

CAPISTRANO UNIFIED SCHOOL DISTRICT **AMENDED**
BOARD OF TRUSTEES
MINUTES – REGULAR MEETING
MAY 25, 2011
EDUCATION CENTER – BOARD ROOM

President Brick called the meeting to order at 4:30 p.m. The Board recessed to closed session to: discuss Public Employee Appointment/Employment 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 5:00 p.m.

The Pledge of Allegiance was led by President Brick.

Present: Trustees Addonizio, Alpay, Brick, Bryson, Hatton, Palazzo, and Pritchard
Absent: 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 #3 A – Public Employee Appointment/Employment:

The Board voted by a 7-0 vote to approve the appointment of Steven Scholl, Principal, Palisades Elementary School.

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

Agenda Item #3 B – CSEA/CUEA/CUMA/Teamsters Negotiations: No action was taken.

Dr. Farley reminded the Board that the agenda was brief to allow Board members the opportunity to attend high school Achievement Awards following the meeting. Board and Superintendent Comments

It was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried by a 5-2 vote to adjourn the meeting by 6:00 p.m.

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

Trustee Addonizio stated her concerns that staff had not placed on the agenda in open or closed session the following items: a response to the District Attorney’s letter dated May 6; Wayne Tate’s letter dated April 15; and the Reardon versus CUSD lawsuit. Trustee Addonizio requested that these items be placed on a future Board agenda for Trustees to discuss and resolve.

Trustee Bryson commented she had attended Dana Hills High School's Achievement Awards and it was wonderful to see the great work being done academically at the school.

Trustee Palazzo stated she was in agreement with Trustee Addonizio's request for agendaizing the three items. Trustee Palazzo requested staff provide a report to the Board on API scores and an update on the coaches' investigation.

Dr. Farley stated the three items requested by Trustees Addonizio and Palazzo have been agendaized for a future meeting.

Trustee Hatton remarked she attended the Achievement Awards at Capistrano Valley High School and was very proud of the students and teachers at the school. Trustee Hatton added she also attended the ROP awards, the presentation by the District of the movie Race to Nowhere, and the CARE Foundation's alternative energy workshop.

Trustee Alpay asked that the request by Trustees Addonizio and Palazzo for the District to pay their attorney fees be agendaized and requested staff contact Attorney Craig Alexander regarding his rates, engagement letter, and the amount billed for his time thus far. Trustee Alpay commented the Board needs to do a better job of policing of themselves and adhering to the Government Code, the Education Code, Roberts Rules of Order, Board policies and procedures. Trustee Alpay stated at the March 16, 2011, Board meeting Trustees Addonizio and Palazzo recused themselves from the vote on item number 4 due to its vagueness and ambiguity. Based on those two words Trustee Alpay quoted Board Policy 9323(a) (Meeting Conduct), "the Board recognizes that when no conflict of interest requires abstention, its members have a duty to vote on issues before them." Trustee Alpay referenced Mr. Alexander's May 9, 2011, letter where Mr. Alexander states, "duly elected Trustees have every right and obligation to attend and participate in all sessions of the Board of Trustees." Trustee Alpay pointed out Mr. Alexander correctly refers to Board policy but the actions of Trustees Addonizio and Palazzo were inconsistent with meeting conduct specifically Board Policy 9323(a). In addition, Board Policy 9271(a) (Code of Ethics) states, "each Board member is obliged by law to participate in decisions pertaining to education in the District. As an elected representative of the people, the Board member can neither relinquish nor delegate this responsibility to any other individual group." Board Policy 9271(b) says, "Trustees are required to devote sufficient time, thought, and study to proposed actions so as to be able to base decisions upon all available facts and vote in accordance with honest convictions, unswayed by partisan bias of any kind." In the minutes of the January 11, 2011, Board meeting, Trustees Addonizio and Palazzo complained of agenda item #4 being vague but had no problem voting on it; therefore it is his determination that Trustees Addonizio and Palazzo have violated Board policies 9323(a), 9271(a), and 9271(b) and asked Board members to consider, as a future Board item, if Trustees Addonizio and Palazzo violated Board policy and what action, if any, is appropriate by the Board, up to and including censure.

Trustee Pritchard commented that he attended the Achievement Awards at Aliso Niguel High School and visited Aliso Viejo Middle School.

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

**Oral
Communications**

The following person addressed the Board:

- *Craig Alexander stated he had given Dr. Farley a letter prior to the meeting demanding the Board agendaize the Reardon lawsuit, the Tate letter of April 15, and the District Attorney's letter of May 6. Mr. Alexander thanked Dr. Farley for stating, during Board Comments, these items were already slated for a future Board meeting.*

DISCUSSION/ACTION

Deputy Superintendent Ron Lebs stated in accordance with Education Code §42131(c), a school district, which is qualified or negative as of the Second Interim Report, shall submit financial statement projections of the district's fund and cash balances to the county office, State Controller, and the Superintendent of Public Instruction. Mr. Lebs reviewed financial projections for the general fund; cash flow projections for fiscal years 2010-2011 and 2011-2012; budget reductions needed for 2011-2012; and reduction options to achieve the \$6.9 million shortfall. Mr. Lebs also shared data on prior year reductions to show Trustees what the District has gone through to get to where it is now.

