

# **ANAHEIM UNION HIGH SCHOOL DISTRICT**

501 N. Crescent Way, P.O. Box 3520, Anaheim, California 92803-3520, [www.auhsd.us](http://www.auhsd.us)

---

## **BOARD OF TRUSTEES**

### **Minutes**

**Tuesday, December 12, 2023**

---

#### **1. CALL TO ORDER–ROLL CALL**

Board President O’Neal called the regular meeting of the Anaheim Union High School District Board of Trustees to order at 3:15 p.m.

Present: Brian O’Neal, president; Annemarie Randle-Trejo, clerk; Katherine H. Smith, assistant clerk; and Jessica Guerrero, member; Michael B. Matsuda, superintendent; Jaron Fried, Ed.D., Brad Jackson, and Nancy Nien, Ph.D., assistant superintendents; Robert Saldivar, executive director, and Karl H. Widell, District counsel.

Absent: Anna L. Piercy, member

#### **2. ADOPTION OF AGENDA**

Staff requested the following amendments to the agenda:

- Page 2 of the agenda, pull closed session item 4.7
- Replace page 23 to correct date on item 15.26

On the motion of Trustee Smith, duly seconded and unanimously carried, following discussion, the Board of Trustees adopted the amended agenda. The roll call vote follows.

Ayes: Trustees Guerrero, Smith, Randle-Trejo, and O’Neal

Absent: Trustee Piercy

#### **3. PUBLIC COMMENTS, CLOSED SESSION ITEMS**

There were no requests to speak.

#### **4. CLOSED SESSION**

The Board of Trustees entered closed session at 3:17 p.m.

Trustee Piercy entered closed session at 3:18 p.m.

Trustee Piercy exited closed session at 4:12 p.m.

#### **5. STUDENT PRESENTATION**

Students from the Hope School VAPA program performed.

## 6. **RECONVENE MEETING, PLEDGE OF ALLEGIANCE, AND CLOSED SESSION REPORT OUT**

### 6.1 **Reconvene Meeting**

The Board of Trustees reconvened into open session at 6:04 p.m.

### 6.2 **Pledge of Allegiance and Moment of Silence**

Student Representative to the Board of Trustees Daniella Ruiz led the Pledge of Allegiance to the Flag of the United States of America and provided a moment of silence.

### 6.3 **Closed Session Report**

Board Clerk Randle-Trejo reported the following actions taken during closed session.

6.3.1 No reportable action taken regarding public employee performance evaluation, superintendent.

6.3.2 The Board of Trustees, by a vote of 5-0, approved the settlement agreement in Orange County Superior Court Case No. 90-2023-01314818-CU-WT-CJC.

6.3.3 The Board of Trustees, by a vote of 5-0, approved the settlement agreement in Orange County Superior Court Case Nos: 30-2018-01015878-CU-PO-CJC and 30-2019-01065534-CU-PO-CJC.

6.3.4 The Board of Trustees unanimously approved the settlement agreement in OAH Case No. 2023080956, resolving all issues in dispute by providing compensatory education and other reimbursements.

6.3.5 No reportable action taken regarding negotiations.

6.3.6 No reportable action taken regarding personnel.

6.3.7 This item was pulled prior to the adoption of the agenda.

6.3.8 The Board of Trustees unanimously voted to dismiss employee HR-2023-24-07.

## 7. **REPORTS**

### 7.1 **Student Representative's Report**

Student Representative to the Board of Trustees Daniella Ruiz congratulated the first 4-year athletes and CIF finalists from Anaheim High School. She highlighted Cambridge Virtual Academy's Korean Resilience Night, Track and Field Groundbreaking Ceremony at Cypress High School, Bags of Hope event at Katella High School, and many more.

### 7.2 **Student Speakers**

There were no requests to speak.

### 7.3 **Reports of Associations**

Brittany Bouska, APGA co-president, shared the needs assessment results, which revealed student's strengths such as analytical and creative thinking skills, as well as areas of need. In addition, she expressed counselors are looking forward to working with students to create a comprehensive road map for post-secondary education.

### 7.4 **Parent Teacher Student Association (PTSA) Report**

There was no report.

## 8. **PUBLIC COMMENTS, OPEN SESSION ITEMS**

There were no requests to speak.

## 9. **ELECTION OF OFFICERS**

The Board of Trustees was requested to participate in a brief discussion on the election process prior to the nomination and selection of Trustees for the listed positions.

### 9.1 **President of the Board of Trustees**

Trustee Smith nominated Trustee Randle-Trejo for president of the Board of Trustees.

#### Action:

On the motion of Trustee Smith, duly seconded and unanimously carried, the Board of Trustees selected Trustee Randle-Trejo for the position of president of the Board of Trustees.

### 9.2 **Clerk of the Board of Trustees**

Trustee Smith nominated Trustee Piercy for clerk of the Board of Trustees.

#### Action:

On the motion of Trustee Smith, duly seconded and unanimously carried, the Board of Trustees selected Trustee Piercy for the position of clerk of the Board of Trustees.

### 9.3 **Assistant Clerk of the Board of Trustees**

Trustee O'Neal nominated Trustee Guerrero for assistant clerk of the Board of Trustees.

#### Action:

On the motion of Trustee O'Neal, duly seconded and unanimously carried, the Board of Trustees selected Trustee Guerrero for the position of assistant clerk of the Board of Trustees.

## 10. **APPOINTMENTS TO THE BOARD OF TRUSTEES**

### 10.1 **Secretary**

#### Action:

On the motion of Trustee O'Neal, duly seconded and unanimously carried, the Board of Trustees appointed the superintendent as the secretary of the Board of Trustees.

10.2 **Assistant Secretary**

Action:

On the motion of Trustee O'Neal, duly seconded and unanimously carried, the Board of Trustees appointed the assistant superintendent, Business, as the assistant secretary of the Board of Trustees.

10.3 **Parliamentarian**

Action:

On the motion of Trustee O'Neal, duly seconded and unanimously carried, the Board of Trustees appointed the District counsel as the parliamentarian of the Board of Trustees.

10.4 **Chief Negotiator**

Action:

On the motion of Trustee Smith, duly seconded and unanimously carried, the Board of Trustees appointed the assistant superintendent, Human Resources, as the chief negotiator of the Board of Trustees.

