION
 - Regular Meeting of October 11, 2005
 - Regular Meeting of October 25, 2005
 - Special Meeting/Study Session of November 15, 2005
 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.

❖ **STUDENT BOARD MEMBER REPORTS**

❖ **PARENT LIAISON REPORT**

❖ **PRESENTATION**

Update on Newport-Mesa's "Pass it Forward" Fundraising Program in conjunction with the Red Cross benefiting the victims of Hurricane Katrina.

❖ **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.

6. It is recommended that the Board of Education approve 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. It is recommended that the Board of Education approve 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. It is recommended that the Board of Education approve 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. It is recommended that the Board of Education approve 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. It is recommended that the Board of Education approve 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. It is recommended that the Board of Education approve the modification to the Final Compromise and Release Agreement SEHO Case No. SN04-01282 pursuant to the laws of the State of California.
12. It is recommended that the Board of Education approve the list of nominees for membership appointments to the Special Education Community Advisory Committee (CAC).
13. It is recommended that the Board of Education approve 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. It is recommended that the Board of Education ratify the field trip contract between Eastbluff Elementary School and Astrocamp for a trip that occurred October 10-14, 2005.
15. It is recommended that the Board of Education ratify the field trip contract between Harbor View Elementary School and Sea World Adventure Camp for a trip that occurred November 8-9, 2005.
16. It is recommended that the Board of Education approve 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. It is recommended that the Board of Education receive 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. It is recommended that the Board of Education approve 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. It is recommended that the Board of Education approve 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. It is recommended that the Board of Education approve submission of the Carl Perkins Vocational Education Application for funding for secondary education for the 2005/06 school year.
21. It is recommended that the Board of Education approve Agreement No. 2942 between the Orange County Department of Education and Newport-Mesa Unified School District to allocate grant award funding for the Smaller Learning Communities Program at Costa Mesa High School and Newport Harbor High School.
22. It is recommended that the Board of Education approve 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. It is recommended that the Board of Education approve 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. It is recommended that the Board of Education approve 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. It is recommended that the Board of Education approve 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. It is recommended that the Board of Education authorize 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. It is recommended that the Board of Education authorize 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. It is recommended that the Board of Education direct 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. It is recommended that the Board of Education reject Claim No. 05-41759W to protect the Statute of Limitations for further legal action by the claimant.
30. It is recommended that the Board of Education reject Claim No. 05-41760W and refer the claim to the District's legal counsel.
31. It is recommended that the Board of Education approve Settlement Authority for a Stipulations with Request for Award of \$47,642.50 with a provision for future medical care for Claim No. 00-21500.
32. It is recommended that the Board of Education approve Settlement Authority for a Compromise and Release in the amount of \$27,000 for Claim No.89003781.
33. It is recommended that the Board of Education approve Settlement Authority for a Stipulations with Request for Award of \$10,600.00 with a provision for future medical care for Claim No. 01-23555.
34. It is recommended that the Board of Education approve Settlement Authority for a Compromise and Release in the amount of \$37,000 for Claim No. 04-34315.
35. It is recommended that the Board of Education approve Settlement Authority for a Stipulations with Request for Award of \$8,556.25 with a provision for future medical care for Claim No. 03-31765.
36. Approval is recommended of Certificated Employees' Resignation/Termination Register No. 07-06.
37. Approval is recommended of Certificated Employees' Leave of Absence Register No. 07-06.
38. Approval is recommended of Certificated Employees' Appointment/Reassignment Register No. 07-06.
39. Approval is recommended of Classified Employees' Appointment/Reassignment Register No. 07-06.
40. Approval is recommended of Classified Employees' Resignation/Termination Register No. 07-06.

41. Approval is recommended of Classified Employees' Leave of Absence Register No. 05-06.
42. Approval is recommended of Gift Register No. 05-06.
43. Approval is recommended of Accounting Register No. 06-06.
44. Approval is recommended of Measure A Accounting Register No. 06-06.
45. Approval is recommended of Purchasing Report No. 06-06.
 - a. Approval of Purchase Order Report covering period October 17, 2005 through November 13, 2005 in the amount of \$2,078,929.14.
 - b. Approval of Travel Approval Request Report covering period October 17, 2005 through November 13, 2005.
 - c. Approval of Transfer of Equipment Report covering period October 17, 2005 through November 13, 2005.
 - d. Ratify 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. Grant permission to use piggyback Contract #04/05-009 Desert Sands Unified School District to purchase a 25 passenger special-needs school bus.
 - f. Rejection of single bid received for Bid #104-06 Tree Trimming – Time and Material – District-wide.
 - g. Award and issue Notice to Proceed for Bid #105-06 Paving/Asphalt – Time and Material – District-wide to Beach Paving.
 - h. Approve renewal of Contract #115-05 with Park Specialties for the period of December 15, 2005 through December 14, 2006.
 - i. Grant permission to use piggyback Contract #NSD02-04 Newhall School District and Culver-Newlin to purchase school furnishings, office furnishings and accessories.
 - j. Ratify 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. Ratify 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. Ratify the approval of 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. Approve 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. Approval is recommended of Measure A Purchasing Report No. 06-06A.
 - a. Authorize permission to advertise for Bid #110-06 Davis Education Center – Contract B-window replacement – and approve the Deputy Superintendent of Business Services to sign a contract and issue a Notice to Proceed to the lowest qualified bidder.
 - b. Ratify the Notice to Proceed for Contract #105-05 (7335-354) to Giannelli Electric for electrical work at Costa Mesa High School.
 - c. Direct 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. Direct 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. Direct 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. Direct 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. Direct 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. Approval is recommended of Measure A Operations Report No. 06-06.

