

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
April 12, 2005

Call to Order/
Closed Session The regular meeting of the Board of Education of the Newport-Mesa Unified School District was called to order by the President Serene Stokes, at 5:01 p.m., on Tuesday, April 12, 2005 in the District Education Center, 2985-A Bear Street, Costa Mesa, California.

President Stokes announced that the Board of Education would convene in Closed Session to address the following items: Student discipline, conference with labor negotiator and conference with legal counsel – existing litigation. (Conference with Real Property Negotiator as originally agendized was not discussed).

Recess At 5:45 p.m., The Board took a brief recess.

Reconvene/
Presentation At 6:31 p.m. the Board reconvened the meeting for a presentation on the Early College High School grant proposal. The grant is a collaborative undertaking between Newport-Mesa Unified School District and Coastline Community College. Former N-MUSD Board Member and now a member of Coastline Community College, Ed Decker, led the presentation with N-MUSD representatives Jaime Castellanos and Mike Murphy.

Recess At 7:02 p.m., the Board took a brief recess.

Reconvene/Call to
Order At 7:14 p.m., President Stokes opened the meeting with a silent invocation and pledge of allegiance led by Student Board Member Heidi Schultheis.

Roll Call Members Present
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, Secretary

Administration
Lorri McCune, Assistant Superintendent, Human Resources
Jaime Castellanos, Assistant Superintendent, Secondary Education
Paul Reed, Assistant Superintendent, Business Services
Susan Astarita, Assistant Superintendent, Elementary Education

Student Board Members
Heidi Schultheis, NHHS

Adoption
of Agenda Mr. Brooks moved adoption of the agenda as presented. Mrs. Black seconded the motion, and it carried unanimously.

Adoption of
Minutes Mrs. Franco moved adoption of the minutes as submitted for the following:
March 8, 2005 regular meeting
March 22, 2005 regular meeting
Mrs. Sneen seconded the motion, and it carried unanimously.

- Community Input Community members Wendy Leece and Alton Smith addressed the Board regarding concerns relative to an upcoming event hosted by the Newport Beach Library featuring guest speaker Eric Schlosser, author of Fast Food Nation and Refer Madness. Members expressed concerns about the distribution of flyers to schools encouraging attendance by students. Dr. Barbot responded that the District has not been sent any flyers from the library regarding this particular event and if a flyer was sent, it would go through the district office for review and approval based on established procedures.
- Parent Liaison Report HCPTA President's Michele Graham and Bernie Redding reported on current activities occurring within the PTA.
- Student Board Members Report Heidi Schultheis reported on events and activities currently occurring at Newport Harbor High School.
- Consent Calendar *Mrs. Franco moved approval of the Consent Calendar as presented. Mrs. Fluor seconded the motion, and it carried unanimously with a 7/0 vote.*
6. Approved eleven new individual contracts for school year 2004/05 in the amount of \$131,282.25 as established from the Individual Educational Program.
 7. Approved two parent reimbursement contracts for school year 2004/05 in the amount of \$275.00 as established from the Individual Educational Program.
 8. Approved the Special Education Final Mediated Agreement and Release SEHO Case No. SN04-02969 in the amount of \$47,029.25 pursuant to the laws of the State of California.
 9. Approved the Special Education Final Mediated Agreement and Release in the amount of \$70,125.00 pursuant to the laws of the State of California.
 10. Approved the marine science adventures science camp contract for participation by Andersen Elementary School for the 2005/06 school year.
 11. Granted permission to advertise for bids to purchase food and supplies through June 30, 2006.
 12. Approved acceptance of the School-Based Mentoring three-year grant in the amount of \$570,011.00.
 13. Approved the Memorandum of Understanding to authorize annual payment to North Orange County SELPA of misallocated AB602 Special Education Funds.
 14. Approved Change Order #2 with Michael Merino Architects for additional reprographic charges related to the ball wall design work at Harbor View and Woodland Elementary Schools in the amount of \$108.97.
 15. Approved Certificated Employees Appointment/Reassignment Register No. 14-05.
 16. Approved Certificated Employees' Leave of Absence Register No. 15-05
 17. Approved Certificated Employees' Resignation/Termination Register No. 12-05.
 18. Approved Classified Employees' Appointment/Reassignment Register No. 15-05.
 19. Approved Classified Employees' Leave of Absence Register No. 14-05.
 20. Approved Classified Employees' Resignation/Termination Register No. 15-05.
 21. Approved Gift Register No. 14-05.

