

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES – REGULAR MEETING
MARCH 8, 2011
EDUCATION CENTER – BOARD ROOM

President Brick called the meeting to order at 6:00 p.m. Prior to recessing to closed session Dr. Farley made the following announcement in regards to closed session item 47AA: The Board will meet with Attorney Jack Sleeth in closed session to discuss a complaint that was filed regarding an alleged Brown Act violation. The Board recessed to closed session at 6:02 p.m. to: confer with Legal Counsel regarding Existing Litigation (one case); confer with Legal Counsel regarding Anticipated Litigation (one case); discuss Student Expulsions (sixteen cases); discuss Issuance of March 15 Non-Reelection Notices (two cases); discuss Public Employee Discipline/Dismissal/Release; and discuss CSEA/CUEA/CUMA/Teamsters negotiations.

The regular meeting of the Board reconvened to open session and was called to order by President Brick at 7:05 p.m.

The Pledge of Allegiance was led by Trustee Bryson.

Present: Trustees Addonizio, Alpay, Brick, Bryson, Hatton, Palazzo, Pritchard, and Student Advisor Larson Ishii

A CD of the Board meeting discussion related to each of the items on the public agenda is on file in the Superintendent's Office as a matter of the permanent record. An audio recording of the meeting is available on the District website: www.capousd.org

Permanent Record

It was moved by Trustee Alpay, seconded by Trustee Bryson, and carried by a 7-0 vote to adopt the Board agenda.

Adoption of the Board Agenda

President Brick asked Vice President Pritchard to facilitate the meeting.

President's Announcement

Vice President Pritchard reported the following action taken during closed session:

President's Report From Closed Session Meeting

Agenda Item #47 AA – Conference with Legal Counsel – Anticipated Litigation: Significant exposure to Litigation: The Board gave direction to legal counsel.

Chief Communications Officer Marcus Walton explained that special recognition of John Hamro had to be rescheduled because San Clemente High School's boys' and girls' soccer teams qualified for the CIF regional tournament and had games tonight.

Special Recognition

Student Advisor Larson Ishii introduced Student Body members Amanda Emery and Collin Burton from Serra High School to present a report on activities taking place at the high school.

Student Body Report

Trustee Bryson commented on how much she enjoyed reading to an Oak Grove Elementary School second grade class and thanked Principal Jill O'Connell Bogle for inviting her. Trustee Bryson shared she had received information regarding Operation School Project which builds bridges between American children and Afghan children, and calls for schools, businesses, or organizations to partner with schools in Helmand Province, Afghanistan by providing school supplies to the children. Trustee Bryson stated she has discussed this project with CUCPTSA President Michelle Langham. Information on this project will be posted on the CUCPTSA website.

Board and Superintendent Comments

President Brick stated he had attended the Honor Choir concert last week and will be attending the Honor Band concert on Thursday and encouraged everyone to attend.

Trustee Alpay congratulated the San Clemente High School's girls' water polo team who won the Division II Title Champions and San Clemente High School's boys' soccer team for winning the Division I Title Champions. Trustee Alpay also congratulated Capistrano Valley High School for their victory over Mission High School in boys' baseball. Student Advisor Larson Ishii added that Mission High School is ranked 8th in nation.

As specified in Board Bylaw 9323 for Oral Communications, each speaker was allowed three (3) minutes to speak.

**Oral
Communications**

The following people addressed the Board:

- Karen Gee informed the Board about the Trash Artist Challenge contest open to students in grades 3-12 throughout Orange County which is a green arts program turning trash into art.
- Karin Schnell stated March is Arts Education Month and shared data regarding the importance of art education in schools.

Vice President Pritchard asked Trustees for items they wished to pull from the Consent Calendar. Agenda items #5 and #17 were pulled.

**Items Pulled from
the Consent
Calendar**

CONSENT CALENDAR

It was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried unanimously to approve the following Consent Calendar items:

Minutes of the February 8, 2011, regular Board meeting and the February 22, 2011, special Board meeting.

