

Fountain Valley School District  
Superintendent's Office

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

10055 Slater Avenue  
Fountain Valley, CA 92708

**October 18, 2012**

**MINUTES**

President Ian Collins called the regular meeting of the Board of Trustees to order at 6:30pm.

CALL TO ORDER

The following board members were present:

ROLL CALL

Ian Collins	President
Christine Allcorn	President Pro Tem
Sandra Crandall	Clerk
Jimmy Templin	Member
Judith Edwards	Member

**Motion:** Mrs. Allcorn moved to approve the meeting agenda.

AGENDA APPROVAL

Second: Mrs. Edwards

Vote: 5-0

There were no requests to address the Board prior to closed session.

PUBLIC COMMENTS

Mr. Collins announced that the Board would retire into Closed Session. Action was anticipated. The following would be addressed:

CLOSED SESSION

- Personnel Matters: *Government Code 54957 and 54957.1*  
Appointment/Assignment/Promotion of employees; employee discipline/dismissal/release; evaluation of employee performance; complaints/charges against an employee; other personnel matters.
- Property Negotiations: *Government Code 54956.8*  
Real property negotiator Steve McMahon will speak to the board about the negotiations concerning the properties at 9191 Pioneer and 10251 Yorktown Avenue, Huntington Beach, CA.

- Pupil Personnel: *Education Code 48912(b) and 48918(c)*  
Student Expulsion or other disciplinary matters.

The public portion of the meeting resumed at 7:05pm.  
Mr. Templin led the Pledge of Allegiance.

PLEDGE OF  
ALLEGIANCE

Mrs. Edwards read the following Closed Session Announcement:

CLOSED SESSION  
ANNOUNCEMENT

“In closed session, the governing board took action by a vote of 5 to 0 to suspend the expulsion of student #5079683002 and transfer the student to Talbert Middle School through the 3<sup>rd</sup> trimester of the 2012-13 school year.

### **SPECIAL PRESENTATIONS**

Energy Conservation Manager Gregg Millett presented the 2012 Energy Star Award Recognition for Fountain Valley School District to the Board of Trustees. He reviewed the district's success in conserving energy and the successful recognition of the district and our sites with both Energy Star Leader and Energy Star 20% Saving certifications. He explained that Energy Star Leader certification is awarded in recognition of continuing improvement organization-wide and an EPA rating of 75 or better. He noted that all 11-school sites and the District Office have received dual Energy Star recognitions.

2012 STAR ENERGY  
AWARD RECOGNITION

### **PUBLIC HEARINGS**

A public hearing was held for the purpose of receiving public comment on the certification of provisions of standards-aligned instructional materials for the Fountain Valley School District. Public input was welcomed. There were no requests to address the board and the hearing was closed.

CERTIFICATION OF  
PROVISIONS OF  
STANDARDS-ALIGNED  
INSTRUCTIONAL  
MATERIALS

### **BOARD REPORTS AND COMMUNICATIONS**

Mrs. Allcorn attended the Taste of Fountain Valley and was happy to win one of the baskets. She also attended one of the information meetings for Measure N, noting that it was well attended by staff. She also enjoyed the Candidates' Forum and noted that it was also well-attended and provided good information.

BOARD REPORTS AND  
COMMUNICATIONS

Mrs. Crandall congratulated Ms. Silavs for the awarding of a \$10,000 grant from OCDE to the district for our VAPA Program. She enjoyed the Taste of Fountain Valley and was pleased to report that 242 attended and \$14,430.75 profit was raised. She

also attended the Boys and Girls Club of Huntington Valley's fundraiser, noting that it was well attended. She also attended the Candidates' Forum as well as the Mayor's Breakfast with Sheriff Hutchens. She also attended the FVEF meeting and noted the next fundraising event will be FV Music Live.

Mrs. Edwards participated in phone banking for Measure N with Plavan school as well as attending the Taste of Fountain Valley, noting that it was a great evening. She also enjoyed the SPC meeting and noted the huge concern amongst PT presidents regarding the parking and drop off issues at our sites and the safety concerns. She was pleased to report seeing police at Plavan. She also attended the Candidates' Forum and the CSBA Delegate Assembly which included validation of the Golden Bell award to Edison High School for their SUCCESS program, which was developed for autistic students from age 14-22.