- 22. Approved Accounting Register No. 14-05.
- 23. Approved Measure A Accounting Register No. 14-05.
- 24. Approved Purchasing Report No. 14-05.
 - a. Approved Purchase Order Report covering period March 14, 2005 through March 30, 2005 in the amount of \$858,334.84.
 - b. Approved Travel Approval Request Report covering period March 14, 2005 through March 30, 2005.
 - c. Approved renewal of Contract #113-04 for custodial supplies with PolyCorr Industries for year two of a five year period, for the period of May 25, 2005 through May 24, 2006.
 - d. Ratified the Award of resurfacing gym floors at Estancia High School, Ensign Intermediate School and Newport Harbor High School Bid #118-05 to Roy's Flooring.
- 25. Approved Measure A Purchasing Report No. 14-05A.
 - a. Granted permission to advertise and Award Bid #127-05 Measure A – Newport Elementary School – Phase O – Electrical.
 - b. Granted permission to advertise and Award Bid #128-05 Davis Education Center- Contract B (Window replacement)
 - c. Granted permission to advertise and Award Bid #129-05 Corona Del Mar High School – Phase O – Electrical.
 - d. Granted permission to advertise and Award Bid #130-05 College Park Elementary School – ADA restroom upgrade.
 - e. Awarded Contract #121-05 Rea Elementary School Measure A Modernization Contract to Cavecche Engineering.
 - f. Directed that a Notice of Completion be filed for the work through Contract #14-00 (7335-161) to Issacs Plumbing at Whittier Elementary School in an amount not-to-exceed \$75,472.00.
 - g. Directed that a Notice of Completion be filed for the work through Contract #14-00 (7335-170) to Issacs Plumbing at Woodland Elementary School in an amount not-to-exceed \$105,648.00.
 - h. Directed that a Notice of Completion be filed for the work through Contract #7335-148 Revised to Murray Company at Whittier Elementary School in an amount not-to-exceed \$67,051.77.
- 26. Approved Measure A Operations Report No. 15-05.
 - a. Approved Change Orders #15 and #16 with Mackone Development for Costa Mesa High School in the amount of \$159,229.00.
- 27. Approved Independent Contractors' Register No. 15-05.

Measure A
Program
Informational
Update

Paul Reed noted that the Measure A Modernization Program continues to be on time and on budget.

Review of
Underfunded State
and Federal
Mandated

Paul Reed noted that previously on the Consent Calendar this evening, the Board approved additional contracts totaling almost \$1 million dollars for special education encroachment. In addition, there is a new issue relative to mental health services which are currently administered through the County

Programs Mental Health Program and are being slated to shift to school districts at a cost of about \$1.6 million for next year. The Orange County Superintendent’s Organization is working closely with the County on negotiating the issue.

Adoption of Resolution No. 31-04-05 of the Newport-Mesa Unified School District Declaring its intent to Lease Surplus Real Property Located at NHHS Paul Reed introduced the item and noted that the action before the Board is to consider whether it is in the best interest of the District to lease surplus property to a third party. If the Board concludes that it is in the best interest, then the District goes out to bid and it is then open to all. The Board would then award the bid to the highest qualified bidder. The process would also require a subsequent Board meeting to accept the bid.

President Stokes announced that during this process the Board previously granted St. Andrews Church an opportunity to provide a presentation to the Board in support of the parking agreement and that the Board is extending this same courtesy to the members of the Cliff Haven and Newport Heights Community Association by Mr. Don Krotee, in opposition of the parking agreement. Following the presentation, President Stokes noted that she would open the podium to community input. The following community members addressed the Board in support or opposition to the Resolution. Several speakers submitted cards and due to the volume of speakers, they deferred their time to another speaker listed below or chose to pass in the interest of time. (Note – accuracy of the spelling of names listed below is based on the recorders ability to interpret from the submitted handwritten cards – the list below is alphabetical and not reflective of the order of speakers). It should also be noted that the Board took a recess during the community input below at 9:00 p.m. and resumed input at 9:19 p.m.

