



**POWAY UNIFIED SCHOOL DISTRICT  
MINUTES OF THE BOARD OF EDUCATION  
AT A REGULAR MEETING**

**August 15, 2005**  
Morning Creek Elementary School

**CLOSED SESSION**

President Andy Patapow called the meeting to order at 5:00 p.m. to receive public comment on the closed session agenda items. There were no public comments, and the Board convened to closed session in the staff lounge. The closed session was adjourned at 6:43 p.m., and Board members reconvened in the Morning Creek multipurpose room to begin their regular meeting and report action taken during closed session.

**REGULAR MEETING**

**A. PRELIMINARY FUNCTIONS**

**A-1 Reconvene / Call to Order**

The regular meeting of the Board of Education was called to order at 7:03 p.m. by President Andy Patapow.

**A-2 Report Out of Closed Session**

**CLOSED SESSION: CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

(Government Code Section 54956.8)

Property: 17155 Pacato Court, San Diego, California 92128

Deputy Superintendent John Collins and Christina L. Dyer with Owner's Representative for Sale of the Property

**CLOSED SESSION: CONFERENCE WITH AND/OR RECEIPT OF ADVICE FROM LEGAL**

**COUNSEL – ANTICIPATED LITIGATION:** Significant exposure to litigation pursuant to

Subdivision (b)(1) of Government Code Section 54956.9

Case Nos. GIC 823157, GIC 840013, and GIC 845943

U.S. District Court Civil Case No. 04-0438 WQH (POR)

**CLOSED SESSION: PUBLIC EMPLOYEES:** Discipline / Dismissal / Release / Non-Reelection / Resignation

**CLOSED SESSION: STUDENT DISCIPLINE**

Consideration and/or deliberation of student discipline matters

Case No. 2004-2005.57

The Board took no action regarding student discipline Case No. 2004-2005.57. It is being continued until the next regular Board meeting.

In the matter of employee discipline, it was moved by Mrs. Vanderveen, seconded by Mr. McMillan, that Resolution No. 03-2006 be approved. ***Motion carried unanimously, 4-0, 1 (Mrs. Ranftle) absent.***

There was no other reportable action taken in closed session.

**A-3 Salute to Flag**

Anurag Kashyap, 2005 National Spelling Champion, led the salute to the flag.

Mr. Patapow called for a moment of silence in memory of Nicholas Lowe, Poway High School senior, and Sharon Mugglebee, PUSD employee.

**A-4 Invocation/Inspirational Comments**

Inspirational comments for the evening were made by Mr. McMillan.

**A-5 Members in Attendance**

Four Board members were in attendance. Penny Ranftle was absent.

**A-6 Welcome to Public**

Mrs. Vanderveen welcomed the public and offered instructions on the procedure for addressing the Board during the Public Comments segment of the meeting.

**A-7 Approval of Minutes**

It was moved by Mr. Mangum, seconded by Mr. McMillan, that the minutes of the June 27, 2005, Regular Board Meeting be approved as presented. *Motion carried unanimously, 4-0, 1 absent.*

**A-8 Approval of Agenda Sequence**

D-204 Approval of Consultant Services Contract – District Human Relations Ombudsperson

It was moved by Mrs. Vanderveen, seconded by Mr. Mangum, that agenda item D-204 be considered prior to routine agenda items. *Motion carried unanimously, 4-0, 1 absent.*

**A-9 Approval of Consent Calendar**

**100 – LEARNING SUPPORT SERVICES**

- 107 Approval of Revised Board Policy Section 3.3 – School Programs, and Administrative Procedure Section 3.3.3 – Sex Education, Personal Hygiene, Family Life, and Sexually Transmitted Disease Prevention Program
- 108 Approval of Agreement for Nonpublic School/Nonpublic Agency Services
- 109 Adoption of High School Textbooks
- 110 Adoption of Middle School Supplemental Textbooks
- 111 Acceptance of Gifts