11. **ESTABLISH DAY AND HOUR FOR REGULAR SCHOOL BOARD MEETINGS**

The Board of Trustees was requested to determine the calendar for the 2024 regular school Board meetings. Regular meetings will be held on Thursdays, with the exception of Tuesday, May 7, 2024. All regular meetings will begin at 6:00 p.m. for open session.

Action:

On the motion of Trustee O'Neal, duly seconded and unanimously carried, the Board of Trustees reviewed the dates provided and established the schedule for the 2024 regular Board of Trustees' meetings.

12. **BOARD OF TRUSTEES' APPOINTMENTS TO COMMITTEES**

Action:

On the motion of Trustee O'Neal, duly seconded and unanimously carried, the Board of Trustees reviewed the various committees, as listed on the exhibit, reached a consensus on which Trustee will participate on the various committees, and approved the appointments to all committees with one vote, as amended during the meeting.

13. **PRESENTATION**

**2023-24 First Interim Budget Report**

Background Information:

Education Code Section 42131 (a)(1) states that pursuant to the reports required by Section 42130, the governing board of each school district shall certify, in writing, within 45 days after the close of the period being reported, whether the school district is able to meet its financial obligations for the remainder of the fiscal year and, based on current forecasts, for the two subsequent fiscal years. These certifications shall be based upon the Board's assessment, on the basis of standards and criteria for fiscal stability adopted by the State Board of Education, pursuant to Section 33127 of the District budget, as revised to reflect current information regarding the adopted state budget, district property tax revenues pursuant to Sections 95 through 100 inclusive, of the Revenue and Taxation Code, and ending balances for the preceding fiscal year as reported

pursuant to Section 42100. The certifications shall be classified as positive, qualified, or negative, as prescribed by the superintendent of public instruction for the purposes of determining subsequent actions by the superintendent of public instruction, the controller, or the county superintendent of schools, pursuant to subdivisions (b) and (c). These certifications shall be based upon the financial and budgetary reports required by Section 42130, but may include additional financial information known by the governing board to exist at the time of each certification. For purposes of this subdivision, a positive certification shall be assigned to any school district that, based upon current projections, will meet its financial obligations for the current fiscal year and subsequent two fiscal years. A qualified certification shall be assigned to any school district that, based upon current projections, may not meet its financial obligations for the current fiscal year, or two subsequent fiscal years. A negative certification shall be assigned to any school district that, based upon current projections, will be unable to meet its financial obligations for the remainder of the fiscal year or the subsequent fiscal year.

Current Consideration:

The Board received a presentation from the assistant superintendent, Business Services regarding the District's fiscal solvency.

Budget Implication:

There is no impact to the budget.

Action:

Although this was an information item only, requiring no formal action by the Board of Trustees, the Board officially received the information.

14. **ITEMS OF BUSINESS**

**EDUCATIONAL SERVICES**

14.1 **School-Sponsored Student Organizations**

Background Information:

The Board of Trustees shall give approval for the establishment of all student organizations. The proposed organizations shall not engage in any activities, other than those that are organizational in nature, until the Board of Trustees has approved its application.

Current Consideration:

The following schools submitted school-sponsored student organization applications:

14.1.1 Future Last Responders of Loara, Loara High School

14.1.2 Best Buddies, South Junior High School

Budget Implication:

Each school-sponsored student organization offsets operational costs through donations and fundraising efforts.

Action:

On the motion of Trustee O'Neal, duly seconded and unanimously carried, the Board of Trustees approved the school-sponsored organization applications.

The student representative to the Board of Trustees, Daniella Ruiz, cast her preferential vote for the school-sponsored organizations.

## RESOLUTIONS

14.2 **Resolution No. 2023/24-B-06, Adjustments to Income and Expenditures, General Fund; Resolution No. 2023/24-B-07, Adjustments to Income and Expenditures, Various Funds; and the 2023-24 First Interim Report**

**Background Information:**

Education Code Section 42131 (a)(1) states that pursuant to the reports required by Section 42130, the governing board of each school district shall certify, in writing, within 45 days after the close of the period being reported, whether the school district is able to meet its financial obligations for the remainder of the fiscal year and, based on current forecasts, for the two subsequent fiscal years. These certifications shall be based upon the Board's assessment, on the basis of standards and criteria for fiscal stability adopted by the State Board of Education, pursuant to Section 33127 of the District budget, as revised to reflect current information regarding the adopted state budget, District property tax revenues pursuant to Sections 95 through 100 inclusive, of the Revenue and Taxation Code, and ending balances for the preceding fiscal year as reported pursuant to Section 42100. The certifications shall be classified as positive, qualified, or negative, as prescribed by the superintendent of public instruction for the purposes of determining subsequent actions by the superintendent of public instruction, the controller, or the county superintendent of schools, pursuant to subdivisions (b) and (c). These certifications shall be based upon the financial and budgetary reports required by Section 42130, but may include additional financial information known by the governing board to exist at the time of each certification. For purposes of this subdivision, a positive certification shall be assigned to any school district that, based upon current projections, will meet its financial obligations for the current fiscal year and subsequent two fiscal years. A qualified certification shall be assigned to any school district that, based upon current projections, may not meet its financial obligations for the current fiscal year, or two subsequent fiscal years. A negative certification shall be assigned to any school district that, based upon current projections, will be unable to meet its financial obligations for the remainder of the fiscal year or the subsequent fiscal year.

**Current Consideration:**

In certifying the 2023-24 First Interim Report as positive, the Board of Trustees understands its fiduciary responsibility to maintain fiscal solvency for the current and subsequent two fiscal years.

**Budget Implication:**

As part of the interim reporting process, budget adjustments are made to income, expenditures, and fund balances. Resolution No. 2023/24-B-06, Adjustments to Income and Expenditures, General Fund, and Resolution No. 2023/24-B-07, Adjustments to Income and Expenditures, Various Funds, authorizes budget adjustments per Education Code Sections 42602 and 42610.

**Action:**

1. On the motion of Trustee Smith and duly seconded, the Board of Trustees adopted Resolution No. 2023/24-B-06, and Resolution No. 2023/24-B-07. The roll call vote follows.

Ayes: Trustees O'Neal, Smith, Guerrero, and Randle-Trejo

Absent: Trustee Piercy

2. On the motion of Trustee Smith, duly seconded and unanimously carried, the Board of Trustees approved the positive certification of the 2023-24 First Interim Report that the District will meet its financial obligations.