**Minutes
Agenda Item 1**

Readmission of students from expulsion: Case #2010-014, #2010-040, #2010-069, #2010-077, #2010-089, #2010-092, #2010-106, #2010-107, #2010-110, #2010-113, #2010-119, #2010-121, #2010-122, #2010-125, #2010-129, and #2010-131.

**Expulsion
Readmissions
Agenda Item 2**

Petition to waive California Education Code §60851(a) and Board Policy 6162.52 – California High School Exit Examination: Case #1011-011 through #1011-013.

**California High
School Exit Exam
Agenda Item 3**

Orange County Department of Education service agreement with CUSD for the Understanding American Citizenship grant.

**Service Agreement
Agenda Item 4**

Purchase Orders and Warrants as listed.

**Purchase Orders/
Warrants
Agenda Item 6**

Donations of funds and equipment.

**Donations
Agenda Item 7**

Resolution No. 1011-44, Designation of Agents.

**Designation of
Agents
Agenda Item 8**

Reduction in lease payments for Niguel Children's Center at the Foxborough campus.

**Niguel Children's
Center
Agenda Item 9**

Lease purchase agreement for computers at Truman Benedict Elementary School with Dell Financial Services.

**Dell Flex Lease
Purchase
Agreement
Agenda Item 10**

Orange County Department of Education courier service joint powers authority amendment.	Joint Powers Authority Amendment Agenda Item 11
Master Contract for special education services to be provided by Teri, Inc. The Country School, a non-public school.	Master Contract Agenda Item 12
Master Contract for special education services to be provided by Devereux Cleo Wallace, a non-public school.	Master Contract Agenda Item 13
Civil engineering services, SLR Civil Engineering, Inc.	Consulting Agreement Agenda Item 14
Surveying and construction engineering services, Guida Surveying, Inc.	Consulting Agreement Agenda Item 15
Workshops on Seven Habits of Highly Effective Families, Eric Stenlake.	Independent Contractor Agreement Agenda Item 16
Science assemblies, Science on the Go, Inc.	Independent Contractor Agreement Agenda Item 18
General academic guidance workshops, Debra L. Horowitz.	Independent Contractor Agreement Agenda Item 19
EnVision fraction training, Kate Gallaway.	Independent Contractor Agreement Agenda Item 20
Orange County Youth Internet Safety Education Project, Web Wise Kids Training, Orange County Department of Education.	Service Agreement Agenda Item 21
E-rate application for telecommunications and Internet access funding.	E-rate Application Agenda Item 22
Award of Bid No. 1011-10, Roofing Repairs and Maintenance Districtwide, Architectural Roofing Systems dba Pacific Roofing Systems.	Roofing Repairs Agenda Item 23
Authorization to advertise for Bid No. 1011-14, Grocery Products.	Grocery Products Agenda Item 24
Authorization to advertise for Bid No. 1011-13, Snack and Beverage Products.	Snack and Beverage Products Agenda Item 25
Award of Bid No. 1011-08, Milk and Dairy Products, Hollandia Dairy, Inc.	Milk and Dairy Products Agenda Item 26

Resignations, retirements, and employment of classified personnel.	Resignations/ Retirements/ Employment (Classified Personnel) Agenda Item 27
Resignations, retirements, and employment of certificated personnel.	Resignations/ Retirements/ Employment (Certificated Personnel) Agenda Item 28
Certification of temporary athletic team coach qualifications and competencies.	Coach Certification Agenda Item 29
Memorandum of Understanding agreement with the Regional Occupational Program.	ROP Agreement Agenda Item 30

ROLL CALL: AYES: Trustees Addonizio, Alpay, Brick, Bryson, Hatton, Palazzo, Pritchard, and Student Advisor Larson Ishii
 NOES: None
 ABSENT: None
 ABSTAIN: None

Trustee Hatton asked staff if Biotechnology was an A through G approved course. Assistant Superintendent Julie Hatchel stated she would need to report back to Trustees with the answer. **Biotechnology
Agenda Item 5**

It was moved by Trustee Hatton, seconded by Trustee Addonizio, and motion carried unanimously to approve the Biotechnology science elective course for high schools.

