

Newport-Mesa Unified School District

Regular Meeting of the Board of Education

November 26, 2018 6:00 PM

District Education Center - Roderick H. MacMillian Board Room

2985 - A Bear Street

Costa Mesa, California 92626

Attendance Taken at 3:00 PM:

Present:

Dana Black

Walt Davenport

Martha Fluor

Charlene Metoyer

Vicki Snell

Karen Yelsey

Absent:

Judy Franco

1. Roll Call - 3:00 p.m.

1.a. Board of Education/Superintendent

Minutes:

Roll was taken and the following were present:

Vicki Snell, President

Charlene Metoyer, Vice President

Martha Fluor, Clerk, absent

Walt Davenport, Member

Judy Franco, Member, ABSENT

Dana Black, Member

Karen Yelsey, Member

Dr. Frederick Navarro, Superintendent

2. Community Input on Closed Session Agenda Items

2.a. Comment Cards are Requested to be Completed Prior to Addressing the Board

Minutes:

There were no public comments.

3. Closed Session - 3:00 p.m.

Minutes:

The Board of Education met in closed session from 3:02-4:00 p.m. to discuss items 3.a.-3.d.

3.a. Conference with Legal Counsel Existing Litigation (Gov't Code 54956.9(d)(1)) Case No. LA-CE-6410-E

3.b. Conference with Legal Counsel Existing Litigation (Gov't Code 54956.9(d)(1)) Case No. LA-CE-6414-E

3.c. Student Discipline (Pursuant to Education Code Sections 35146, 48918[c]) 3 cases

3.d. Public Employee Discipline/Dismissal/Release/Employment (Pursuant to Government Code Section 54957 and Education Code Section 44954 [b])

4. Dinner Recess - Farewell to Departing Members 4:00-5:30 p.m.

5. Regular Meeting - 6:00 p.m.

6. Call to Order

6.a. Call to Order - Presiding Chairperson

Minutes:

President Snell called the meeting to order at 6:00 p.m.

7. Opening Ceremonies

7.a. Moment of Reflection/Pledge of Allegiance to the Flag

Minutes:

President Snell opened the meeting with a moment of reflection and the Pledge of Allegiance to the Flag.

8. Adoption of Agenda

8.a. Adoption of Agenda

Motion Passed: It is recommended that the Board of Education adopt the agenda as presented. Passed with a motion by Karen Yelsey and a second by Walt Davenport.

Yes Dana Black

Yes Walt Davenport

Yes Martha Fluor

Absent Judy Franco

Yes Charlene Metoyer

Yes Vicki Snell

Yes Karen Yelsey

9. Adoption of Minutes

9.a. Adoption of 11-13-18 and 11-15-18 Minutes

Motion Passed: It is recommended that the Board of Education adopt the minutes of the 11-13-18 regular meeting and the 11-15-18 special meeting as submitted. Passed with a motion by Dana Black and a second by Charlene Metoyer.

Yes Dana Black

Yes Walt Davenport

Yes Martha Fluor

Absent Judy Franco

Yes Charlene Metoyer

Yes Vicki Snell

Yes Karen Yelsey

10. Presentations

10.a. Board's Distinguished Service Award to Judith A. Franco

Minutes:

The Board of Education presented the Distinguished Service Award to Judith A Franco in honor of her 38 years of service on the Board of Education. Ms. Franco could not be at the meeting. Martha Fluor read the resolution into the record.

11. Student Board Member Reports

Minutes:

The Board of Education received reports from the student board members on activities of interest at their respective schools:

Jennifer Neri, EHS

Alex Kermani, CdMHS

Isaiah Murphy, CMHS

Lucy Dmitruk, ECHS

Rafael Arias Torres, NHHS

12. Harbor Council PTA Report

Minutes:

Julie Lenk provided the HCPTA report.

13. Report

13.a. Report on Modernization of Corona del Mar Middle and High School Sports Fields

Minutes:

The Board of Education received a report from the Facilities Development Department regarding the modernization of Corona del Mar Middle and High School Sports Fields.

14. Informational Items

Minutes:

Mr. Lee-Sung shared information regarding the ThoughtExchange that is in progress.