14.3 **Resolution No. 2023/24-B-08, Accounting of Developer Fees**

Background Information:

Government Code Sections 66006(b) and 66001(d) require the District to make annual and five-year accounting reports (Reports) of the collected developer fees (Fees) available to the public, and to be reviewed by the Board of Trustees. The Fees, which are recorded in the Capital Facilities Fund, are received from new residential and commercial/industrial development. The Fees are used to mitigate the impact of new development on the District's school facilities.

Current Consideration:

Pursuant to statutory requirements, the Reports for the 2022-23 fiscal year have been made available to the public 15 days prior to the District's Board meeting, and will be reviewed by the Board of Trustees prior to adopting a resolution, which affirms the reported information. The Reports are available for viewing in the Accounting Department.

Budget Implication:

There is no impact to the budget. This is a reporting of developer fee financial information only.

Action:

On the motion of Trustee Smith and duly seconded, following discussion, the Board of Trustees adopted Resolution No. 2023/24-B-08. The roll call vote follows.

Ayes: Trustees O'Neal, Smith, Guerrero, and Randle-Trejo

Absent: Trustee Piercy

14.4 **Resolution No. 2023/24-BOT-01, Compensation for Board Meeting**

Background Information:

Education Code Section 35120 provides that the monthly compensation provided to Board members shall be commensurate with the percentage of meetings attended during the month. Education Code Section 35120 specifies limited circumstances under which the Board is authorized to compensate a Board member for meetings he/she missed, but authorizes the Board, by resolution, to compensate a Board member for meetings he/she missed due to one of the following reasons: (1) performance of other designated duties for the District during the time of the meeting; (2) illness or jury duty; or (3) hardship deemed acceptable by the Board.

Current Consideration:

Trustee Guerrero was not present at the November 16, 2023, Board of Trustees' meeting due to hardship related to work obligations and responsibilities.

Budget Implication:

There is no impact to the budget.

Action:

On the motion of Trustee O'Neal and duly seconded, the Board of Trustees adopted Resolution No. 2023/24-BOT-01. The roll call vote follows.

Ayes: Trustees O'Neal, Smith, and Randle-Trejo  
Abstain: Trustee Guerrero  
Absent: Trustee Piercy

## **BUSINESS SERVICES**

### **14.5 New Board Policy 91105 (6163.2), Animals on Campus, Third Reading**

Background Information:

Currently, the District does not have a policy that speaks to, or regulates, animals on District property.

Current Consideration:

The District does not currently have a policy addressing animals on campus. The proposed policy is based on the California School Boards Association's (CSBA) policy on animals on campus, 6163.2.

Budget Implication:

There is no impact to the budget.

Action:

On the motion of Trustee O'Neal, duly seconded and unanimously carried, following discussion, the Board of Trustees reviewed and approved Board Policy 91105 (6163.2).

The student representative to the Board of Trustees, Daniella Ruiz, cast her preferential vote for Board Policy 91105 (6163.2).

### **14.6 Use of Facilities Agreement, North Orange County Community College District**

Background Information:

North Orange County Community College District (NOCCCD), will be undertaking the renovation project of its boardroom beginning January 2024. The displacement of NOCCCD's board meetings will be required, thus prompting NOCCCD to seek an alternate location from the District to accommodate the continuance of their board meetings during construction.

Current Consideration:

NOCCCD is requesting to use the District's boardroom and meeting room upon the start of construction at NOCCCD as long as the use does not conflict with the District's activities. The agreement will be in effect January 1, 2024, through June 30, 2024, or completion of construction at NOCCCD, whichever comes first.

Budget Implication:

There is no impact to the budget.

Action:

On the motion of Trustee O'Neal, duly seconded and unanimously carried, the Board of Trustees approved the agreement.



14.7 **Agreements, Division of the State Architect (DSA) Inspector of Inspector of Records Services**

**Background Information:**

The Board of Trustees previously approved the agreements for the Geotechnical Soils Inspections and Material Testing Services at the November 16, 2023, Board meeting. The District issued Request for Proposals (RFP) 2024-07 for "Division of the State Architect (DSA) Inspector of Record, Geotechnical Soils Inspections and Material Testing Services," seeking qualified firms to provide the requested professional services for the District's construction projects and other work associated with the Facilities and Maintenance departments. The District received over 38 proposals from qualified firms.

**Current Consideration:**

After the review of the submitted qualifications and proposals, staff recommended to the Board of Trustees the selection of the firms listed below based on the fact that they achieved the highest best value score pursuant to the criteria set forth in the RFP. The District desires to enter into an agreement with each firm to conduct all work required under the respective service classification. It is believed that these firms will provide the best service and value to the District over the next five years.

**DSA Inspector of Records Services**

- Beck's Construction Service, Inc.
- Knowland Construction Services, Inc.
- Vital Inspection Services, Inc.

**Budget Implication:**

The agreement for each consultant will be based on their hourly or service fee schedules, not to exceed \$500,000 per firm. (Measure H Fund, ESSER Funds, Facilities Funds, Maintenance Funds, and/or other funds as appropriate)

**Action:**

On the motion of Trustee Smith, duly seconded and unanimously carried, the Board of Trustees approved the agreements.

14.8 **Ratification, Lease-Leaseback Agreement, AP Construction Group, Inc. dba Air Plus, South Junior High School HVAC Replacements, RFP #2023-08**

**Background Information:**

Staff is using the Lease-Leaseback (LLB) delivery method to procure construction for the South Junior High School HVAC Replacements. Education Code Section 17406 is the LLB provision, which allows districts to lease to a person, firm, or corporation real property that belongs to the school district for the purpose of constructing buildings and improvements thereon, for District use during the term of the lease, as well as requires that title to the buildings and improvements vest in the District at the expiration of that term.

**Current Consideration:**

The District issued RFP #2023-08 inviting contractors to submit qualifications and proposals to perform the work associated with the subject project, and for preconstruction services. After a review of the submitted qualifications and proposals, as well as interviews of shortlisted firms, staff recommended to the Board of Trustees (Board) the selection of AP Construction Group, Inc. dba Air Plus as one of the LLB contractors for this project.

