

BOARD OF TRUSTEES
Agenda
Thursday, July 24, 2008
Closed Session – 3:30 p.m.
Regular Meeting – 6:00 p.m.

Some items on the agenda of the Board of Trustees' meeting include exhibits of supportive and/or background information. These items may be inspected in the superintendent's office of the Anaheim Union High School District at 501 Crescent Way in Anaheim, California. The office is open from 7:30 a.m. to 5:00 p.m., Monday through Friday, and is closed for most of the federal and local holidays. These materials are also posted with the meeting agenda on the district web site at www.auhsd.us.

Meetings are recorded for use in official minutes.

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| 1. | CALL TO ORDER – ROLL CALL | <i>ACTION ITEM</i> |
| 2. | ADOPTION OF AGENDA | <i>ACTION ITEM</i> |
| 3. | PUBLIC COMMENTS, CLOSED SESSION ITEMS | <i>INFORMATION ITEMS</i> |

This is an opportunity for community members to address the Board of Trustees on closed session agenda items only. Persons wishing to address the Board of Trustees should complete a speaker request form, available on the information table, at the back of the room, and submit it to the executive assistant prior to the meeting. Each speaker is limited to five minutes; each topic or item is limited to 20 minutes. Board members cannot immediately respond to public comments as stated on the speaker request form.

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| 4. | CLOSED SESSION | <i>ACTION ITEMS</i> |
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The Board of Trustees will meet in closed session for the following purposes:

- A. To consider matters pursuant to Government Code Section 54957.6: Public employee appointments – assistant principals and principal.
- B. To consider matters pursuant to Government Code Section 54957.6: Conference with Labor Negotiators – Dr. Farley, Dr. Selbe, Dr. Navarro, Mr. Cowen, and Mrs. Poore, regarding negotiations and contracts with the American Federation of State, County and Municipal Employees (AFSCME).
- C. To consider matters pursuant to Education Code Section 48918: Expulsion of students 07-316, 07-317, 07-318, 07-319, 07-320, 07-321, 07-322, 07-323, 07-324, 07-325, 07-328, 07-329, 07-330, 07-331, 07-332, and 07-333.
- D. To consider matters pursuant to Education Code Section 48918: Readmission of students 06-51, 06-195, 06-306, 06-341, and 06-338.
- E. To consider matters pursuant to Education Code Section 35146: Appeal of students A-2008-04 and A-2008-05.

5. RECONVENE AND REPORT ACTIONS TAKEN IN CLOSED SESSION

6. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

Marilyn Miller, Community Day School principal, will lead the Pledge of Allegiance to the Flag of the United States of America and the moment of silence.

7. PUBLIC COMMENTS, OPEN SESSION ITEMS

INFORMATION ITEMS

Opportunities for public comments occur at the beginning of each agenda item and during Public Comments (for items not on the agenda). Persons wishing to address the Board of Trustees should complete a speaker request form, available on the information table, at the back of the room, and submit it to the executive assistant prior to the meeting. Each speaker is limited to five minutes; each topic or item is limited to 20 minutes. Board members cannot immediately respond to public comments as stated on the speaker request form.

8. RECOGNITION

INFORMATION ITEMS

A. Introduction of Guests

B. Reports of Associations

9. ITEMS OF BUSINESS

A. Resolution No. 2008/09-B-01, Including Accounting of Developer Fees Report (Roll Call Vote) **ACTION ITEM**

The Government Code requires the district to make an annual accounting of the developer fees available to the public and that it be reviewed by the Board of Trustees. These fees are recorded in the Capital Facilities Fund. **[EXHIBIT A]**

Recommendation:

Adopt the resolution by a roll call vote.