<u>First Name</u>	<u>Last Name</u>	<u>Position</u>
Lynda	Adams	opposed
Philip	Bettencourt	support
Lisa	Boler	opposed
Brian	Brooks	opposed
Blaise	Brunda	support
Gary	Bucher	support
Vangi	Burtch-Farrell	support
Jim	Carmack	opposed
Willard	Courtney	opposed
Gale	Demmer	support
Gail	Dufour	support
Bill	Dunlap	opposed
Richard	England	opposed
Dave	Fish	support
Jack	Geerlings	support
Ron	Hendrickson	support
Novell	Hendrickson	support
Kelly	Hillman	support
Paul	Jensen	support
Ivan	Klassen	support
	Kroeger	support
Don	Krotee	opposed
Hilary	Larson	left
John	Lehman	support
Rick	Liebermann	opposed
Monica	Mazur	opposed
Sandy	McDaniel	opposed
Dave	Rockness	support

John	Rutan	support
Elizabeth	Rutter	support
Lara	Schilling	support
Dale	Smith	support
Matt	Stokke	support
Mark	Strutner	opposed
Bruce	Stuart	opposed
Kathy	Stuart	opposed
John	Sturgess	opposed
Tom	Taillon	support
Mike	Talbot	opposed
Jan	Vandersloot	opposed

At the conclusion of the community input, Dr. Barbot made the following points and recommendation to the Board:

Get out of the unintended nexus whirlpool. As Superintendent, I recommend that the item be tabled pursuant the following points:

1. Contention in the community over this issue does not seem to be focused on whether a long-term parking lease is a good thing or a bad thing, but on whether or not the church should expand.
2. The question of church’s expansion is not a matter within the authority or purview of the Board of Education or staff. Resolution of that question belongs to city government.
3. The Board of Education should refuse to be placed in the unintended nexus whirlpool which has been created by linking additional parking at NHHS to the church’s application for expansion.
4. It may be appropriate and beneficial for the Board of Education to consider the premise of a long-term lease which generates funds for additional parking and other improvements at NHHS once the issue of the church’s expansion is resolved.
5. However, until such a time that the issue is not also a focal point of non-educational extraneous contention within the community, the question of a long-term lease of parking at NHHS should not be addressed further by the Board of Education.

Following Dr. Barbot’s recommendation, Mr. Brooks moved to table the item with Dr. Barbot’s five recommendation points. Mr. Egan requested a substitute motion that would forever take this off the block for leasing to St. Andrews. The motion died for lack of a second.

Mr. Brooks reinstated his original motion to table the item with Dr. Barbot’s five recommendation points. Mrs. Black seconded the motion, and it carried with a 6/1 vote. (Mr. Egan opposed).

Recess At 10:40 p.m., the Board took a brief recess.

Reconvene At 10:49 p.m., President Stokes reconvened the meeting.

Adoption of Resolution No. 32-04-05 – Adoption of the TRANS Mrs. Franco moved adoption of Resolution no. 32-04-05, of the Newport-Mesa Unified School District authorizing the borrowing of funds for fiscal year 2005/06 and the issuance and sale of one or more series of 2005/06 tax and revenue anticipation notes therefore in an amount not-to-exceed \$25,000,000 and participation in the south coast local education agencies pooled tax and revenue anticipation note program and requesting the board of supervisors of the county to issue and sell said notes. Mr. Egan

- seconded the motion.
Mr. Brooks - yes
Mr. Egan - yes
Mrs. Franco - yes
Mrs. Sneen - yes
Mrs. Stokes - yes
Mrs. Black - yes
Mrs. Fluor – yes
Resolution No. 32-04-05 was adopted by a unanimous 7/0 roll call vote.
- Approval of State Categorical Program (II/USP) Budget Revisions for CMHS
Mrs. Sneen moved approval of the State Categorical Program (II/USP) Budget Revisions for Costa Mesa High School. Mrs. Fluor seconded the motion, and it carried unanimously.
- Adoption of Resolution No. 33-04-05 in Support of Protecting Proposition 98 Funding
Mrs. Fluor moved adoption of Resolution No. 33-04-05, in support of protecting Proposition 98 funding. Mrs. Franco seconded the motion.
Mr. Brooks - yes
Mr. Egan - yes
Mrs. Franco - yes
Mrs. Sneen - yes
Mrs. Stokes - yes
Mrs. Black - yes
Mrs. Fluor – yes
Resolution No. 33-04-05 was adopted by a unanimous 7/0 roll call vote.
- Adoption of Resolution No. 35-04-05 Observing the Day of the Teacher
Mrs. Fluor moved adoption of Resolution No. 35-04-05, observing the Day of the Teacher on May 11, 2005 and the Week of the Teacher, May 1-8, 2005. Mr. Egan seconded the motion.
Mr. Brooks - yes
Mr. Egan - yes
Mrs. Franco - yes
Mrs. Sneen - yes
Mrs. Stokes - yes
Mrs. Black - yes
Mrs. Fluor – yes
Resolution No. 35-04-05 was adopted by a unanimous 7/0 roll call vote.
- Adoption of Resolution No. 36-04-05 Observing Classified School Employees Week, May 15-21, 2005
Mrs. Franco moved adoption of Resolution No. 36-04-05 Observing Classified School Employees Week, May 15-21, 2005. Mr. Egan seconded the motion.
Mr. Brooks - yes
Mr. Egan - yes
Mrs. Franco - yes
Mrs. Sneen - yes
Mrs. Stokes - yes
Mrs. Black - yes
Mrs. Fluor – yes
Resolution No. 36-04-05 was adopted by a unanimous 7/0 roll call vote.
- Informal Reports – Superintendent/ Assistant Superintendents/ Board Members
Board members reported on various activities and events they had attended during the past two weeks and shared informational items of interest.
- Legislative Report
No report.