**200 – PERSONNEL SUPPORT SERVICES**

- 206 Reclassification of Assistant Director of Planning
- 207 Approval of Revised Class Description for Home Instructional Support Assistant
- 208 Approval of Revision to Legal Services Agreement with Atkinson, Andelson, Loya, Ruud & Romo
- 209 Approval to Contract with Bay Actuarial Consultants for Actuarial Services in Connection with Self-Insured Workers' Compensation Program
- 210 (a) Approval of Certificated Personnel Report No. 1-2006
- (b) Approval of Classified Personnel Report No. 1-2006

**300 – BUSINESS SUPPORT SERVICES**

- 301 Approval of District Revolving Cash Fund and Purchase Card Transactions; Ratification of District Purchase Orders
- 302 Approval/Ratification of Professional Services Report No. 01-2006
- 303 Rejection of Bid No. 1B-2006 for a Lease with an Option to Purchase Personal Computer Systems and Related Equipment, and Rejection of Bid No. 2B-2006 for Personal Computer Systems and Related Equipment
- 304 Approval of Adoption of Student Average Daily Attendance Calendars A, B, and C for School Year 2004-2005

**400 – SCHOOL FACILITIES IMPROVEMENT DISTRICT**

- 401 Acceptance of Project as Complete and Authorization to File a Notice of Completion for Rancho Bernardo High School Visitor Bleachers
- 402 Approval of Changes to the Award of Contracts with Roof Construction and The Brady Company for Construction at Midland Elementary School
- 403 Ratification of Change Orders to Contracts with T.B. Penick & Sons, Inc., International Iron, Whillock Contracting, Inc., The Brady Company, Davis Mechanical Systems, Inc., and Interpipe Contracting, Inc., for Additional Services at Midland Elementary School
- 404 Ratification of Change Orders to Contracts with Conundrum Construction, Inc., Dow Diversified, Inc., Roof Construction, and Davis Mechanical Systems, Inc., for Additional Services at Mt. Carmel High School
- 405 Ratification of Change Orders to Contracts with PK Mechanical Systems, Inc., The McIntyre Company, The Brady Company, and Neal Electric for Additional Services at Poway High School
- 406 Approval of Changes to the Award of Contracts with Casper Concrete Cutting, Inc., and The Brady Company for Construction at Westwood Elementary School
- 407 Ratification of Change Orders to Contracts with Romero General Construction Corp., Casper Concrete Cutting, Inc., Moonlight Glass Company, The Brady Company, A.O. Reed & Co., Standard Drywall, Inc., Soltek Pacific, and Metropolitan Construction for Additional Services at Westwood Elementary School
- 408 Authorization to Proceed with Lease-Build Construction Methodology and Authorization to Negotiate a Lease-Build Contract

**500 – COMMUNITY FACILITIES DISTRICT**

- 502 Approval of Agreement with NTD/Edge for Pre-Construction Services for Del Sur Elementary School
- 503 Approval of Agreement with Douglas E. Barnhart, Inc., for Pre-Construction Services for Del Norte High School

**600 – SUPERINTENDENT’S OFFICE**

A revised agenda item D-210(a) was distributed to the Board and Cabinet prior to the beginning of the meeting. It was moved by Mr. McMillan, seconded by Mrs. Vanderveen, that the items on the consent calendar be approved as presented. *Motion carried unanimously, 4-0, 1 absent.*

**B. REPORTS AND PRESENTATIONS**

**B-1 Student Board Member Reports**

Due to summer recess, Student Board members were not in attendance.

**B-2 Superintendent’s Briefing**

Dr. Phillips presented a brief update on current issues and events:

- Dr. Phillips and Mr. Patapow presented a certificate to Anurag Kashyap, 2005 National Spelling Champion.
- The Governor's budget is well below Prop 98 funding, but because of decisions PUSD has made, staff should be able to bring a balanced budget to the Board. There are no add-backs yet. STAR testing data indicates that our students made progress in 24 of 28 areas.
- Deputy Superintendent John Collins gave a brief update on the Prop U/*Building for Success* construction at Midland and Westwood Elementary schools, Mt. Carmel, Poway, and Rancho Bernardo High schools, and Oak Valley Middle School.