15. Community Input

15.a. Comment Cards are Requested to be Completed Prior to Addressing the Board

Minutes:

All comments are recorded in full on the meeting video record that is available on a DVD to check out from the Superintendent's office for three business days or for purchase for \$1.00.

The following individuals shared comments with the Board:

1. Wendy Leece - does not support the superintendent's merit pay and wants a copy of the superintendent's evaluation document.
2. Steve Smith - does not support the superintendent's merit pay
3. Britt Dowdy - thanked Mr. Davenport and Mrs. Franco for the service to the district and community at large.
4. Erica Roberts - does not support the superintendent's merit pay
5. Martie O'Meara - does not support the superintendent's merit pay and

President Snell read an excerpt from board policy that explains the superintendent evaluation process that falls under personnel and is not a public process.

16. Superintendent's Report

Minutes:

Dr. Navarro shared information of interest and clarification to the Board.

17. Consent Calendar

Motion Passed: It is recommended that the Board of Education approve the consent calendars of business, education, human resources, student support services, and superintendent as amended. Member Fluor pulled item 17.b.2 to discussion action. Passed with a motion by Karen Yelsey and a second by Dana Black.

Yes Dana Black

Yes Walt Davenport

Yes Martha Fluor

Absent Judy Franco

Yes Charlene Metoyer

Yes Vicki Snell

Yes Karen Yelsey

17.a. Business Services

17.a.1. Approve Final Budget for Corona del Mar Middle and High School Sports Fields Modernization Project

17.a.2. Approve Purchasing and Transaction Report for 11-26-18

17.a.3. Approve Accounting Report 11-26-18

17.b. Education Services

17.b.1. Approve the Subscription for Lexia Learning Systems LLC for the 2018-19 School Year

17.b.2. Approve Master Service Agreement Between Newport Mesa Unified School District and Vital Link Education and Business Consortium

17.b.3. Approve Master Service Agreement Between Newport Mesa Unified School District and California Weekly Explorer, Inc.

17.b.4. Approve Master Service Agreement Between Newport Mesa Unified School District and Art Masters, Inc.

17.b.5. Approve Master Service Agreement Between Newport Mesa Unified School District and Code Campus LLC

17.b.6. Approve Agreement with the University of California to Participate in the Early Development Instrument (EDI) Project for 2018-2019 School Year

17.b.7. Approve Three-Party Agreement Number 47263 with the Orange County Superintendent of Schools (OCDE), Newport-Mesa Unified School District, and Early Quality Systems, LLC (EQS)

17.b.8. Approve Secondary Textbook Adoption

17.b.9. Approve Independent Contractors' Register 11-26-18

17.b.10. Approve Elementary Student Travel Register 11-26-18

17.b.11. Approve Secondary School Related Travel Register 11-26-18

17.c. Human Resources

17.c.1. Approve Certificated Employment Assignment Alternative/Options, Education Code 44256(b)

17.c.2. Approve Certificated Employment Assignment Alternative/Options, Education Code 44258.7(b)

17.c.3. Approve Certificated Employment Assignment Alternative/Options, Education Code 44263

17.c.4. Approve Certificated Employees' Appointment/Reassignment Register 11-26-18

17.c.5. Approve Certificated Employees' Leave of Absence Register 11-26-18

17.c.6. Approve Certificated Employees' Resignation/Termination Register 11-26-18

17.c.7. Approve Classified Employees' Appointment/Reassignment Register 11-26-18

17.c.8. Approve Classified Employees' Leave of Absence Register 11-26-18

17.c.10. Approve Classified Employees' Resignation/Termination Register 11-26-18

17.d. Student Support Services

17.d.1. Approve Student Discipline Expulsion of Students

17.d.2. Approve Community Advisory Committee Membership

17.e. Superintendent

17.e.1. Approve Setting Board of Education Annual Organizational Meeting

18. Resolution Consent Calendar

18.a. Adopt Resolution No. 15-11-18 Distinguished Service Award - Judith A. Franco

Motion Passed: It is recommended that the Board of Education adopt Resolution No. 15-11-18 Distinguished Service Award to Judith A. Franco in honor of her exemplary 38 year service on the Board of Education with a roll call vote. Passed with a motion by Martha Fluor and a second by Charlene Metoyer.