- a. Approval of Amendment #8 – GKK Architects – Adams Elementary School.
- b. Approval of Amendment #6- GKK Architects – California Elementary School.
- c. Approval of Amendment #5- GKK Architects –Rea Elementary School.
- d. Approval of Amendment #8 – HMC Architects – Estancia High School.
- e. Approval of Amendment #6- LPA Architects – Andersen Elementary School.
- f. Approval of Change Order #7 and #8 – Mackone Development – Newport Harbor High School.
- g. Approval of Change Order #27 and #28 – Mackone Development – Costa Mesa High School.
- h. Approval of Change Order #1 – Cavecche Engineering – Rea Elementary School.
- i. Approval of Amendment #17- LPA Architects – Newport Harbor High School.
- j. Approval of Amendment #7- LPA Architects – Lincoln Elementary School.
- k. Approval of Amendment #8 – HMC Architects – College Park Elementary School.

48. Approval is recommended of Independent Contractors’ Register No. 07-06.

Motion by _____ Seconded by _____ Vote _____

❖ **INTRODUCTION OF NEW STAFF**

❖ **DISCUSSION/ACTION**

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| <p>49. MEASURE A PROGRAM – CITIZENS’ OVERSIGHT COMMITTEE QUARTERLY REPORT.
It is recommended that the Board of Education receive the Quarterly Report.</p> <p>Motion by _____ Seconded by _____</p> | <p>DISCUSSION
/ACTION</p> <p>Vote _____</p> |
| <p>50. MEASURE A PROGRAM – PROJECT MANAGEMENT TEAM QUARTERLY REPORT.
It is recommended that the Board of Education receive the Quarterly Report.</p> <p>Motion by _____ Seconded by _____</p> | <p>DISCUSSION
/ACTION</p> <p>Vote _____</p> |
| <p>51. 2004/05 SCHOLASTIC APTITUDE TEST (SAT) PRESENTATION.
Staff will provide an overview of the 2004/05 SAT Assessments.</p> | <p>DISCUSSION</p> |

52. APPROVAL OF (1) AGREEMENT AND (2) REVISION TO BOARD RULE AND REGULATION NO. 4210 ADDENDUM RELATIVE TO THE JADE/ SECOND CHANCE PROGRAMS. DISCUSSION /ACTION

It is recommended that the Board of Education (1) approve the Agreement between the Newport-Mesa Unified School District and the Boys and Girls Club of Tustin to provide the Juvenile Alcohol and Drug Education (JADE) and Second Chance Programs for the period November 1, 2005 through June 30, 2006 and; (2) approve the Revised Addendum to Rule and Regulation No. 4210-General Student Conduct for the continuation of the JADE/Second Chance Programs for the period November 1, 2005 through June 30, 2005.

Motion by _____ Seconded by _____ Vote _____

53. QUARTERLY INVESTMENT REPORT. DISCUSSION /ACTION

It is recommended that the Board of Education receive the Quarterly Report.

Motion by _____ Seconded by _____ Vote _____

54. APPROVAL OF LIST AUTHORIZING SIGNATURE AUTHORITY FOR VARIOUS DISTRICT ACCOUNTS. DISCUSSION /ACTION

It is recommended that the Board of Education approve the list authorizing the move of the ASB account at the Alternative Education Center from Wells Fargo Bank to the Orange County Teachers' Federal Credit Union and further authorizing the signatures for the Newport-Mesa Unified School District accounts.

Motion by _____ Seconded by _____ Vote _____

55. 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. DISCUSSION /ACTION

Adoption of Resolution No. 18-11-06 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	

56. SET THE BOARD'S ANNUAL ORGANIZATIONAL MEETING - DECEMBER 13, 2005. DISCUSSION /ACTION

It is recommended that the Board of Education set its Annual Organizational Meeting to be held on December 13, 2005 at 7:00 p.m. in accordance with Education Code §35143 and §72000.

Motion by _____ Seconded by _____ Vote _____

57. CHANGE IN BOARD MEETING SCHEDULE.

It is recommended that the regular Board meeting date of December 27, 2005 be cancelled.

DISCUSSION
/ACTION

Motion by _____ Seconded by _____

Vote _____

❖ **INFORMAL REPORTS**

58. Superintendent

59. Assistant Superintendents

60. Board Members

61. Legislative Representative

62. 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.

63. ADJOURNMENT, _____ p.m.

ACTION