B. Resolution No. 2008/09-B-02, Interfund Transfer, Special Reserve for Postemployment Benefits (Roll Call Vote) **ACTION ITEM**

On May 22, 2008, the Board of Trustees voted to establish a Special Reserve for Postemployment Benefits Fund (Fund 20). The purpose of this fund is to account for the accumulation of funds to pay for the district's postemployment benefits. The initial deposit to Fund 20 will be made through a transfer from the Health and Welfare Self-Insurance Fund (Fund 69), which currently maintains a reserve balance to both meet the needs of the current active and retired employees and to accumulate funds for future retired employees. In February 2008, Total Compensation Systems, Inc. performed an actuarial audit of the district's self-insurance fund, as required by Education Code Section 17566. The firm recommended a minimum reserve balance of \$4,217,349 in Fund 69 to meet the needs of the current self-insurance program during the October 2007 through September 2008 plan year. The reserves in excess of that amount will be transferred to the new fund as part of the year-end closing process. This amount is projected to be \$10,708,000, but will not be known until the close of the 2007-08 fiscal year. All or any part of the funds transferred to Fund 20 may be transferred out at a later date with the approval of the Board of Trustees. **[EXHIBIT B]**

Recommendation:

Adopt the resolution by a roll call vote.

C. **Consulting Agreement, Janet Malone**

ACTION ITEM

The Board of Trustees is requested to approve the consulting agreement with Janet Malone. Ms. Malone is being contracted to provide professional staff development to the consortium of schools participating in the Collaborating for Excellence in Middle School Science (CEMSS) grant. She has been selected to provide the consortium with training in Professional Learning Communities (PLC) by the leadership team responsible for the design and implementation of professional staff development for the grant. She will be working with approximately 122 junior high/middle school teachers from the seven grant partner districts. The grant partner districts include the Anaheim Union High School District (lead agency), Westminster School District, La Habra City School District, Fountain Valley School District, Ocean View School District, Huntington Beach City School District, and the Orange County Department of Education. Services will be provided August 19, 2008, through June 30, 2009, at a cost not to exceed \$8,500.

[EXHIBIT C]

Recommendation:

Approve the consulting agreement with Janet Malone. (CaMSP-CEMSS Grant Funds)

D. **Use of School Facilities Approval**

ACTION ITEM

The Board of Trustees is requested to approve or deny the use of school facilities, as required by Board Policy 9701.01, Community Use of School Facilities, which was approved by the Board of Trustees on June 26, 2008. The exhibit includes the list of users and their requests for various school facilities, as well as the recently adopted policy for reference. **[EXHIBIT D]**

Recommendation:

Approve or deny the use of the school facilities as recommended on the exhibit.

E. **Policy 7703, Uniform Complaint Procedures, Revised**

ACTION ITEM

The Board of Trustees is requested to approve revisions to Board Policy 7703 concerning Uniform Complaint Procedures. The revisions are the result of the recent California Department of Education inspection, in order to comply with all mandatory language criteria. **[EXHIBIT E]**

Recommendation:

Approve revised Board Policy 7703, Uniform Complaint Procedures.

F. **Policy 7703.01, Williams Uniform Complaint Procedures, Revised**

ACTION ITEM

The Board of Trustees is requested to approve revisions to Board Policy 7703.01 concerning Williams Uniform Complaint Procedures. The revisions are the result of the recent California Department of Education inspection, in order to comply with all mandatory language criteria. **[EXHIBIT F]**

Recommendation:

Approve revised Board Policy 7703.01, Williams Uniform Complaint Procedures.

G. **Legality of Fees Charged to Orange County School Districts by the Orange County Sanitation District**

ACTION ITEM

In the 2006-07 fiscal year some Orange County school districts received invoices from the Orange County Sanitation District (OCSD) for capital facilities fees based on square footage of all improvements made to local schools. There have been ongoing discussions between the

Orange County Department of Education (OCDE) and the OCSD as to the legality of those charges.

The OCDE, through Schools Legal Service, has retained the law firm of Bergman and Dacey to review the ordinance adopted by the OCSD to determine legal compliance of the invoices sent to school districts for capital facilities fees. The OCSD has also requested information on additional facilities that districts may have constructed for the purpose of assessing additional fees. The Government Code contains limitations on capital facilities fees and contains a requirement to negotiate with school districts. The Anaheim Union High School District (AUHSD) has not yet received an invoice from the OCSD. However, if the current assessment and fees are determined to be legal charges, the financial impact on AUHSD will be significant. The OCDE is asking all Orange County districts to contribute a proportionate share (based on 2006-07 Annual ADA/FTE) of \$2,500, to pay for the cost of an initial determination of the legality of fees charged to school districts by the OCSD. **[EXHIBIT G]**

Recommendation:

Approve the contribution of a proportionate share of \$2,500, to pay for the cost of an initial determination of the legality of fees charged to Orange County school districts by the OCSD. (General Funds)

H. Ratification of Change Orders

ACTION ITEMS

The Board of Trustees is requested to ratify the following change orders:

1. Bid #2007-18, Katella High School Modernization Project
P.O. #864A0002 (Measure Z and other Facilities Funds)
Harbor Construction, Inc.