- As an update to the imposing of field use fees, Mr. Collins stated that the Superintendent would create an advisory committee for input regarding facility field use fees. The committee will review the facility fee issue, extent of facility use, how the costs are calculated, and investigate alternative ways to cover use costs without encroaching on the general fund, then make a recommendation to the Superintendent. Facility use fee changes have been postponed until the committee makes its recommendation to the Superintendent. Mr. Collins said the committee would be made up of individuals/leaders representing all parts of the community, users and non-users of school facilities.

### **B-3 Board Member Reports**

Board members reported on their activities and events attended in the previous month.

**EARLY DISCUSSION ITEM** – *As approved in agenda item A-8, this item items was considered prior to routine agenda items.*

### **D-204 Approval of Consultant Services Contract – District Human Relations Ombudsperson**

Dr. Phillips introduced Mary Heath, the District Ombudsperson. It was moved by Mrs. Vanderveen, seconded by Mr. Mangum, that the Board approve the Consultant Services Contract with Mary Heath, not to exceed \$12,000. *Motion carried unanimously, 4-0, 1 absent.*

### **C. PUBLIC COMMENTS**

Susan Pennington expressed her appreciation of the District postponing the field use fees and shared her concern regarding any proposed fees on youth sports.

Marta Zarrella spoke about Love on a Leash Pet Therapy.

Joanne Olson shared information about the Jump Rope for Hearts of the American Heart Association.

Ginger Couvrette and Richard Henry voiced opposition to field use fees.

Kelly Boyd spoke about his concerns related the construction at Westwood Elementary School and requested that environmental testing be conducted in the renovated classrooms.

Elena Cristiano, Ashton Cristiano, and Robert Nelson shared their concern about a high school student.

### **D. ACTION ITEMS**

#### **D-101 Acceptance of Student Alliance for Education (SAFE) Grant**

It was moved by Mrs. Vanderveen, seconded by Mr. Mangum, that the Student Alliance for Education (SAFE) grant providing two months of funding for the Student Services Center at Abraxas High School be accepted. *Motion carried unanimously, 4-0, 1 absent.*

#### **D-102 Approval of Agricultural Vocational Education Incentive Grant Application**

It was moved by Mr. McMillan, seconded by Mr. Mangum, that the Superintendent be authorized to submit an application for Agricultural Vocational Education Incentive Grant Funds. *Motion carried unanimously, 4-0, 1 absent.*

#### **D-103 Acceptance of Alcohol Abuse Reduction Grant**

It was moved by Mr. McMillan, seconded by Mrs. Vanderveen, that the Alcohol Abuse Reduction grant be accepted. *Motion carried unanimously, 4-0, 1 absent.*

#### **D-104 Ratification of Student Discipline**

It was moved by Mr. Mangum, seconded by Mr. McMillan, that, based upon the Board's review of the Findings of Fact and Recommendations submitted by administrative hearing panels, the action of the recommendations regarding Case Nos. 2004-2005.59, 2004-2005.65, 2004-2005.66, 2004-

2005.68, 2004-2005.69, 2004-2005.70, 2004-2005.71, 2004-2005.74, 2004-2005.75, 2004-2005.76, 2004-2005.78, 2004-2005.79, and 2004-2005.80 be ratified. *Motion carried unanimously, 4-0, 1 absent.*

**D-105 Readmission of Students on Expulsion**

It was moved by Mr. McMillan, seconded by Mrs. Vanderveen, that the students represented by Case Nos. 2004-2005.03, 2004-2005.18, 2004-2005.20, 2004-2005.21, 2004-2005.26, 2004-2005.27, 2004-2005.33, 2004-2005.38, 2004-2005.39, 2004-2005.45, and 2004-2005.75 be readmitted to the Poway Unified School District. *Motion carried unanimously, 4-0, 1 absent.*

**D-106 Board Decision Regarding Appeal of the Administrative Hearing Panel's Findings of Fact and Recommendations; Case No. 2004-2005.57**

*As reported in A-2*, the Board took no action regarding student discipline Case No. 2004-2005.57. It is being continued until the next regular Board meeting.