Mr. Templin enjoyed the Taste of Fountain Valley, also winning a basket that evening. He attended the ACE meeting where Measure N and the Sacramento Safari were discussed. He enjoyed the Candidates' Forum noting that everyone did a great job and he appreciated what he was able to learn of our candidates from this. He also participated in an Eagle Scout committee Court of Honor.

Mr. Collins attended the Taste of Fountain Valley as well as the FVEF meeting and noted his pride in their accomplishments. He attended the Masuda PTA meeting and was pleased with the number of teachers in attendance, a growing trend at all of our schools. He also attended the induction of Orange County Superintendent of Schools, Dr. Al Mijares, noting that Marion Bergeson gave a delightful introduction. He attended a meeting with the local school board presidents noting that an open letter to the community showing the budget cuts affecting our districts across the year will be submitted to the *OC Register* and *The Independent* from this group. He participated in the Candidates' Forum as well as attending the SPC meeting. He gave Dr. Ecker the opportunity to comment on the parking issues and safety concerns over drop-offs at Gisler, Plavan and Cox. Dr. Ecker noted that at all of our schools there is a great influx of traffic at the beginning of the year. He noted that at Cox we have worked with the city engineer to assist in moving our teacher parking to the back lot while drop-off takes place in the front lot. He noted that in dealing with this over the years, and the decrease from 11 schools to 10, a large part of it has to do with behavior. There is behavioral modification and structural modification. While the

district does not have a solution yet, it continues to work on this, noting the plan to get the principals and city officials together to discuss the means to communicate to parents the rules and assist in the behavioral portion of the problem. The nature of our lots are such that they were not built for the amount of car traffic that they encounter in the mornings; instead built for students walking into school or riding their bikes. He noted that our cities have been very helpful. Mr. Collins noted that he also attended the Chamber of Commerce luncheon on technology and the Mayor's Breakfast. He also commended the District and staff for an amazing API score of 911 for 2011-12.

## **PUBLIC COMMENTS**

There were no requests to address the Board.

## **PUBLIC COMMENTS**

## **LEGISLATIVE SESSION**

**Motion:** Mrs. Edwards moved to adopt Resolution 2013-16: Establishing a Citizen's Bond Oversight Committee and Approving Bylaws Therefore.

**Second:** Mr. Templin

Mrs. Crandall noted her concerns with this item and its timing. She explained that she reviewed the Fountain Valley Technology Bond proposal by G. K. Baum presented to the board at the April 26<sup>th</sup> meeting and the included timeline through November 2012 in which she noted that nowhere in the document was the recommendation for the preparation of an oversight committee at this time included. She noted that in approving the resolution to go after a bond, the board became a tax levying entity, and as such, we are asking the voters for their approval on that. To approve the setup of this oversight committee, 19 days before the vote would be presumptuous of the board and disrespectful of the wishes of the voters. She noted in that in the application for participation on the oversight committee it states that after a bond is passed under Proposition 39, state law requires that a school board establish an oversight committee. She noted that the word "after" does not mean before, during or the day of. She noted that the oversight committee is governed by Ed Code 15278 and the oversight committee is a tradeoff in law for lowering the threshold of passage from two thirds to 55% and there are specific timelines for the setting up of the committee. The committee must be appointed by the governing body within 60 days of the governing body entering the results of the election into the minutes. So, if we are

**RESOLUTION 2013-16: ESTABLISHING A CITIZEN'S BOND OVERSIGHT COMMITTEE AND APPROVING BYLAWS THEREFORE**

to follow this timeline, the election will be held on November 6<sup>th</sup> and not certified until 2-3 weeks later, between November 21<sup>st</sup> and 27<sup>th</sup>. This means that the first opportunity to enter the results of the election into the minutes is the December 13<sup>th</sup> meeting or by calling a special board meeting. It is then at that time that the 60-day timeline would be triggered, giving staff until February 11<sup>th</sup> for this process to take place. She noted that there might be a concern over postponing this resolution until December 13<sup>th</sup> because of the possibility of the composition of the board changing due to the election. However, she noted that changing the composition of the board will have no bearing on the results as the oversight committee's establishment is in Education Code and every trustee upon taking the oath of office must then follow the law. She noted that for this reason, she would be more comfortable reagendaing Resolution 2013-16 on the December 13<sup>th</sup> agenda, as it would show a greater sensitivity to the voters.