Trustee Hatton questioned staff regarding the cost of the program and suggested staff look at other companies that provide the same services or request a discount from Teachscape, Inc. **Independent
Contractor
Agreement
Agenda Item 17**

It was moved by Trustee Hatton, seconded by Trustee Alpay, and motion carried unanimously to table Classroom Walkthrough Institute, Teachscape, Inc.

DISCUSSION/ACTION

Assistant Superintendent Julie Hatchel explained that for the last two months a charter review team has worked in collaboration with the Oxford Preparatory Academy (OPA) to review the charter petition. The review team utilized the Charter School Review Matrix to ensure all critical areas were considered during the process and members from the team visited the Chino Hills location of OPA. The comprehensive analysis and review of the OPA charter revealed the petition provides a reasonably comprehensive description of all required elements of a charter petition and the petitioners are likely to successfully implement the program presented in the petition. **Oxford
Preparatory
Academy Petition
Agenda Item 31**

The following people addressed the Board:

- *Sue Roche thanked staff for their guidance and working collaboratively with Oxford through the petition process.*
- *Gail Benda pointed out her concerns regarding special education services involving District staff and asked Trustees to review the 504 section of the Memorandum of Understanding before approving the charter.*

Following discussion, it was moved by Trustee Addonizio, seconded by Trustee Bryson, and motion carried unanimously to approve the Oxford Preparatory Academy Charter School petition and Memorandum of Understanding for a three-year term beginning with the 2011-2012 school year.

Vice President Pritchard announced the Public Hearing open at 7:48 p.m. regarding the approval of the Pupil-to-Teacher Waiver Request for Capistrano Connections Academy Charter School. Vice President Pritchard asked the Clerk of the Board if any written comments had been received. Trustee Alpay responded that no written comments had been received. Vice President Pritchard asked if there was anyone who wished to address the Board.

**Public Hearing:
Capistrano
Connections
Academy Charter
School
Agenda Item 32**

The following person addressed the Board:

- *Franci Sassin thanked the Board for their consideration of this item and stated she appreciated the Board and staff.*

Vice President Pritchard declared the Public Hearing closed at 7:55 p.m.

It was moved by Trustee Addonizio, seconded by Trustee Bryson, and motion carried unanimously to approve the Pupil-to-Teacher Waiver Request for Capistrano Connections Academy Charter School.

ROLL CALL AYES: Trustees Addonizio, Alpay, Brick, Bryson, Hatton, Palazzo, Pritchard, and Student Advisor Larson Ishii
NOES: None
ABSENT: None
ABSTAIN: None

Deputy Superintendent Ron Lebs with the assistance of Executive Director Randy Rowles presented this item. Mr. Rowles presented background information on the pool project and summarized the project schedule. Mr. Rowles stated if the Board approved the bid award at this meeting, construction would begin on March 28, 2010, and be completed in January 2012.

**SJHHS Pool Bid
Award
Agenda Item 33**

The following person addressed the Board:

- *Margie Tinsley expressed her gratitude to Tesoro High School for sharing their pool with SJHHS students and Ron Lebs and his staff for all their hard work on this project.*

Following discussion, it was moved by Trustee Bryson, seconded by Trustee Alpay, and motion carried unanimously to approve award of Bid No. 1011-09, San Juan Hills High School 30-Meter Pool/Support Buildings to Horizons Construction Company International, Inc. in the amount of \$3,023,000, which is reflective of the base bid amount less the deductive alternate.

Assistant Superintendent Jodee Brentlinger reminded Trustees the Board formally adopted a two-year settlement agreement with CSEA on September 28, 2010, effective from July 1, 2010, through June 30, 2012. Mrs. Brentlinger explained this agenda item presents for Board consideration the District's contract reopener proposal for the 2011-2012 school year. Board Policy 4143.1, Public Notice-Issues of Meeting and Negotiations describes the steps to be taken by the Board and its authorized representatives in order to enter into a new agreement with an exclusive bargaining unit. The District is submitting its proposal to reopen two articles so that 2011-2012 negotiations can be addressed within the context of current District and state economic challenges. Mrs. Brentlinger stated the District proposes discussing Article 3, Hours of Employment and Article 11, Wages. Mrs. Brentlinger added the District has not yet received a formal proposal from CSEA.