AP Construction Group, Inc. competitively bid the subcontractor packages to various companies, and has identified the subcontractors they plan to use on the project. Staff has negotiated the LLB agreement, which includes the guaranteed maximum price (GMP) and contingencies, pursuant to the terms indicated in the forms of the LLB contract documents previously approved by the Board. The assistant superintendent, Business, under the Board approved delegation of authority, has entered into the LLB agreement with AP Construction Group, Inc. The agreement is subject to ratification by the Board.

Budget Implication:

The final LLB agreement, which includes the GMP and associated contingencies, and the preconstruction services agreement, will not exceed \$5,518,312. The total project cost including District contingencies and allowances will not exceed \$5,683,861. (ESSER Funds, Maintenance Funds, Measure H Funds, and/or other funds as appropriate)

Action:

On the motion of Trustee O'Neal, duly seconded and unanimously carried, the Board of Trustees ratified the preconstruction services agreement, and the LLB agreement with AP Construction Group, Inc. for the subject project.

14.9 **Ratification, Lease-Leaseback Agreement, Scorpio Enterprises dba Aire-Masters Air Conditioning, District Office HVAC Replacements, RFP #2023-08**

Background Information:

Staff is using the Lease-Leaseback (LLB) delivery method to procure construction for the District Office HVAC Replacements. Education Code Section 17406 is the LLB provision, which allows districts to lease to a person, firm, or corporation real property that belongs to the school district for the purpose of constructing buildings and improvements thereon, for District use during the term of the lease, as well as requires that title to the buildings and improvements vest in the District at the expiration of that term.

Current Consideration:

The District issued RFP #2023-08 inviting contractors to submit qualifications and proposals to perform the work associated with the subject project, and for preconstruction services. After a review of the submitted qualifications and proposals, as well as interviews of shortlisted firms, staff recommended to the Board of Trustees (Board) the selection of Scorpio Enterprises dba Aire-Masters Air Conditioning as one of the LLB contractors for this project.

Aire-Masters Air Conditioning competitively bid the subcontractor packages to various companies, and has identified the subcontractors they plan to use on the project. Staff has negotiated the LLB agreement, which includes the guaranteed maximum price (GMP) and contingencies, pursuant to the terms indicated in the forms of the LLB contract documents previously approved by the Board. The assistant superintendent, Business, under the Board approved delegation of authority, has entered into the LLB agreement with Aire-Masters Air Conditioning. The agreement is subject to ratification by the Board.

Budget Implication:

The final LLB agreement, which includes the GMP and associated contingencies, and the preconstruction services agreement, will not exceed \$5,528,068. The total project cost including District contingencies and allowances will not exceed \$5,859,752. (ESSER Funds, Maintenance Funds, Measure H Funds, and/or other funds as appropriate)

Action:

On the motion of Trustee Smith, duly seconded and unanimously carried, the Board of Trustees ratified the preconstruction services agreement, and the LLB agreement with Aire-Masters Air Conditioning for the subject project.

## **EDUCATIONAL SERVICES**

### **14.10 Institutional Membership, California IT In Education (CITE)**

Background Information:

CITE is a recognized authority in California information technology. CITE is a not-for-profit, professional membership association supporting the Information Technology (IT) Professionals working in schools. Its members are individuals that support teaching and learning through the maintenance of hardware, software, internet, data, and technology infrastructure.

Current Consideration:

CITE organizational membership benefits include the ability for the District to receive discounted rates for professional services, as well as CITE's Privacy Services program.

Budget Implication:

The cost of the organizational membership is \$375. This cost will be offset by the reduced cost in our data privacy agreement program. (General Fund)

Action:

On the motion of Trustee Smith, duly seconded and unanimously carried, the Board of Trustees approved the CITE institutional membership.

The student representative to the Board of Trustees, Daniella Ruiz, cast her preferential vote for the CITE institutional membership.

### **14.11 Memorandum of Understanding (MOU), Magnolia School District (MSD)**

Background Information:

The District receives students from the Magnolia School District (MSD) annually. There is presently a process in place to transfer student data from elementary districts to the District. Elementary districts either submit data directly or, for hosted districts, request Aeries to provide the data to the District.

Current Consideration:

This MOU creates a data sharing agreement that provides the District personally identifiable data to facilitate the onboarding of incoming 7<sup>th</sup> graders from MSD. The MOU also provides the ability for the District and MSD to collaborate on sibling matching.

Budget Implication:

There is no impact to the budget.

Action:

On the motion of Trustee O'Neal, duly seconded and unanimously carried, the Board of Trustees approved the MOU.

14.12 **Memorandum of Understanding (MOU), Digital Promise Global**

**Background Information:**

Hewlett Packard facilitated a conversation between the District and Digital Promise Global to discuss their Reinvent the Classroom Spotlight School program. District staff participated in a program overview session and communicated the opportunity back to education leadership. Digital Promise is a global nonprofit working to expand opportunity for every learner. Working with a wide range of partners and practitioners in the U.S. and around the world, their initiatives have impacted over 4.4 million students and 180,000 teachers across 173 districts and in 27 countries to date.

**Current Consideration:**

This MOU provides the awarded school at least 30 hours of professional development for two to three teachers. The school site will also receive up to \$30,000 in hardware and software to create a digital studio. Digital Promise Global will write a whitepaper about the school. Anaheim High School has been selected based on teachers identified in multiple subject areas, as well as candidate spaces for a learning studio referenced in the MOU. The MOU will be in effect until November 17, 2026.

**Budget Implication:**

There is no impact to the budget.

**Action:**

On the motion of Trustee Guerrero, duly seconded and unanimously carried, the Board of Trustees ratified the MOU.

14.13 **Quote, PowerSchool Group, LLC**

**Background Information:**

The Education and Business Divisions have been reviewing PowerSchool Group, LLC's (PowerSchool) Predictive Enrollment Analytics system to meet a variety of needs that are presently not accessible to District staff. PowerSchool is a leading provider of cloud-based K-12 software that supports educators, administrators, and families to help students learn in a way that's right for them.

**Current Consideration:**

PowerSchool's Predictive Enrollment Analytics provides two features that District staff do not presently have access to. The tool gives staff the powerful ability to connect census and other data to District data in a geolocation or mapping framework. The system also has tools for boundary analysis. In addition to these benefits, the tool provides enrollment prediction capabilities, giving the Business Office a second data set for their analysis. Finally, the District will be able to connect directly to Aeries providing efficiencies in address management. Services will be provided December 15, 2023, through December 14, 2024.