Mr. Templin noted his interest in hearing why we should not delay this.

Dr. Ecker noted that this came to us at the recommendation of our bond counselor, so it is perfectly legal. In terms of the distribution of the resolution and the application, these would occur in line with the guidelines following the election. If the bond is unsuccessful, it would not be distributed. He noted that there are some advantages in doing this now. We are already doing several things in advance in terms of preparations including financial preparations, legal work by the bond counsel, and a committee working on our technology plan. So, the first reason to do this now is to have this ready to go and hit the ground running when we are legally able, whether that is the certification of the election, as advised by bond counsel. He noted that we would not be constrained by our board meeting schedule. In addition, he noted that we are already doing a lot of this work and that also, this is done by a majority of school districts in advance. He noted that the most immediate benefit of doing it now is that we don't pay for the cost of the resolution, drawn by legal counsel. After the passing of the bond, this work would be charged to the bond. He noted that he did ask counsel if this is legal and are there advantages, and he received affirmative in each one. He explained that this saves money, allows us to hit the ground running and not be constrained by board dates when the election is certified. These reasons are in addition to the cost savings to the district, and there is no down side to this. He noted that in terms of showing disrespect to voters, voters will make their decision and it is an efficient way to operate that saves us money. And given that this is the manner done by most districts going after a bond, he cannot see a cost outweighing the benefits and is why it was brought to

the board tonight.

**Motion:** Mrs. Crandall moved for a substitute motion, placing Resolution 2013-16 Establishing a Citizen's Oversight Committee and Approving Bylaws Therefore on the December 13<sup>th</sup> agenda.

After discussion of whether a substitute motion would take precedence over a motion currently on the floor, Mrs. Crandall instead offered an amended motion at Dr. Ecker's suggestion.

**Motion:** Mrs. Crandall offered an amended motion, placing Resolution 2013-16: Establishing a Citizen's Bond Oversight Committee and Approving Bylaws Therefore on the December 13<sup>th</sup> agenda.

Second: Mr. Templin

Mr. Templin noted that what Dr. Ecker explained makes sense and yet there is something to what Mrs. Crandall said. He explained that this has been a difficult thing for him but that regardless of how he feels, he voted on it because he wanted it to go to the voters to allow them the opportunity to vote on it. He noted that while we are not to go on our feelings, there is a sense that things move very fast and while there isn't anything that Dr. Ecker said that he disagrees with, he would feel better about slowing things down.

Mrs. Crandall noted that the resolution and application has already been drafted and thus there will be no additional cost. In addition, staff time would either come now or if approved, later and this would not have to be walked back should the voters not go for it.

Mrs. Edwards asked if it would indeed have to be walked back or could it simply die if not passed by the voters. Dr. Ecker responded that he is not sure if Mrs. Crandall has a point in terms of cost, if the board would be able to bring this exact same resolution and application back on the December 13<sup>th</sup> agenda or if it would need further legal review because of the change of date. He noted that he would imagine the resolution could possibly stand. He explained that the real benefit would be to have everything in place and ready to go as timing is important. He noted not being to see a down side in light of all of the preparation done to this point. He would need to check with legal counsel regarding any additional costs in tabling this resolution.

Mrs. Allcorn noted that she is a supporter of Measure N, yet she does feel like Mr. Templin in not wanting to hinder staff and perhaps we should wait until it passes to establish this.

Mrs. Edwards noted that technically we would have to wait until the January meeting.

Mrs. Crandall noted that if the election is certified in two weeks or three, it will meet the requirement of the election being held and certificated and read into the minutes at which time the board could approve establishment of the oversight committee, as Ed Code states.

Dr. Ecker noted that it is always easier for staff to receive and take care of things in advance if we are able to do that. This can go onto the December meeting but he explained that he would be remiss if he didn't say that with all that needs to be taken care of it would assist staff to be able to take care of things in advance. If there is not a down side, it would assist staff to be able to address this in advance as well as let the community know about the oversight committee and its function even if it we cannot solicit for names.