**CSEA Contract
Reopener Proposal
Agenda Item 34**

Assistant Superintendent Jodee Brentlinger reminded Trustees the Board formally adopted a three-year settlement agreement with CUEA on May 19, 2010, effective from July 1, 2009, through June 30, 2012. Mrs. Brentlinger explained this agenda item presents for Board consideration the District's contract reopener proposal for the 2011-2012 school year. Board Policy 4143.1, Public Notice-Issues of Meeting and Negotiations describes the steps to be taken by the Board and its authorized representatives in order to enter into a new agreement with an exclusive bargaining unit. The District is submitting its proposal to reopen two articles so that 2011-2012 negotiations can be addressed within the context of current District and state economic challenges. Mrs. Brentlinger stated the District proposes discussing Article 8, Class Size and Article 14, Wages. Mrs. Brentlinger added the District has not yet received a formal proposal from CUEA but anticipates receipt by April 1, 2011.

**CUEA Contract
Reopener Proposal
Agenda Item 35**

- *Vicki Soderberg commented that CUEA was encouraged by Trustee Bryson's remarks at the February 22 Board meeting and is looking forward to positive collaborative talks. Teachers are committed to meeting the challenges of next year and negotiation will be based on trust, honesty, and integrity.*

Assistant Superintendent Jodee Brentlinger reminded Trustees the Board formally adopted a three-year settlement agreement with Teamsters on June 29, 2010, effective from July 1, 2009, through June 30, 2012. Mrs. Brentlinger explained this agenda item presents for Board consideration the District's contract reopener proposal for the 2011-2012 school year. Board Policy 4143.1, Public Notice-Issues of Meeting and Negotiations describes the steps to be taken by the Board and its authorized representatives in order to enter into a new agreement with an exclusive bargaining unit. The District is submitting its proposal to reopen two articles so that 2011-2012 negotiations can be addressed within the context of current District and state economic challenges. Mrs. Brentlinger stated the District proposes discussing Article 3, Hours of Employment and Article 11, Wages. Mrs. Brentlinger added the District has not yet received a formal proposal from Teamsters.

**Teamsters
Contract Reopener
Proposal
Agenda Item 36**

Assistant Superintendent Julie Hatchel presented a PowerPoint highlighting the history of the Two-Way Immersion (TWI) program, Program Improvement details, Year Four Major Restructuring Plan, benefits of the TWI schoolwide program, and impact on other sites. Mrs. Hatchel reported community support for the program grows yearly.

**Two-Way
Immersion Report
Agenda Item 37**

Deputy Superintendent Ron Lebs told Trustees Resolution No. 1011-43, is asking Trustees to approve calling a public hearing on April 12, 2011, regarding the reduction in the special taxes of CFD No. 2005-1, assuming all applicable agreements are executed.

**CFD 2005-1
Agenda Item 38**

It was moved by Trustee Addonizio, seconded by Trustee Bryson, and motion carried unanimously to approve Resolution 1011-43, initiating proceedings for consideration of altering the rate and method of apportionment and reducing the levy of special taxes within CFD 2005-1 (Whispering Hills)

ROLL CALL AYES: Trustees Addonizio, Alpay, Brick, Bryson, Hatton, Palazzo, Pritchard, and Student Advisor Larson Ishii
NOES: None
ABSENT: None
ABSTAIN: None

President Bryson recognized Deputy Superintendent Ron Lebs ,who, along with Executive Director Kristofer Pitman, reviewed Budget spreadsheets and discussed the two scenarios based on the Governor's January two-option budget proposal for 2011-2012. Mr. Lebs advised the Board this item presents a self-qualified certification of the Second Interim Report for 2010-2011, indicating the District may not meet its financial obligations for the current and/or the two subsequent fiscal years. The District's budget is balanced in the current fiscal year but there are budget reductions yet to be specifically

**Second Interim
Report
Agenda Item 39**

identified in the subsequent fiscal years. A self-qualified certification of the Second Interim Report requires additional oversight from the Orange County Department of Education with regard to debt issuance, collective bargaining, and fiscal matters. This self-qualified certification of the Second Interim report requires the District to complete a Third Interim report.