**Budget Implication:**

The total cost for this service is not to exceed \$34,920. (General Fund)

**Action:**

On the motion of Trustee O'Neal, duly seconded and unanimously carried, the Board of Trustees approved the quote.

14.14 **Contract, Independent Occupational Therapy Evaluation, Susanne Smith Roley**

**Background Information:**

The District employs occupational therapists and other personnel who evaluate a student's needs for special education and related services. The District has both the right and obligation to assess special education students in all areas of suspected disabilities. Under the Individuals with Disabilities Education Act and California special education law, a parent of a special education student who disagrees with an evaluation conducted by a school district has a right to obtain an independent education evaluation at public expense. When a request for an evaluation is made, a district must either fund an independent evaluation or file a request for due process within a reasonable period of time to prove that the district's evaluation was appropriate.

**Current Consideration:**

Following parent's request for an independent occupational therapy assessment and consultation with parent and parent's representative, the District determined that it was in the best interest of the student and the District to provide an independent assessment and allow the individualized education program team to consider the information.

**Budget Implication:**

The total cost for these services is not to exceed \$2,000. (Special Education Funds)

**Action:**

On the motion of Trustee O'Neal, duly seconded and unanimously carried, the Board of Trustees approved the contract.

**HUMAN RESOURCES**

14.15 **Revised Board Policy 6306, Substitute Teacher Salary Schedule, First and Final Reading**

**Background Information:**

The state of California is currently experiencing a shortage in the number of substitute teachers available to cover teacher absences. Over the past years, there have been an abnormal number of unfilled assignments that have resulted in an adverse impact on the school sites. To remedy the situation, school sites have paid classroom teachers to work during their conference periods at the hourly teacher rate to fill the assignments. This has resulted in increased expenditures and stress.

**Current Consideration:**

The Board of Trustees was requested to review and/or approve revised Board Policy 6306, Substitute Teacher Salary Schedule, which reflects increases to substitute teacher salary rates as follows: from \$160 per day for day-to-day assignments to \$190, from \$80 per day for half-day assignments to \$95, and from \$185 per day for long-term assignments to \$220.

**Budget Implication:**

Substitute teacher rates are a budgeted annual expense. (General Fund)

**Action:**

On the motion of Trustee Smith, duly seconded and unanimously carried, following discussion, the Board of Trustees reviewed and approved revised Board Policy 6306.

## 15. **CONSENT CALENDAR**

On the motion of Trustee O'Neal, duly seconded and unanimously carried, following discussion, the Board of Trustees approved all consent calendar items, with the exception of items 15.1 pulled by Trustee Randle-Trejo, as well as 15.8, Exhibit W, and 15.9 pulled by Trustee O'Neal. The roll call vote follows.

Ayes: Trustees O'Neal, Smith, Guerrero, and Randle-Trejo

Absent: Trustee Piercy

## **BUSINESS SERVICES**

### 15.1 **AB 1808, Classified School Employee Summer Assistance Program (CSESAP)**

#### Background Information:

In the Omnibus Education Trailer Bill, AB 1808, signed by the Governor on June 27, 2018, the Legislature appropriated \$50 million to provide matching grant assistance to eligible classified employees. The purpose of the matching grant funds is to encourage classified employees, who work 11 months or less per year, who would otherwise not be paid during the summer months to defer a portion of their pay. Employee participation in the program is voluntary. Depending upon the number of school districts and classified employees who elect to participate, the matching grant would provide up to a one-to-one match of deferred pay (limited to a maximum of 10 percent of the employee's monthly pay). District participation is optional. The District is currently participating in the program for the 2023-24 year.

The District is required to determine whether to participate in the program for the 2024-25 year, and notify classified employees by January 1, 2024. Once the District notifies classified employees that the District is participating in the program, that decision becomes irrevocable.

AB 1808 provides that the State matching funds received by eligible employees under this program would not be considered compensation for purposes of determining CalPERS retirement benefits.

The District has participated in the CSESAP program since 2019. The following are the number of employees that participated in the CSESAP program each year, and the percent matched from the State for every dollar an employee contributed.

2019-20: 497 participants; 100 percent match

2020-21: 749 participants; 99 percent match

2021-22: 684 participants; 100 percent match

2022-23: 667 participants, 100 percent match

#### Current Consideration:

The District will notify all classified employees of the District's intent to participate in the CSESAP in December 2023. In January 2024, eligible employees will be informed about the program, and invited to informational meetings to learn more about the specifics of the program. Per AB 1808 regulations, employees must determine if they wish to participate in the program by March 1, 2024.

Budget Implication:

Classified employees that work 11 months or less, who were employed by the District for at least a year, and are paid less than \$62,400 will be eligible. Business Services estimates that 1,078 classified employees will be eligible to participate in the matching grant program, although it is unknown how many will elect to do so.

Costs for the program will include administrative costs for processing participation forms, changes in participation level, and accounting for the disbursement of the matching grant funds. In addition, the State will pay the matching grant funds directly to the District, which will then be disbursed as regular payroll. Although the matching grant funds are not considered "compensation" for CalPERS retirement purposes, which means that CalPERS contributions do not need to be paid on the matching grant amount, the funds will be considered ordinary income and taxes will have to be withheld and paid on that amount. Business Services estimates that the District will have to pay an amount equal to 10.16 percent of the matching grant funds for employer payroll taxes. If all eligible employees participated and deferred the maximum amount, and there was a one-to-one match by the State, Business Services estimates that the District's tax payment for the matching funds would not exceed \$379,118.

Action:

On the motion of Trustee Randle-Trejo, duly seconded and unanimously carried, following discussion, the Board of Trustees approved the participation in the AB 1808, Classified School Employee Summer Assistance Program.

15.2 **Amendment, Agreement, North Orange County Community College District (NOCCCD)**

Background Information:

On July 18, 2021, the District and NOCCCD entered into a professional services agreement related to the use of facilities (Agreement) that allows NOCCCD the use of two classrooms for free English as Second Language (ESL) classes, makeup testing, and counseling at Ball and Sycamore junior high schools. On August 10, 2023, an amendment was approved to also include Loara High School.

Current Consideration:

The District and NOCCCD have an interest to amend the Agreement to provide free ESL classes, makeup testing, and counseling services to include four additional schools: Katella High, Polaris, Gilbert high schools, and Dale Junior High School. The amendment would start services at all four sites on November 15, 2023, through June 30, 2026. All other terms and conditions remain consistent with the agreement including waiving any facilities use fees, unless noted otherwise.