Mr. Collins noted that there is not a board member up here that doesn't want to do things by the book. He asked if it possible to gather county counsel on this and place the item on the November agenda. He noted that as much as we struggle with finances, we want to make sure that we follow legal guidelines.

Dr. Ecker noted that this comes from bond counsel and there is nothing illegal with the board taking action on this. If the board does not want to take action, it would be for the reasons stated and not because it is illegal.

Mrs. Crandall noted that bond counsel does not stand in the checkout line with the community and answer the questions of "What are you doing? We haven't even voted. You aren't respecting a decision that we are about to make." She noted that her premise is based on their original proposal, and this was nowhere in their list of tasks, responsible parties or dates and that is because Ed Code states that it is after the election is certified and then it is read into the minutes.

Dr. Ecker noted that it is legal and common to create the committee at this time, if there are reasons other than these that we don't want to do this, it is a decision the board needs to make.

Mrs. Edwards called for the question on the amended motion.

Mrs. Lucchese read back the amended motion: It was moved by Mrs. Crandall and seconded by Mr. Templin to place Resolution 2013-16: Establishing a Citizen's Bond Oversight Committee and Approving Bylaws Therefore on the December 13<sup>th</sup> agenda.

Vote: 3-2 (Crandall and Templin)

**Motion:** Mrs. Edwards moved to adopt Resolution 2013-16: Establishing a Citizen's Bond Oversight Committee and Approving Bylaws Therefore.

Second: Mr. Templin

Mrs. Crandall noted that in 2010 she took an oath that she would obey the law and as the law states there needs to be an oversight committee, because of this, she needs to vote yes on this.

Vote: 5-0

Mr. Collins thanked Mrs. Crandall for delving into what he feels was a healthy discussion.

**Motion:** Mrs. Crandall moved to approve the Revisions to Board Policy 1312.3: Uniform Complaint Procedures for first reading.

REVISIONS TO  
BOARD POLICY  
1312.3 UNIFORM  
COMPLAINT  
PROCEDURES (FIRST  
READING)

Second: Mr. Templin

Vote: 5-0

**Motion:** Mrs. Edwards moved to approve the Revisions to Board Policy 4030: Non Discrimination in Employment for first reading.

REVISIONS TO  
BOARD POLICY 4030:  
NONDISCRIMINATION  
IN EMPLOYMENT  
(FIRST READING)

Second: Mrs. Allcorn

Vote: 5-0

**Motion:** Mrs. Edwards moved to approve the Revisions to Board Policy 4111: Recruitment and Selection for first reading.

REVISIONS TO  
BOARD POLICY 4111:  
RECRUITMENT AND  
SELECTION (FIRST  
READING)

Second: Mrs. Allcorn



Vote: 5-0

**Motion:** Mrs. Crandall moved to approve the Revisions to Board Policy 4112.6/4212.6/4312.6: Personnel Records for first reading.

REVISIONS TO  
BOARD POLICY  
4112.6/4212.6/4312.6:  
PERSONNEL  
RECORDS (FIRST  
READING)

Second: Mrs. Edwards

Vote: 5-0

**Motion:** Mrs. Allcorn moved to approve Board Policy 4119.1/4219.1/4319.1: Civil and Legal Rights for first reading.

REVISIONS TO  
BOARD POLICY  
4119.1/4219.1/4319.1:  
CIVIL AND LEGAL  
RIGHTS (FIRST  
READING)

Second: Mrs. Edwards

Vote: 5-0

Mr. Collins requested to pull Item 9J: Reappointment of William Mullin as Board Appointee to the Personnel Commission for separate vote.

CONSENT  
CALENDAR/  
ROUTINE ITEMS OF  
BUSINESS

**Motion:** Mrs. Allcorn moved to approve the Consent Calendar with the exception of Item 9: Reappointment of William Mullin as Board Appointee to the Personnel Commission.

Second: Mr. Templin

Vote: 5-0

**Motion:** Mrs. Allcorn moved to approve Item 9J: Reappointment of William Mullin as Board Appointee to the Personnel Commission

Second: Mrs. Edwards

Mr. Collins recognized Mr. Mullin for his years of service, noting what a gentleman he is and what a job well done he continues to do. Mr. Mullin was present and thanked the board for the opportunity, noting it is a pleasure to serve the district in any way possible.