Following discussion, it was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried by a 5-2 vote to approve the Self-Qualified Certification of the Second Interim Financial Report for the period July 1, 2010, through January 31, 2011, authorize its filing with the County Superintendent of Schools, and approve Resolution No. 1011-42, Incorporating Revenue and Expenditure Increases/Decreases for the District's various funds for 2010-2011.

ROLL CALL AYES: Trustees Alpay, Brick, Bryson, Hatton, Pritchard, and Student Advisor Larson Ishii
NOES: Trustees Addonizio and Palazzo
ABSENT: None
ABSTAIN: None

Assistant Superintendent Julie Hatchel asked Executive Director Amy Bryant to present a PowerPoint overview of this item. Dr. Bryant explained the District was identified by the California Department of Education (CDE) as having significant disproportionality in the identification of Hispanic students as eligible for special education pursuant to the requirements of the Individuals with Disabilities Act (IDEA) for 2007-2008. Staff utilized the 2009-2010 year to investigate the calculation methodologies used, research data, and understand the implications of this mandate. Under IDEA requirements, districts determined to have significant disproportionality must develop a Significant Disproportionality-Coordinated Early Intervening Services (SD-CEIS) Plan which provides CDE with a general overview of the District's review of the policies, procedures, programs, and practices including the identification of a pathway to reduce significant disproportionality currently found in the special education system.

**Early Intervening Services Plan
Agenda Item 40**

Following discussion, it was moved by Trustee Addonizio, seconded by Trustee Bryson, and motion carried unanimously to approve the SD-CEIS Plan.

Chief Communications Officer Marcus Walton presented for second reading revisions to Board Policy 1325, *Advertising and Promotion*, and Board Policy 1326, *Posting and Distributing Flyers*. Mr. Walton explained that community organizations and business groups often request school sites and District officials to distribute flyers, advertising programs, services, or events to students. Approving the revision to Board Policy 1325 ensures materials disseminated to students are restricted to school-sponsored activities or activities sponsored by groups affiliated with the District. Accepting the proposed changes would revise Board Policy 1325 and eliminate Board Policy 1326.

**Board Policy Revision
Agenda Item 41**

It was moved by Trustee Alpay, seconded by Trustee Brick, and motion carried unanimously to approve the revisions to Board Policy 1325, *Advertising and Promotion*, and the deletion of Board Policy 1326, *Posting and Distributing Flyers*.

It was moved by Trustee Addonizio, seconded by Trustee Hatton, and motion carried unanimously to approve the revisions to Board Policy 5117.1, *Open Enrollment Act/Romero Bill*.

**Board Policy Adoption
Agenda Item 42**

It was moved by Trustee Bryson, seconded by Trustee Alpay, and motion carried unanimously to approve the revisions to Board Policy 5118, *Interdistrict Attendance Agreements*.

**Board Policy Revision
Agenda Item 43**

Assistant Superintendent Julie Hatchel presented the proposed revisions to Board Policy 5119, *Open Enrollment* for second reading. Mrs. Hatchel explained additional revisions have been made to the policy taking into consideration Trustee Alpay's requests to more

**Board Policy Revision
Agenda Item 44**

clearly define the open enrollment process for Two-Way Immersion students as well as adding a priority status for students in specific attendance areas within the San Clemente and Capo Beach area to be able to attend San Clemente High School if desired. The new Priority D status allows students residing within a feeder pattern that has been divided between levels (elementary to middle or middle to high school) to be given priority status in the open enrollment process. The change with this priority status would impact students in 7 CUSD schools.

Trustee Alpay directed staff to reagendaize attendance study area 1670.