**D-201 Approval of Resolution No. 01-2006 entitled "Resolution Regarding the Elimination or Reduction in Hours of the Following Classified Positions: Home Instructional Support Assistant, Office Assistant II; Corresponding Layoff of Classified Employees"**

A revised agenda item D-201 was distributed to the Board and Cabinet prior to the beginning of the meeting. It was moved by Mr. Mangum, seconded by Mrs. Vanderveen, that Resolution No. 01-2006 be approved as presented. *Motion carried unanimously, 4-0, 1 absent.*

**D-202 Approval of Student Teaching Agreement with California State University San Marcos**

It was moved by Mr. Mangum, seconded by Mr. McMillan, that the student teaching agreement with California State University San Marcos be approved as presented. *Motion carried unanimously, 4-0, 1 absent.*

**D-203 Approval of Variable Term Waiver Request – Sally Radeloff**

It was moved by Mrs. Vanderveen, seconded by Mr. Mangum, that the Board of Education approve the Variable Term Waiver Request to be submitted to the Commission on Teacher Credentialing. *Motion carried unanimously, 4-0, 1 absent.*

*As approved in agenda item A-8, item D-204 was considered prior to routine agenda items.*

**D-205 Approval of Resolution No. 03-2006 entitled "Resolution Regarding Discipline of a Permanent Classified Employee"**

*As reported in A-2* regarding the matter of employee discipline, it was moved by Mrs. Vanderveen, seconded by Mr. McMillan, that Resolution No. 03-2006 be approved. *Motion carried unanimously, 4-0, 1 (Mrs. Ranftle) absent.*

**D-501 Public Hearing and Approval of Resolution No. 02-2006 entitled "Approving a School Facilities Needs Analysis, Adopting Alternative School Facility Fees in Compliance with Government Code Sections 65995.5, 65995.6, 65995.7, and 66000 et seq., and Making Related Findings and Determinations"**

President Patapow opened a public hearing at 8:29 p.m. to receive comments on this item. Hearing no comments, the public hearing was closed. It was moved by Mr. Mangum, seconded by Mrs. Vanderveen, that, following a public hearing, Resolution No. 02-2006 establishing Level 2 Fees of \$3.62 per square foot for non-mitigated new residential construction, and Level 3 Fees of \$7.25 per square foot for non-mitigated new residential construction be approved, and that these new fees become effective September 1, 2005. *Motion carried unanimously, 4-0, 1 absent.*

**F. FIRST READING ITEMS**

There were no items presented.

**G. INFORMATION ITEMS**

**G-305 Quarterly School Bus Inspection Report**

This report was presented as information only.

**G-306 Annual Investment Policy Review and Quarterly Disclosure of Local Agency Investments for Poway Unified School District**

This report was presented as information.

**G-504 Annual Investment Policy Review and Quarterly Disclosure of Local Agency Investments for Community Facilities District Nos. 1 through 13**

This report was presented as information only.

**H. NEW BUSINESS – BOARD MEMBERS**

There was no business discussed under this item.

**I. CORRESPONDENCE**

There was no correspondence presented.

**J. CLOSED SESSION**

There were no additional items discussed in Closed Session.

**K. ADJOURNMENT**

The meeting was adjourned at 8:34 p.m.

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Andy Patapow, President

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Steve McMillan, Clerk

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Donald Phillips, Secretary

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