Vote: 5-0

The Consent Calendar included:

- Board Meeting Minutes from September 27<sup>th</sup> board meeting
- Personnel Items (Employment Functions, Workshops/Conferences, and Consultants)
- Warrants
- Purchase Order Listing
- Budget Adjustments
- Renewal of Membership in the Fountain Valley Rotary Club in the amount of \$600
- Resolution 2013-15: Certification of Provision of Standards-Aligned Instructional Materials
- Student Transportation Services Agreement Between Orange County School Districts
- Reappointment of William Mullin as Board Appointee to the Personnel Commission
- Williams Quarterly Report For First Quarter 2011-12
- Annual Organizational Meeting
- Acceptance of 2012-13 Memo of Understanding between the Orange County Department of Education and the Fountain Valley School District for the Beginning Teacher Support and Assessment System (BTSA) Induction Program Consortium
- Board Policy 1250: Visitors/Outsiders (Second Reading and Adoption)
- Board Policy 3515.2: Disruptions (Second Reading and Adoption)
- Board Policy 6020: Parent Involvement (Second Reading and Adoption)
- Board Policy 6145: Extracurricular and Cocurricular (Second Reading and Adoption)
- Board Policy 6174: Education for English Learners (Second Reading and Adoption)
- Board bylaw 9321: Closed Session Purposes and Agendas (Second Reading and Adoption)
- Resolution 2013-09: Authorization for Teaching Credentials for 2012-13 School Year
- Grant Agreement #BD1323226 By and Between the Orange County Community Foundation and the Fountain Valley School District for Visual and Performing Arts Program (VAPA) Coordination

## **NEW ITEMS OF BUSINESS**

Mr. Collins            Noted the presentation by Sheriff Hutchens at the Mayor's Breakfast and the passing of Mr.

McCloud, a FVHS student who died of a drug overdose. He noted that an alarm is going off regarding drug use in schools and the problem starts with middle schools. He noted that they discuss content of character and how to conduct ourselves but that perhaps we need to revisit this with the middle schools in our districts. He requested an item on next agenda to bring back for the board a report of the programs that we have in place, how they are operating and how effective they are. He noted that he was told prescription drugs are the number one issue, and once they run out, students move onto heroin which they can buy for the price of six pack of beer. He noted that if there is any way that we can help students in the district he would like to see it happen. Mrs. Edwards agreed that this would be worthwhile. Mrs. Allcorn agreed as well, noting that if we can, we should join with our police department and while this is important, we should make sure the program is something that works. Mrs. Edwards noted that we lost the DARE program. Mr. Collins noted that while some say that DARE was not effective, it was indeed. Mr. Templin noted his appreciation of the PLC developed amongst the board and perhaps this is a way to dovetail this into it. If this is something we should discuss it is a great idea. Mrs. Crandall agreed that it is a pertinent topic noting that the foundation for turning this around is character development. She noted that success is a factor, as kids that feel successful don't turn to these depreciating behaviors. It would be beneficial to see the incident rate in our district and what things can be put into place. Mr. Collins noted his experience with middle school students and their impulsive behaviors. Dr. Ecker noted that in light of this discussion and the interest of the board, perhaps Ms. Silavs can share the discussion with our nurses and this can start with a report from these nurses to be shared with the board including where we are with this and their ideas as they play such a vital role in this and the administration of prescription drugs

with our students. Mr. Collins agreed suggesting the addition of the input of our middle school principals. Ms. Silavs noted that it wouldn't be difficult to determine the number of student infractions at our sites and report back the programs in our schools. Mr. Collins noted again the critical nature of this topic.

Dr. Ecker            Thanked the board for acting to reappoint Mr. Mullin as representative to the Personnel Commission. He explained that we have three commissioners, Rabbi Einstein representing our classified staff, Mr. Mullin representing the board's interest and they together appoint the third commission, Mrs. Davis. He thanked the board for the reappointment and noted Mr. Mullin's long history in our district serving in numerous roles well. He noted that he is a model and represents us well.

## **ADJOURNMENT**

**Motion:**        Mrs. Edwards moved to adjourn the meeting at 8:25pm.

**Second:**       Mr. Templin

**Vote:**           Unanimously approved

/rl