Budget Implication:

There is no impact to budget.

Action:

The Board of Trustees ratified the amendment.

15.3 **Piggyback Bids, Purchase Through Public Corporation or Agency**

Background Information:

Twenty-first century furniture is required for the new two-story Magnolia High School Center of Excellence for Technology and Innovation Classroom, and the Administration Building,

and the Art Building. These buildings will include state-of-the-art spaces that include cybersecurity classrooms, cybersecurity workrooms, a recording lab, a control room, multiple conference rooms, an instructional server room, a lobby, offices, and workstations, along with a renovated facility that houses ceramics and art classrooms. The buildings will be ready to receive furniture prior to the start of the 2024-25 year.

Current Consideration:

Per Public Contract Code (PCC) 20118, a district may acquire various materials, supplies, and equipment by utilizing an existing contract of another public entity, which is commonly known as piggybacking. By piggybacking, the District can take advantage of lower costs through economy-of-scale, and also avoid the time and expense of the public bid process, while fulfilling the District's legal requirements. This will also ensure that the District is able to acquire innovative furniture that meets the standards established Districtwide. Staff analyzed purchasing options for classroom furniture and determined that the Torrance Unified School District Bid 10-04.09.19 can be utilized to acquire these products from CN School and Office Solutions, Inc. dba Culver-Newlin. Staff was also able to negotiate better discounts than those currently on the Torrance Unified School District bid, which will result in additional cost savings to the District.

Budget Implication:

The total cost is not to exceed \$502,707. (Measure H Funds)

Action:

The Board of Trustees approved the use of Torrance Unified School District's Bid 10-04.09.19, pursuant to PCC 20118, for the purchase and delivery of furniture, and related items, from CN School and Office Solutions, Inc. dba Culver-Newlin.

15.4 **Ratification of Change Orders**

Bid #2020-14, Magnolia High School	P.O. #P64A0097
Site Improvement	
The Nazerian Group	
Original Contract	\$10,614,123
Change Order #1	(\$391,784)
Change Order #2	(\$405,618.77)
New Contract Value	\$9,816,720.23
 Bid #2021-12, Magnolia High School	 P.O. #P64A0252
Locker Room Renovations	
The Nazerian Group	
Original Contract	\$4,844,123
Change Order #1	(\$360,016.89)
New Contract Value	\$4,484,106.11
 Bid #2023-22, Polaris High School	 P.O. #S64A0280
Portable Buildings Modernization	
Leonida Builders, Inc.	
Original Contract	\$345,000
Change Order #1	(\$2,446.73)
New Contract Value	\$342,553.27

Action:

The Board of Trustees ratified the change orders as listed above.



15.5 **Notices of Completion**

Bid #2020-14, Magnolia High School	P.O. #P64A0097
Site Improvement	
The Nazerian Group	
Original Contract	\$10,614,123
Contract Changes	(\$797,402.77)
Total Amount Paid	\$9,816,720.23
 Bid #2021-12, Magnolia High School	 P.O. #P64A0252
Locker Room Renovations	
The Nazerian Group	
Original Contract	\$4,844,123
Contract Changes	(\$360,016.89)
Total Amount Paid	\$4,484,106.11
 Bid #2023-22, Polaris High School	 P.O. #S64A0280
Portable Buildings Modernization	
Leonida Builders, Inc.	
Original Contract	\$345,000
Contract Changes	(\$2,446.73)
Total Amount Paid	\$342,553.27

**Action:**

The Board of Trustees authorized the assistant superintendent, Business to accept Bids #2020-14, #2021-12, and #2023-22, as complete, and authorized the filing of the notices of completion with the Office of the County Recorder.

15.6 **Declaring Certain Furniture and Equipment as Unusable, Obsolete, and/or Out-of-Date, and Ready for Sale or Destruction**

**Action:**

The Board of Trustees approved the list of District furniture and equipment as unusable, obsolete, and/or out-of-date, and ready for sale or destruction, as well as authorized proper disposal in accordance with Education Code Section 17545 or 17546.

15.7 **Declaring Certain Textbooks and Instructional Materials as Unusable, Obsolete, and/or Out-of-Date, Damaged, and Ready for Sale or Destruction**

**Action:**

The Board of Trustees approved the list of District textbooks and instructional materials as unusable, obsolete, and/or out-of-date, damaged, and ready for sale or destruction as surplus, as well as authorized staff to dispose of the textbooks and instructional materials in accordance with Education Code Section 60510 et al.

On the motion of Trustee O'Neal and duly seconded, the Board of Trustees ratified items 15.8, Exhibit W, and 15.9 with the following vote.

Ayes: Trustees Guerrero, Smith, and Randle-Trejo  
Abstain: Trustee O'Neal  
Absent: Trustee Piercy

15.8 **Purchase Order Detail Report and Change Orders**

Action:

The Board of Trustees ratified the reports November 6, 2023, through December 3, 2023.

15.9 **Check Register/Warrants Report**

Action:

The Board of Trustees ratified the report November 6, 2023, through December 3, 2023.

15.10 **SUPPLEMENTAL INFORMATION**

15.10.1 ASB Fund, October 2023

15.10.2 Cafeteria Fund, September 2023

15.10.3 Enrollment, Month 4

**EDUCATIONAL SERVICES**

15.11 **License Subscription, ArbiterSports, LLC for Junior High Schools**

Background Information:

ArbiterSports (Arbiter) is a leading-edge software application, made possible through a partnership with the California Interscholastic Federation (CIF), that is used to automate the payment of officials. This program provides an effective and efficient way for our District athletic programs to pay game officials promptly, on-time, and with ease. The District's athletic programs must pay game officials for services rendered regularly. This process, in most schools, is a manual process that can be cumbersome and inefficient for both the school and the officials.

Current Consideration:

An agreement with Arbiter was approved on July 20, 2023, to provide unlimited transactions for the District's high school athletic programs for five years. An additional License Subscription is being requested to include junior high schools to the services. All other terms and conditions remain intact.

Budget Implication:

The cost for these services is not to exceed \$12,414 annually, with an initial fee of \$1,450, for a total cost of \$51,106 for the five-year term. (General Fund)

Action:

The Board of Trustees approved the license subscription.