CROP Report No report.

Audience Participation No comments.

Report From Closed Session/
Adjournment

President Stokes recited actions taken in Closed Session regarding Student Discipline:

In a prior session, the Board of Education took action in student case no. 04-42-76 to expel the student from the schools of the Newport-Mesa Unified School District for the period of 4/12/05 through 6/24/05. The student is to attend ACCESS during the expulsion period and must maintain acceptable grades, attendance and citizenship while enrolled. The student is to complete 50 hours of community service and complete at least eight counseling sessions for drug and alcohol abuse as terms for the expulsion agreement. Motion by Mrs. Franco, seconded by Mr. Brooks and carried with a 7/0 vote.

In a prior session, the Board of Education took action in student case no. 04-50-68 to expel the student from the schools of the Newport-Mesa Unified School District for the period of 4/12/05 through 1/30/06. The student is to attend ACCESS during the expulsion period. The student must maintain acceptable grades, attendance and citizenship while enrolled. The student is to complete 50 hours of community service and complete at least eight counseling sessions for appropriate decision making as terms for the expulsion agreement. Motion by Mrs. Sneen and seconded by Mrs. Black and carried with a 7/0 vote.

In a prior session, the Board of Education took action in student case no. 04-37-77 to expel the student from the schools of the Newport-Mesa Unified School District for the period of 4/12/05 through 1/30/06. The student is to attend ACCESS during the expulsion period. The student must maintain acceptable grades, attendance and citizenship while enrolled. The student is to complete 50 hours of community service and complete at least eight counseling sessions for drug and alcohol abuse as terms for the expulsion agreement. Motion by Mrs. Franco and seconded by Mrs. Black and carried with a 7/0 vote.

In a prior session, the Board of Education took action in student case no. 04-29-68 to expel the student from the schools of the Newport-Mesa Unified School District for the period of 4/12/05 through 1/30/06. The student is to attend ACCESS during the expulsion period. The student must maintain acceptable grades, attendance and citizenship while enrolled. The student is to complete 50 hours of community service and complete at least eight counseling sessions for appropriate decision making as terms for the expulsion agreement. Motion by Mrs. Franco and seconded by Mrs. Black and carried with a 7/0 vote.

In a prior session, the Board of Education took action in student case no. 04-46-77 to expel the student from the schools of the Newport-Mesa Unified School District for the period of 4/12/05 through 1/30/06. The student is to attend ACCESS during the expulsion period. The student must maintain acceptable grades, attendance and citizenship while enrolled. The student is to complete 50 hours of community service and complete at least eight counseling sessions for appropriate decision making as terms for the expulsion agreement. Motion by Mr. Brooks and seconded by Mrs. Franco and carried with a 7/0 vote.

In a prior session, the Board of Education took action in student case no. 04-45-78 to expel the student from the schools of the Newport-Mesa Unified School District for the period of 4/12/05 through 1/30/06. The student is to attend ACCESS during the expulsion period. The student must maintain acceptable grades, attendance and citizenship while enrolled. The student is to complete 50 hours of community service and complete at least eight counseling sessions for appropriate decision making as terms for the expulsion agreement. Motion by Mrs. Fluor and seconded by Mrs. Black and carried with a 7/0 vote.

At 11:25 p.m., President Stokes adjourned the meeting.

Robert J. Barbot, Secretary