Yes Dana Black

Yes Walt Davenport

Yes Martha Fluor

Absent Judy Franco

Yes Charlene Metoyer

Yes Vicki Snell

Yes Karen Yelsey

18.b. Adopt Resolution 14-11-18, Selection of Farmers & Merchants Bank as Depository for Various Accounts of District and Authorizations Therewith

Motion Passed: It is recommended that the Board of Education adopt Resolution 14-11-18, Selection of Farmers & Merchants Bank as Depository for Various Accounts of District and Authorizations Therewith with a roll call vote. Passed with a motion by Martha Fluor and a second by Charlene Metoyer.

Yes Dana Black

Yes Walt Davenport

Yes Martha Fluor

Absent Judy Franco

Yes Charlene Metoyer

Yes Vicki Snell

Yes Karen Yelsey

18.c. Adopt Resolution 13-11-18, Authorization of Signatures for the Newport-Mesa Unified School District Workers' Compensation for Farmers & Merchants Bank

Motion Passed: It is recommended that the Board of Education adopt Resolution 13-11-18, Authorization of Signatures for the Newport-Mesa Unified School District Workers' Compensation for Farmers & Merchants Bank with a roll call vote. Passed with a motion by Martha Fluor and a second by Charlene Metoyer.

Yes Dana Black

Yes Walt Davenport

Yes Martha Fluor

Absent Judy Franco

Yes Charlene Metoyer

Yes Vicki Snell
Yes Karen Yelsey

18.d. Adopt Resolution 12-11-18, Establishment and Maintenance of the District's Self Insured Property and Liability Trust Account and Authorizations Therewith

Motion Passed: It is recommended the Board of Education adopt Resolution 12-11-18, Establishment and Maintenance of the District's Self Insured Property and Liability Trust Account and Authorizations Therewith with a roll call vote. Passed with a motion by Martha Fluor and a second by Charlene Metoyer.

Yes Dana Black
Yes Walt Davenport
Yes Martha Fluor
Absent Judy Franco
Yes Charlene Metoyer
Yes Vicki Snell
Yes Karen Yelsey

19. Discussion/Action Calendar

19.a. Approve the 2019 CSBA Delegate Assembly Nominations

Motion Passed: It is recommended that the Board of Education take action as it deems appropriate regarding the 2019 California School Boards Association (CSBA) Delegate Assembly Nominations by nominating Charlene Metoyer to the CSBA Delegate Assembly. Passed with a motion by Martha Fluor and a second by Dana Black.

Yes Dana Black
Yes Walt Davenport
Yes Martha Fluor
Absent Judy Franco
Yes Charlene Metoyer
Yes Vicki Snell
Yes Karen Yelsey

19.b. Approve Agreement with Grant Thornton LLP for an Other Post-Employment Benefits (OPEB) Liability Funding Policy Actuarial Study

Motion Passed: It is recommended that the Board of Education approve the Agreement with Grant Thornton LLP for an Other Post-Employment Benefits (OPEB) Liability Funding Policy Actuarial Study. Passed with a motion by Charlene Metoyer and a second by Martha Fluor.

Yes Dana Black
Yes Walt Davenport
Yes Martha Fluor
Absent Judy Franco

Yes Charlene Metoyer
Yes Vicki Snell
Yes Karen Yelsey

19.c. Second Reading and Adoption of Modifications to Board Policy

Motion Passed: It is recommended that the Board of Education review and adopt the attached policy revisions that have been reviewed and edited by the three member Board policy editing team. These policies have revisions to bring their language and legal references current to meet legal deadlines.

Public comment was received from Britt Dowdy.

The Board conducted the second reading and adopted BP 3514-Environmental Safety. Passed with a motion by Martha Fluor and a second by Karen Yelsey.

Yes Dana Black
Yes Walt Davenport
Yes Martha Fluor
Absent Judy Franco
Yes Charlene Metoyer
Yes Vicki Snell
Yes Karen Yelsey

Motion Passed: It is recommended that the Board of Education review and adopt the attached policy revisions that have been reviewed and edited by the three member Board policy editing team. These policies have revisions to bring their language and legal references current to meet legal deadlines.

