

BOARD OF TRUSTEES
Minutes – Regular Meeting
Thursday, July 24, 2008

1. CALL TO ORDER – ROLL CALL

President Anna L. Piercy called the regular meeting of the Anaheim Union High School District Board of Trustees to order at 3:30 p.m.

Present: Anna L. Piercy, president; Katherine H. Smith, clerk; Thomas “Hoagy” Holguin, assistant clerk; Brian O’Neal, Jordan Brandman, members; Joseph M. Farley, superintendent; Tim Holcomb, deputy superintendent; Denise Selbe, Dave Cowen, Dianne Poore, Fred Navarro, assistant superintendents.

2. ADOPTION OF AGENDA

Staff requested the following amendment to the agenda:

- Replace Exhibit V, the only change was on page 1, added the resignation of Kenneth Fox, effective 7/25/08.

On the motion of Mr. O’Neal, duly seconded and unanimously carried, the Board of Trustees adopted the agenda as amended.

3. PUBLIC COMMENTS, CLOSED SESSION ITEMS

There were no requests to speak.

4. CLOSED SESSION

The Board of Trustees entered closed session at 3:31 p.m.

5. RECONVENE AND REPORT ACTIONS TAKEN IN CLOSED SESSION

The Board of Trustees returned to open session at 6:00 p.m. and reported the following actions taken in closed session:

- A. No action taken regarding public employee appointments – assistant principals and principal.
- B. No action taken regarding negotiations.
- C. The Board of Trustees took action to approve the expulsion of the following students:
 - 1. 07-316 under Education Code 48900(b), 48915(a)(2)
 - 2. 07-317 under Education Code 48900(b), 48915(a)(2)
 - 3. 07-318 under Education Code 48900(b), 48915(a)(2)
 - 4. 07-319 under Education Code 48900(b), 48915(a)(2)
 - 5. 07-320 under Education Code 48900(b), 48915(a)(2)
 - 6. 07-321 under Education Code 48900(b), 48915(a)(2)
 - 7. 07-322 under Education Code 48900(j)

8. 07-323 under Education Code 48900(m)
9. 07-324 under Education Code 48900(g), 48900(k), 48900(l)
10. 07-325 under Education Code 48900(b), 48915(a)(2)
11. 07-328 under Education Code 48900(b), 48900(c), 48915(a)(2)
12. 07-329 under Education Code 48900(a)(2), 48915(a)(1)
13. 07-330 under Education Code 48900(f), 48900(g), 48900(k)
14. 07-331 under Education Code 48900(c), 48915(a)(3)
15. 07-332 under Education Code 48900(b), 48915(a)(2)
16. 07-333 under Education Code 48900(a)(2), 48900(b), 48915(a)(1)

D. The Board of Trustees took action to approve the readmission of the following students: 06-51, 06-195, 06-306, 06-341, and 06-338.

E. The Board of Trustees took action to deny the appeal of student A-2008-04. No action was taken regarding the appeal of student A-2008-05.

6. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

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

7. PUBLIC COMMENTS, OPEN SESSION ITEMS

1. Stephen Howard, Amy Hunter, Ray Worley, and Gustavo Soto spoke regarding the importance of the continuance of the live-on program, and noted their suggestions for improving the live-on contract agreement.
2. Brian Diaz spoke regarding the effects that revised Board Policy 9701.01, Community Use of School Buildings and Grounds, has had on his ability to secure fields for upcoming sports activities.
3. Principal Marilyn Miller presented a report on Community Day School highlighting their recent field trip participation, mentoring program enhancements, career day successes, and the increased number of students returning to the traditional school system. She noted that Community Day School will begin an academic attire program in the fall.

8. RECOGNITION

A. Introduction of Guests

Mrs. Piercy recognized Sharon Yager, CSEA; Dan Clavel, AFSCME; and Fred Markle, ASTA.

9. ITEMS OF BUSINESS

A. Resolution No. 2008/09-B-01, Including Accounting of Developer Fees Report

On the motion of Mr. Holguin and duly seconded, the Board of Trustees adopted Resolution No. 2008/09-B-01. 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. The vote follows:

Ayes: Trustees Brandman, O'Neal, Holguin, Smith, Piercy

B. Resolution No. 2008/09-B-02, Interfund Transfer, Special Reserve for Postemployment Benefits

On the motion of Mr. Holguin and duly seconded, the Board of Trustees adopted Resolution No. 2008/09-B-02. 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. The vote follows:

Ayes: Trustees Brandman, O'Neal, Holguin, Smith, Piercy

C. Consulting Agreement, Janet Malone

On the motion of Mr. O'Neal, duly seconded and unanimously carried, the Board of Trustees approved the consulting agreement with Janet Malone. Ms. Malone was contracted to provide professional staff development to the consortium of schools participating in the Collaborating for Excellence in Middle School Science (CEMSS) grant. She was 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. (CaMSP-CEMSS Grant Funds)

D. Use of School Facilities Approval

On the motion of Mr. O'Neal, duly seconded and unanimously carried, following a lengthy discussion, the Board of Trustees approved or denied the use of school facilities as recommended on the exhibit.

Mr. Holcomb addressed concerns raised during the Public Comments section by Brian Diaz.

E. Policy 7703, Uniform Complaint Procedures, Revised

On the motion of Mr. Holguin, duly seconded and unanimously carried, the Board of Trustees approved revisions to Board Policy 7703, Uniform Complaint Procedures.