Original Contract	\$10,585,000
Previously Approved Change Orders	\$366,587
Change Order #16 [EXHIBIT H]	\$36,143
Change Order #17 [EXHIBIT I]	\$26,739
New Contract Value	\$11,014,469

2. Bid #2008-03, Katella High School – Buildings G and M HVAC Renovation, Campus Roofing Tune-Up, and Campus Intrusion Alarm
P.O. #864A0093 (Measure Z and other Facilities Funds)
Plyco Corp.

Original Contract	\$1,449,700.00
Previously Approved Change Orders	\$94,277.78
Change Order #5-R1 [EXHIBIT J]	(\$11,236.00)
New Contract Value	\$1,532,741.78

Recommendation:

Ratify the change orders as listed.

10. CONSENT CALENDAR

ACTION ITEMS

The Board of Trustees is requested to approve/ratify items listed under the Consent Calendar. These items are considered routine and are acted on by the Board of Trustees in one motion. It is understood that the administration recommends approval of all consent items. Each item on the consent agenda, approved by the board, shall be deemed to have been considered in full and adopted as recommended. There is no discussion of these items prior to the board vote unless a

member of the board, staff, or the public requests specific items be discussed or removed from the consent agenda.

The board will list Consent Calendar items that they wish to pull for discussion.

A. Consulting Agreement Amendment, Language Network

Approve an amendment to increase the amount of the original educational consulting agreement with Language Network, which was approved on July 19, 2007, for \$5,000. The English Learner Program provides translation and interpretation services for five languages, but there are many students and parents requiring periodic assistance regarding health, safety, and educational issues that speak languages not currently supported by district translators due to small numbers. The Language Network is a recognized translation and interpretation service located in Orange County that helps fill these incidental needs.

This agreement amendment increases the maximum amount of the original agreement to facilitate payment for all services rendered during the term of the original agreement from August 1, 2007, through July 31, 2008. The expenditures for services incurred in excess of the original agreement were accrued due to an unexpected increase in the demand within one week prior to the end of the school year. The overage amount required to pay outstanding invoices is \$753.70, which will result in a new total cost not to exceed \$5,753.70. **[EXHIBIT K]**

Recommendation:

Approve the consulting agreement amendment with Language Network. (EIA/LEP Funds)

B. Fourth Amendment to Lease, ITT Educational Services, Inc.

In 2004, the district purchased property at 525 North Muller Street, Anaheim, California, with the intent to build a central kitchen facility on the parking lot. The purchase included an existing agreement to lease the property to ITT Educational Services, Inc., until March 30, 2010. In February of this year, the Board of Trustees determined that the kitchen project was not feasible at this property and declared this property surplus. The district is currently completing an appraisal of the property as is required by law prior to offering the property for sale. Approval of this item will extend ITT's lease by six months to give the district adequate time to complete the statutory surplus property divestiture process, and the time needed by ITT to locate new premises in advance of the lease termination. Approval of this item will extend the lease from March 30, 2010, to September 30, 2010. **[EXHIBIT L]**

Recommendation:

Approve the Fourth Amendment to Lease, ITT Educational Services, Inc.

C. Memorandum of Understanding, Orange County Superintendent of Schools

Ratify the Memorandum of Understanding between the Orange County Superintendent of Schools and the Anaheim Union High School District (AUHSD). This agreement allows for the AUHSD to place students who live in our district boundaries into county operated special education programs. Placement in these programs would occur only if recommended by an IEP team because the district's programs cannot meet the student's needs, July 1, 2008, through June 30, 2009. **[EXHIBIT M]**

Recommendation:

Ratify the memorandum of understanding with the Orange County Superintendent of Schools. (Special Education Funds)

D. Memorandum of Agreement, University of Southern California School of Social Work

Ratify the Memorandum of Agreement between the University of Southern California (USC) School of Social Work and the Anaheim Union High School District for social work field education interns, June 3, 2008, through June 3, 2009, at no cost to the district. All interns are supervised by Dr. Donald Baumeister, clinical social worker. **[EXHIBIT N]**

Recommendation:

Ratify the memorandum of agreement with USC School of Social Work.