The Board conducted the second reading and adopted BP 4158/4258/4358-Employee Security. Passed with a motion by Dana Black and a second by Charlene Metoyer.

Yes Dana Black
Yes Walt Davenport
Yes Martha Fluor
Absent Judy Franco
Yes Charlene Metoyer
Yes Vicki Snell
Yes Karen Yelsey

19.d. First Reading and Adoption of Modifications to Board Policy

Motion Passed: It is recommended that the Board of Education review and adopt the attached policy revisions that have been reviewed and edited by the three member Board policy editing team. These policies have revisions to bring their language and legal references current to meet legal deadlines.

Staff will bring back BP 3515.7-Firearms on School Grounds to a future meeting.

The Board waived the second reading and adopted BP 5131.7-Weapons and Dangerous Instruments as amended. Passed with a motion by Martha Fluor and a second by Charlene Metoyer.

Yes Dana Black

Yes Walt Davenport

Yes Martha Fluor

Absent Judy Franco

Yes Charlene Metoyer

Yes Vicki Snell

Yes Karen Yelsey

19.e. Approve Superintendent's Annual Merit/Performance Salary for 2017-18

Motion Passed: It is recommended the Board of Education approve the merit/performance salary supplement contribution based upon the Superintendent's proficient performance rating for the 2017-18 fiscal year and as a result approve and authorize the contribution in the amount of \$29,812.50 within 30 days to a Tax Sheltered Annuity selected by the Superintendent, following an oral report by the Board President.

President Snell read the oral report into the record:

Newport-Mesa Unified School District

Board President's Oral Report

Open Session Agenda Item 19.e.

November 26, 2018

1. The Third Addendum to Dr. Navarro's Employment Agreement with the Board of Education provides Dr. Navarro shall be awarded a merit/performance salary supplement based upon the summary performance level as reflected in the Superintendent's Performance Evaluation for the prior academic year. The merit/performance salary supplement is separate and apart from salary creditable to the State Teachers Retirement System and Dr. Navarro shall not be eligible for additional STRs contributions by the District or himself.
2. The Board of Education has completed the Superintendent's annual Performance Evaluation for the 2017-18 academic year and determined that the summary performance level is that of "Proficient Performance."
3. The Maximum Eligible Award amount under the merit/performance salary supplement for 2017-18 is 75% of the IRS limitation amount on a TSA as of 2015.
4. The Third Addendum specifies that a summary evaluation of Proficient Performance Evaluation creates an eligibility amount of 75% of the Maximum Eligible Award amount.
5. The Eligible Award Amount authorized for the 2017-18 academic year is \$29,812.50 representing the eligibility amount of 75%.

6. As a result, Dr. Navarro shall be awarded per Agenda Item 19.e. the payment of \$29,812.50 to the TSA of the Superintendent's choice and direct the District's Chief Financial Officer to effect payment to the TSA designated by the Superintendent no later than thirty (30) days from receipt of both the Letter of Award and the Superintendent's application for a TSA.

Public comment was received from the following individuals:

1. Erica Roberts
2. Britt Dowdy
3. Laurie Smith
4. Jeff Roberts
5. Wendy Leece

Passed with a motion by Dana Black and a second by Martha Fluor.

Yes Dana Black

Yes Walt Davenport

Yes Martha Fluor

Absent Judy Franco

Yes Charlene Metoyer

Yes Vicki Snell

Yes Karen Yelsey

20. Board Member Reports

Minutes:

The Board members shared reports of interest to the community and Board members.

21. Board of Education Committee Reports

Minutes:

Board members shared reports on committees who have met since the last Board meeting.

22. Informal Reports

22.a. Superintendent

Minutes:

Dr. Navarro shared information of interest to the Board and public.

22.b. Deputy/Assistant Superintendents and Executive Directors

Minutes:

Deputy/Assistant Superintendents and Executive Directors provided information of interest to the Board from their respective divisions.

23. Adjournment

Minutes:

The meeting was adjourned at 8:49 p.m.

Chairperson

Superintendent