15.12 **Memorandum of Understanding (MOU), Cypress College, Magnolia High School Cybersecurity Pathway**

Background Information:

Cypress College would like to use grant funding under the California CCAP STEM Pathways Program in Cybersecurity grant to pay for student activities related to the coordination of the Cybersecurity Career Pathway Program during the 2023-24 year.

Current Consideration:

The District and Cypress College would like to enter into a MOU to allow the District to pay for costs related to a student banquet for cybersecurity pathway students, and to invoice Cypress College for these expenses under the California CCAP STEM Pathways Program in Cybersecurity grant. Services are being provided November 17, 2023, through June 30, 2024.

Budget Implication:

There is no impact to the budget. Grant funds from Cypress College are not to exceed \$1,000.

Action:

The Board of Trustees ratified the MOU.

15.13 **Amendment, Service Agreement, Art of Education**

Background Information:

The District purchased the licensing to the Art of Education application to augment the online learning experience for teachers and students. In the 2020-21 year, teachers provided feedback on applications that supplement the District's existing learning platforms. Art of Education allows visual arts teachers to search thousands of premium curriculum materials, including lessons, videos, resources, and assessments. The platform also provides relevant professional learning for visual art teachers.

Current Consideration:

On September 14, 2023, the District reviewed and approved the Art of Education and other supplemental, educational technology applications to advocate for standard applications in the school years that follow. An amendment was requested to allow additional licenses for two new teachers. All other terms and conditions remain intact.

Budget Implication:

The new amended amount is at a total cost not to exceed \$27,105.72. The previously approved amount was at a total not to exceed \$26,619. (Title IV Funds)

Action:

The Board of Trustees approved the amendment.

15.14 **Amendment, Agreement, North Orange County Community College District (NOCCCD) College and Career Access Pathways (CCAP), Dual Enrollment Partnership, Cypress College and Fullerton College**

Background Information:

NOCCCD has offered concurrent enrollment in selected courses to high school students for over a decade. NOCCCD and the District have entered into a College and Career Access Pathways partnership agreement for the purpose of offering or expanding dual enrollment opportunities, consistent with the provisions of Assembly Bill 288, for high school students. The goal is to develop seamless pathways from high school to community college.

Current Consideration:

An agreement with NOCCCD, through Cypress College and Fullerton College, was approved on June 17, 2021, to offer dual enrollment courses at the following school sites: Anaheim, Cypress, Gilbert, Katella, Kennedy, Loara, Magnolia, Polaris, Savanna, and Western high

schools, as well as Oxford Academy and Cambridge Virtual Academy. An amendment is necessary to include additional courses. All other terms of the agreement remain intact.

Budget Implication:

There is no impact to the budget.

Action:

The Board of Trustees approved the amendment.

15.15 **Amendment, Parchment, Inc.**

Background Information:

Parchment is the most widely adopted digital credential service, allowing learners, academic institutions, and employers to request, verify, and share credentials in simple and secure ways. Thousands of schools and universities exchange more than 30 million transcripts and other credentials through Parchment Inc. The program is self-funded through fees collected.

Current Consideration:

The purpose of the amendment is to add the District's newest program, Cypress Independent Studies, to the list of participating institutions with Parchment Inc. All other terms and conditions will remain intact.

Budget Implication:

There is no impact to the budget.

Action:

The Board of Trustees approved the amendment.

15.16 **Agreement, Dr. Fernando Rodriguez-Valls**

Background Information:

The District currently serves over 600 English Learners who have been enrolled in United States (U.S.) schools less than three years. In order to accelerate their English language acquisition, the District will continue the Summer Language Academy, an enrichment program for four weeks during the month of June that will serve up to 100 high school English Learner students. The curriculum design, developed by Dr. Fernando Rodríguez-Valls, Associate Professor, California State University, Fullerton, involves students in activities that allow them to explore the English language in all its dimensions through art, literature, and film, while connecting them with their cultural identities. Dr. Rodríguez-Valls has created partnerships with school districts, local educational agencies, and universities to develop and implement community-based literacy programs. Dr. Rodríguez-Valls' work focuses on equitable instructional practices for second language learners and migrant students, as well as on the socio-cultural factors affecting their academic achievement, educational continuity and school engagement.

Current Consideration:

Dr. Fernando Rodríguez-Valls, in collaboration with District staff, will design and tailor the curriculum to fit the needs of the District's English Learner students. His services will also include professional development for District staff, teachers, and support staff, classroom observations, collection and analyzing of data, as well as presentation to the District with a written report of the second-year program. Services will be provided December 13, 2023, through July 31, 2024.

Budget Implication:

The total cost is not to exceed \$15,000. (Title III Funds)

Action:

The Board of Trustees approved the agreement.

15.17 **Individual Service Contracts**

Action:

The Board of Trustees approved/ratified the individual service contracts as submitted.

15.18 **Instructional Materials Submitted for Adoption**

The Instructional Materials Review Committee recommended the selected books for dual enrollment and English courses. The books have been made available for public view.

Action:

The Board of Trustees adopted the selected materials.

15.19 **Instructional Materials Submitted for Display**

The Instructional Materials Review Committee recommended the selected material for display, for courses in dual enrollment, English, IB Physics, and world languages. Before the materials can be approved for adoption, they must be made available for public review. The Board of Trustees was requested to consider adoption of the materials following the end of the period of public display, December 13, 2023, through January 18, 2024.

Action:

The Board of Trustees approved the display.

15.20 **Field Trip Report**

Action:

The Board of Trustees approved/ratified the report as submitted.

**HUMAN RESOURCES**

15.21 **2023-24 Williams Settlement Legislation Review Report**

Background Information:

The Orange County Department of Education (OCDE) conducts a semi-annual review of decile 1-3 schools based on the 2012 Academic Performance Index and school sites participating in the Quality Education Investment Act (QEIA) program to ensure compliance with Williams Settlement Legislation requirements. This process is conducted in addition to the District's submission of Williams Uniform Complaints reports, which summarize all complaints relative to the sufficiency of textbooks and instructional materials, maintenance of facilities, accuracy of data reported on School Accountability Report Cards (SARC), and compliance with teacher assignments.

Current Consideration:

According to Education Code Section 1240(2)(H), the findings of the review by OCDE must be publicly shared with the Board of Trustees. The reports, as provided, indicate any

deficiencies during the 2023-24 year, which were reported to school administrators for remediation.