E. Service Agreement Amendment #3, Sungard Bi-Tech System Support

The Anaheim Union High School District contracts with the Orange County Superintendent of Schools to provide annual software support services for the Sungard Bi-Tech software. The Sungard Bi-Tech System support covers basic financial/budget, school site finance, stores inventory, and fixed asset systems. The agreement provides for an annual evaluation of support service charges for possible upward or downward adjustments, based on the Orange County Superintendent of School's actual costs, to support Sungard Bi-Tech software. Amendment #3 covers the period of July 1, 2008, through June 30, 2009, at a cost not to exceed \$99,301. There is no increase from the 2007-08 annual fees. **[EXHIBIT O]**

Recommendation:

Ratify the service agreement amendment #3 with the Orange County Superintendent of Schools for Sungard Bi-Tech System support. (General Funds)

F. Service Agreement, Sungard Bi-Tech Human Resources System Support

The Anaheim Union High School District contracts with the Orange County Superintendent of Schools to provide annual software support services for the Sungard Bi-Tech Human Resources System. The contract provides for an annual evaluation of support service charges for possible upward or downward adjustments, based on the Orange County Superintendent of School's actual costs, to support the Sungard Bi-Tech Human Resources System. This agreement covers the period of July 1, 2008, through June 30, 2009, at a cost not to exceed \$72,879. This is an increase of approximately \$1,000 from the 2007-08 annual fees. **[EXHIBIT P]**

Recommendation:

Ratify the service agreement with the Orange County Superintendent of Schools for Sungard Bi-Tech Human Resources System support. (General Funds)

G. Legal Support Services with Stutz Artiano Shinoff and Holtz, APC

The district retains the services of Stutz Artiano Shinoff and Holtz, APC, for legal consultation and assistance that is not provided by attorneys with the Orange County Department of Education. The services are typically related to personnel management and personnel related litigation. It is requested that the board approve an attorney-client retainer agreement with the firm for the 2008-09 school year, at a cost not to exceed \$150,000. (General Funds) **[EXHIBIT Q]**

Recommendation:

Approve the attorney-client retainer agreement with Stutz Artiano Shinoff and Holtz, APC.

H. NMHC, 2009 Medicare Retiree Drug Subsidy Program

The Retiree Drug Subsidy (RDS) program was established by the Medicare Modernization Act to encourage employers to continue providing high quality prescription drug coverage for retirees

at a lower cost. Under Section 1860D-22 of the Social Security Act, added by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, and implementing regulations stipulated in 42 CFR Subpart R, employers who offer prescription drug coverage to qualified covered retirees are eligible to receive a 28% tax-free subsidy for allowable drug costs. In June 2008, the district received \$182,000 from this program for the 2006 program year. NMHC, the district's prescription benefit manager, administers the RDS program for the district, which includes assistance with the annual application, submission, and maintenance of the retiree listing, and ensuring that the district remains compliant with payment reporting and reconciliation. NHMC will administer the RDS program, January 1, 2009, through December 31, 2009, at a cost not to exceed \$7,500. **[EXHIBIT R]**

Recommendation:

Approve NMHC as the administrator for the 2009 RDS program. (Health and Welfare Funds)

I. 2007-08 Fourth Quarterly Report on Williams Uniform Complaints

Accept the Williams Uniform Complaints Fourth Quarterly Report, April 1, 2008, through June 30, 2008, as required by Education Code Section 35186, which will be submitted to the Orange County Department of Education. The report summarizes all complaints relative to adequate textbooks and instructional materials, teacher vacancies or misassignments, facilities conditions, and intensive instruction and services for students who have not passed the California High School Exit Examination (CAHSEE) by the end of the 12th grade. There were no complaints during this quarter. **[EXHIBIT S]**

Recommendation:

Accept the 2007-08 Fourth Quarterly Report on Williams Uniform Complaints.