F. Policy 7703.01, Williams Uniform Complaint Procedures, Revised

On the motion of Mr. O'Neal, duly seconded and unanimously carried, the Board of Trustees approved revisions to Board Policy 7703.01, Williams Uniform Complaint Procedures.

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

On the motion of Mr. O'Neal, duly seconded and unanimously carried, following a lengthy discussion, the Board of Trustees approved 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.

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. (General Funds)

H. Ratification of Change Orders

On the motion of Mr. Holguin, duly seconded and unanimously carried, the Board of Trustees ratified the change orders as listed.

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	\$36,143
Change Order #17	\$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	(\$11,236.00)
New Contract Value	\$1,532,741.78

10. CONSENT CALENDAR

On the motion of Mr. O'Neal, duly seconded and unanimously carried, the Board of Trustees approved/ratified the following Consent Calendar, with the exception of items 10.M and 10.N, which were pulled by Mr. Holguin.

A. Consulting Agreement Amendment, Language Network

The Board of Trustees approved the consulting agreement amendment 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. (EIA/LEP Funds)

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

The Board of Trustees approved the 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.

C. Memorandum of Understanding, Orange County Superintendent of Schools

The Board of Trustees ratified the Memorandum of Understanding with the Orange County Superintendent of Schools. 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. (Special Education Funds)

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

The Board of Trustees ratified the Memorandum of Agreement with the University of Southern California (USC) School of Social Work, for social work field education interns, June 3, 2008, through June 3, 2009, at no cost to the district. All interns will be supervised by Dr. Donald Baumeister, clinical social worker.

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

The Board of Trustees ratified the service agreement amendment #3 with the Orange County Superintendent of Schools for Sungard Bi-Tech System support. The Sungard Bi-Tech System support covers basic financial/budget, school site finance, stores inventory, and fixed asset systems. Amendment #3 covers the period of July 1, 2008, through June 30, 2009, at a cost not to exceed \$99,301. (General Funds)

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

The Board of Trustees ratified the service agreement with the Orange County Superintendent of Schools for 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. (General Funds)

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

The Board of Trustees approved the attorney-client retainer agreement with Stutz Artiano Shinoff and Holtz, APC. The agreement is for legal consultation and assistance that is not provided by attorneys with the Orange County Department of Education, which are typically related to personnel management and personnel related litigation, for the 2008-09 school year, at a cost not to exceed \$150,000. (General Funds)

H. NMHC, 2009 Medicare Retiree Drug Subsidy Program

The Board of Trustees approved NMHC as the administrator for the 2009 RDS 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. (Health and Welfare Funds)

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

The Board of Trustees accepted the 2007-08 Fourth Quarterly Report regarding Williams Uniform Complaints, 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.

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

The Board of Trustees ratified 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. (Special Education Funds)

K. Award of Bids

The Board of Trustees awarded the bids as listed. (Deferred Maintenance Funds)

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

L. Individual Service Contracts

The Board of Trustees approved/ratified the individual service contracts as submitted. (Special Education Funds)

M. Certificated Personnel Report

On the motion of Mr. Holguin, duly seconded and unanimously carried, following discussion, the Board of Trustees approved/ratified the certificated personnel report, as amended prior to the adoption of the agenda, and approved/ratified the classified personnel report as submitted.

N. Classified Personnel Report

This item was approved by the vote noted above.

O. Field Trips

The Board of Trustees approved/ratified the field trips as submitted.

P. Purchase Order Detail Report

The Board of Trustees ratified the purchase orders per Board Policy 41006.1, May 28, 2008, through June 24, 2008.

Q. Check Register Report

The Board of Trustees ratified the check register/warrants report per Board Policy 41006.2, May 28, 2008, through June 24, 2008.

General Fund	\$7,601,167.17
Adult Education	\$5,117.79
Deferred Maintenance Fund	\$10,185.37
GO Bond 2002A Fund	\$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

R. Conferences and/or Meetings

The Board of Trustees authorized 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

The Board of Trustees accepted the donations as listed.

<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

T. Board of Trustees' Meeting Minutes

The Board of Trustees approved the minutes as submitted.

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11. SUPERINTENDENT AND STAFF REPORT

There was no report from the superintendent or staff at this time.

12. BOARD OF TRUSTEES' REPORT

Mr. Holguin noted that the AUHSD was the first school district in the nation to receive national accreditation of its Coaching Education Program through the National Council for Accreditation of Coaching Education (NCACE).

Mrs. Piercy reported that she attended the celebration for retired Cypress Chief of Police Rick Hicks, and she also attended the swearing-in ceremony of the new Cypress Chief of Police Mark Yokoyama, where she had the opportunity to meet Orange County Sheriff Sandra Hutchens.

13. SUPPLEMENTAL INFORMATION

Monthly Enrollment, Month 10

14. ADVANCE PLANNING

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

Mr. Brandman suggested that a deferral of development fees policy be an agenda item in August.

Mr. O'Neal recommended having a report on the deferral of development fees, prior to it becoming an agenda item.

Mrs. Smith proposed a board discussion regarding current fees paid to consultants and the development of a formula to establish a pay schedule for future consultants.

Mr. Holguin requested that future classified and certificated personnel exhibits include a salary schedule for reference. He asked for an update on the Academic Attire policy. He recommended placing an item on the district website and an announcement in the Good News regarding the district's recent national accreditation from NCACE.

Mrs. Piercy requested an agenda item on the suggested names for the alternative education sites.

15. ADJOURNMENT

On the motion of Mr. O'Neal, duly seconded and unanimously carried, the Board of Trustees adjourned the meeting at 7:17 p.m.

Approved _____
Clerk, Board of Trustees