Budget Implication:

There is no impact to the budget.

Action:

Although this was an information item only, requiring no formal action by the Board of Trustees, the Board officially received the report.

15.22 **Agreement, Biola University**

Background Information:

The District has traditionally entered into agreements with university programs to provide opportunities for university students to meet their field work requirements and to gain valuable experience in a professional setting within our District school sites. The District has had an agreement in place with Biola University since 2002.

Current Consideration:

This agreement with Biola University provides field and/or practicum experience. Students will meet with school site supervisors in their respective fields to observe, participate, and assist. Additionally, supervisors will model professional attire, development, and conduct. This agreement is effective December 13, 2023, through December 12, 2028.

Budget Implication:

There is no impact to the budget.

Action:

The Board of Trustees approved the agreement.

15.23 **2023-24 Employee Salary Schedules**

Background Information:

The California Public Employees' Retirement System (CalPERS) requires the Board of Trustees to formally approve classified salary schedules, along with any subsequent additions, corrections, or modifications made to the schedules. Routine modifications continue to be necessary to accurately represent negotiated changes, necessary updates, and corrections on the schedules.

Current Consideration:

Adopt modifications to the salary schedule for the Non-Classified employee group.

The proposed modifications include the following:

- Non-Classified: Inclusion of the Tutor-AVID, Tutor-Career Pathways, Tutor-General, and Tutor-LAEP; rate increase for the Student Worker and Workability Student classifications based on changes to the State minimum wage requirements; and removal of the classification of Tutor.

Budget Implication:

The approval for the salary schedule itself is not approval to fund specific assignments, but rather approval for the types of positions and compensation that may be approved with subsequent Board action for specific individuals.

Action:

The Board of Trustees adopted the salary schedule for the Non-Classified employee group as submitted.

15.24 **Certificated Personnel Report**

Action:

The Board of Trustees approved/ratified the report as submitted.

15.25 **Classified Personnel Report**

Action:

The Board of Trustees approved/ratified the report as submitted.

**SUPERINTENDENT'S OFFICE**

15.26 **Amendment, Westin Anaheim, Artificial Intelligence (AI) K12 Deeper Learning Summit**

Background Information:

The Artificial Intelligence (AI) K12 Deeper Learning Summit will provide educational leaders and society with the development of powerful AI tools accessible to everyone. AI is going to change the world, and our students need to be ready. For years we've heard from our government, industry, and academic communities, who have been warning about the growing and unmet need for foundational and technical AI education. Recently-released generative AI tools like OpenAI's ChatGPT and Google's Bard have captured the world's attention because we are all beginning to see clearly that the long-foretold AI revolution is now here. Students who aren't empowered to harness AI as creators, consumers, workers, and citizens will be left behind.

Current Consideration:

At the September 14 Board meeting, the Board of Trustees approved the agreement with the Westin Anaheim to host the AI K12 Deeper Learning Summit, which will be held on Thursday, February 29, 2024, through Saturday, March 2, 2024. An amendment was requested to increase from the previously approved amount of \$100,000 to \$125,000. All other terms and condition will remain the same.

Budget Implication:

The total cost for these services is not to exceed \$125,000. (Grant Funds)

Action:

The Board of Trustees approved the amendment, as amended prior to the adoption of the agenda.

15.27 **Board of Trustees' Meeting Minutes**

November 16, 2023, Regular Meeting

Action:

The Board of Trustees approved the minutes as submitted.

## 16. **SUPERINTENDENT AND STAFF REPORT**

Superintendent Matsuda wished a happy holiday to staff, students, and parents.

Dr. Fried wished everyone a happy, healthy, safe New Year and holiday season.

Dr. Nien thanked those in attendance at the Track and Field Groundbreaking Ceremony for Cypress High School. She also mentioned the upcoming Ribbon Cutting Ceremony for Anaheim High School's Track and Field taking place on December 21, 2024.

Mr. Widell wished everyone a wonderful holiday season.

Mr. Saldivar wished all the happiest of holidays.

## 17. **BOARD OF TRUSTEES' REPORT**

Trustee Guerrero thanked the Transportation team for hosting her on the "Celebrity Ride Along," as well as reported she attended the California Civic Learning Award visit at Dale Junior High School and Gilbert High School, OCDE Teachers of the Year Dinner, AUHSD Band Spectacular, CSBA Annual Conference, and the visit to the Career Technical Education Center in Bakersfield. She also congratulated the District's Korean American Studies Program for receiving the Outstanding Ethnic Studies Community Partner Award, as well as thanked Orlando Griego and his team for assisting with the toy distribution event hosted by Orange County Supervisor Doug Chaffee. Lastly, she wished everyone happy holidays.

Trustee Smith said she attended the Track and Field Groundbreaking Ceremony for Cypress High School and the Student Discipline Task Force Meeting. Additionally, she acknowledged staff for their dedication and wished everyone a lovely holiday season.

Trustee O'Neal reported he attended the Boys and Girls Club Grand Opening of their AT&T Connected Learning Center, Track and Field Groundbreaking Ceremony for Cypress High School, and CSBA Annual Conference. He wished everyone a safe and happy holiday season.

Trustee Randle-Trejo stated she attended the GASELPA Board Meeting and the CSBA Annual Conference. She gave kudos to staff who presented at the CSBA Annual Conference, as well as wished all a happy holiday and grateful New Year.

## 18. **ADVANCE PLANNING**

### 18.1 **Future Meeting Dates**

The next meeting of the Board of Trustees will be held on Thursday, January 18, 2024, at 6:00 p.m.

Thursday, February 15  
Thursday, March 7  
Thursday, April 18  
Tuesday, May 7  
Thursday, June 6  
Thursday, June 13  
Thursday, July 18

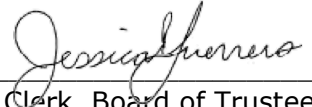
Thursday, August 8  
Thursday, September 12  
Thursday, October 17  
Thursday, November 14  
Thursday, December 12  
Thursday, December 19



18.2 **Suggested Agenda Items**

19. **ADJOURNMENT**

On the motion of Trustee Smith, duly seconded and unanimously carried, the Board of Trustees adjourned the meeting at 7:02 p.m.

Approved   
Clerk, Board of Trustees