J. Transportation Agreement to Lindamood-Bell Learning Processes of Newport Beach

Ratify a transportation agreement to pay the parents of a special education student attending Lindamood-Bell Learning Processes of Newport Beach, 4100 Campus Drive, Suite #100, Newport Beach, California, for round trip daily transportation to Lindamood-Bell Learning Processes of Newport Beach, June 23, 2008, through August 29, 2008, at a cost not to exceed \$626.40. **[EXHIBIT T]**

Recommendation:

Ratify the transportation agreement to Lindamood-Bell Learning Processes of Newport Beach. (Special Education Funds)

K. Award of Bids

1.	<u>Bid#</u>	<u>Service</u>	<u>Award</u>	<u>Amount</u>
	2009-01	Roofing Warranty Work Magnolia High School	Thompson Roof Co., Inc.	\$834,000
2.	<u>Bid#</u>	<u>Service</u>	<u>Award</u>	<u>Amount</u>
	2009-02	Paving Improvement Loara High School	Hardy & Harper, Inc.	\$2,338,000

Recommendation:

Award the bids as listed. (Deferred Maintenance Funds)

L. Individual Service Contracts

Recommendation:

Approve/ratify the individual service contracts as submitted. (Special Education Funds)
[EXHIBIT U]

M. Certificated Personnel Report

Recommendation:

Approve/ratify the certificated personnel report as submitted. **[EXHIBIT V]**

N. Classified Personnel Report

Recommendation:

Approve/ratify the classified personnel report as submitted. **[EXHIBIT W]**

O. Field Trips

Recommendation:

Approve/ratify the field trips as submitted. **[EXHIBIT X]**

P. Purchase Order Detail Report

Recommendation:

Ratify purchase orders per Board Policy 41006.1, May 28, 2008, through June 24, 2008.
[EXHIBIT Y]

Q. Check Register Report

General Fund	\$7,601,167.17
Adult Education	\$5,117.79
Deferred Maintenance Fund	\$10,185.37
GO Bond 2002A	\$3,141,513.81
Capital Facilities Fund	\$1,314.56
Insurance-Workers' Compensation Insurance Fund	\$2,579.88
Insurance-Health and Welfare Fund	\$3,769,558.10

Recommendation:

Ratify the check register/warrants report per Board Policy 41006.2, May 28, 2008, through June 24, 2008. **[EXHIBIT Z]**

R. Conferences and/or Meetings

Recommendation:

Authorize the superintendent to attend conferences and/or meetings with reimbursement for all necessary expenses including registration, airfare, meals, hotel, transportation, and gratuities for the 2008-09 school year.

S. Donations

<u>Location</u>	<u>Donated By</u>	<u>Item</u>
District	Orange County Teachers Federal Credit Union	\$3,000
Cypress	Foraker and Sou Chan Smith	Printer
	Seth Armstrong	Fill Dirt and Sod
Western	eScrip	\$8.05
	Macy's	\$52
Lexington	Edison International Gifts Matching Employee Warren Doty	\$1,300
	Wells Fargo Foundation Educational Matching Gift Program Employee Alma N. Estes	\$50
Walker	Sony Pictures Ent., Inc. Matching Gift Employee David Chen	\$500

Recommendation:

Accept the donations as listed.

T. Board of Trustees' Meeting Minutes

May 22, 2008 – Regular Meeting [EXHIBIT AA]

Recommendation:

Approve the minutes as submitted.

11. SUPERINTENDENT AND STAFF REPORT

INFORMATION ITEM

12. BOARD OF TRUSTEES' REPORT

INFORMATION ITEM

Announcements regarding school visits, conference attendance, and meeting participation.

13. SUPPLEMENTAL INFORMATION

INFORMATION ITEM

Monthly Enrollment, Month 10 [EXHIBIT BB]

14. ADVANCE PLANNING

INFORMATION ITEMS

A. Future Meeting Dates

The next regular meeting of the Board of Trustees will be held on Thursday, August 7, 2008, at 6:00 p.m.

Thursday, August 28, 2008

Thursday, September 11, 2008

Thursday, September 25, 2008
Thursday, October 9, 2008
Thursday, October 30, 2008
Thursday, November 20, 2008
Thursday, December 11, 2008

B. Suggested Agenda Items

15. ADJOURNMENT

ACTION ITEM

In compliance with the Americans with Disabilities Act, individuals with a disability who require modification or accommodation in order to participate in this meeting should contact the executive assistant to the Board of Trustees at (714) 999-3503 by noon on Tuesday, July 22, 2008.