Following discussion it was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried unanimously to approve the revisions to Board Policy 5119, *Open Enrollment*.

Vice President Pritchard announced the Public Hearing open at 9:29 p.m. regarding the approval of the CUSD SELPA Annual Service Plan and Budget. Vice President Pritchard asked the Clerk of the Board if any written comments had been received. Trustee Alpay responded that no written comments had been received. Vice President Pritchard asked if there was anyone who wished to address the Board. There being no one to address the Board, Vice President Pritchard declared the Public Hearing closed at 9:30 p.m.

**Public Hearing:
Special Education
Plan Area-SELPA
Agenda Item 45**

It was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried unanimously to approve the CUSD SELPA Annual Service Plan and Budget.

ROLL CALL AYES: Trustees Addonizio, Alpay, Brick, Bryson, Hatton, Palazzo, Pritchard, and Student Advisor Larson Ishii
NOES: None
ABSENT: None
ABSTAIN: None

Deputy Superintendent Ron Lebs stated there was nothing new to report this month.

**Division of State
Architect (DSA)
Agenda Item 46**

The Board recessed at 9:32 p.m. to continue discussion on the remaining closed session items.

Trustee Bryson left closed session at 10:20 p.m.

The Board reconvened at 10:25 p.m. and Vice President Pritchard reported the following action taken during closed session:

**President's Report
From Closed
Session Meeting**

Agenda Item #47 A – Conference with Legal Counsel – Existing Litigation: Case No. SACV 09-01206, ASCIP #10-8229-JW Settlement Ratification: The Board voted by a 7 – 0 vote to approve the JW settlement ratification of Case No. SACV 09-01206.

AYES: Trustees Addonizio, Alpay, Brick, Bryson, Hatton, Palazzo, and Pritchard
NOES: None

Agenda Item #47 B-1 – Student Expulsions: The Board voted by a 7-0 vote to approve the expulsion and to expedite expungement of the expulsion record at the end of the expulsion period for Case #2011-044.

AYES: Trustees Addonizio, Alpay, Brick, Bryson, Hatton, Palazzo, and Pritchard
NOES: None

Agenda Item #47 B-2 through B-16 – Student Expulsions: The Board voted by a 7-0 vote to expel the following students by stipulated agreement: Case #2011-028, #2011-047, #2011-048, #2011-049, #2011-051, #2011-052, #2011-054, #2011-055, #2011-056, #2011-058, #2011-059, #2011-60, #2011-61, #2011-063, and #2011-64.

AYES: Trustees Addonizio, Alpay, Brick, Bryson, Hatton, Palazzo, and Pritchard

NOES: None

Agenda Item 47 C-1 – Issuance of March 15 Non-Reelection Notices:

The Board voted by a 7-0 vote to authorize the issuance of a non-re-election notice to Employee No. 027487.

AYES: Trustees Addonizio, Alpay, Brick, Bryson, Hatton, Palazzo, and Pritchard

NOES: None

Agenda Item 47 C-2 – Issuance of March 15 Non-Reelection Notices:

The Board voted by a 7-0 vote to authorize the issuance of a non-re-election notice to Employee No. 027469.

AYES: Trustees Addonizio, Alpay, Brick, Bryson, Hatton, Palazzo, and Pritchard

NOES: None

Agenda Item 47 D – Public Employee Discipline/Dismissal/Release

The Board voted by a 7-0 vote to approve the demotion of Employee No. 011103.

AYES: Trustees Addonizio, Alpay, Brick, Bryson, Hatton, Palazzo, and Pritchard

NOES: None

Agenda Item #47 E – CSEA/CUEA/CUMA/Teamsters Negotiations: No action was taken.

It was moved by Trustee Addonizio, seconded by Trustee Alpay, and motion carried 6-0 vote to adjourn the meeting.

AYES: Trustees Addonizio, Alpay, Brick, Hatton, Palazzo, and Pritchard

NOES: None

ABSENT: Trustee Bryson

Vice President Pritchard announced the meeting adjourned at 10:30 p.m.


Board Clerk


Secretary, Board of Trustees