**Third Interim Report
Agenda Item 6**

It was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried unanimously to acknowledge receipt of the financial documents related to the Third Interim Report, and authorize their filing with the Orange County Department of Education, the State Controller's office, and the State Superintendent of Public Instruction.

Assistant Superintendent Jodee Brentlinger stated this item requests the elimination of the full-day state funded preschool program and increase the half-day state funded programs. The District has received notice that the state funded program is expected to receive a 25 percent revenue reduction in funding for the 2011-2012 school year. It was determined that if the full-day program was eliminated, the current 650 students receiving preschool services would actually be extended to 696 students by providing more spaces in the half-day state funded program. Mrs. Brentlinger explained the layoff will provide more preschool spaces for students qualifying to receive such services. Since more students will be afforded a free preschool opportunity, there is a positive effect that is expected toward narrowing the achievement gap. There is little change regarding facilities since half-day programs will be occupying former full-day program spaces.

**Classified Layoff,
Non-Management
Employees
Agenda Item 7**

The following person addressed the Board:

- *Ronda Walen stated one of CSEA's concerns is that the District is still able to prepare children for school and added teachers have reported to her the full-day state program provides additional support for parents. Mrs. Walen asked Trustees to consider retaining this program.*

It was moved by Trustee Pritchard, seconded by Trustee Hatton, and motion carried by a 5-2 vote to approve Resolution No. 1011-57 Classified Layoff, Non-Management Employees, in the designated classifications.

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

Assistant Superintendent Julie Hatchel stated Board Policy 6111, School Calendar, outlines the duties and responsibilities of the District and Board relative to the establishment of a calendar for each school site. School sites have had considerable autonomy in establishing and altering site calendars, and at times, changes have posed challenges due to inconsistency in scheduling across the District, including transportation accommodations. Mrs. Hatchel explained revisions to this policy will provide consistency and accountability with scheduling across the District.

**Board Policy
Revisions
Agenda Item 8**

It was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried unanimously to approve the revisions to Board Policy 6111, *School Calendar*.

Deputy Superintendent Ron Lebs stated the Governmental Accounting Standards Board issued GASB Statement 54 (GASB 54), which alters how fund balance information is reported, and to improve clarity of how fund balance information is presented and classified. GASB 54 became effective for all school districts in California for the fiscal year 2010-2011. Implementation of GASB 54 requires school districts to adopt a Board policy that outlines various reporting restrictions to fund balance(s), minimum fund balance, authority to commit and assign, and spending order. Mr. Lebs added the District will not be impacted by this new requirement as it is already transparent in how it lists its fund balances.

**Board Policy
Adoption
Agenda Item 9**

Trustee Addonizio asked the Board to consider increasing the 2 percent reserve even if it is only a quarter percent. Trustee Bryson stated she was in favor of increasing the reserve in the future.

This item will be brought back for second reading.

Vice President Pritchard asked Trustees for items they wished to pull from the Consent Calendar. Items #10 and #15 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:

Donations of funds and equipment.

**Donations
Agenda Item 11**

State of California Multiple Awards Schedule Contract 3-11-70-0291U, purchase and warranty of hardware, software, software maintenance, installation, maintenance, and repair, AMS, Net, Inc.

**Contract Award
Agenda Item 12**

Western States Contracting Alliance Contract IS-06-79-55, maintenance repair and operating supplies, W.W. Grainger, Inc.

**Contract Award
Agenda Item 13**

Lease/rental agreement with the Orange County Fire Authority.

**Lease/Rental
Agreement
Agenda Item 14**

Amendment No. 1 to Income Agreement 36637 with the Orange County Department of Education for interpreter training sessions.

**Income Agreement
Amendment
Agenda Item 16**

Master contract for special education services to be provided by Larry M. Simmons High School-Kiva, a non-public agency.

**Master Contract
Agenda Item 17**

Master contract for special education services to be provided by Larry M. Simmons High School-Bodega, a non-public agency.

**Master Contract
Agenda Item 18**

Individualized cognitive-sensory intervention program, The Speech, Language & Learning Center.

**Independent
Contractor
Agreement
Agenda Item 19**

EnVisionMATH professional development workshop, Pearson.

**Independent
Contractor
Agreement
Agenda Item 20**

Art instruction, assemblies, lectures, and programs, Meet the Masters, Inc.

**Independent
Contractor
Agreement
Agenda Item 21**

E-waste recycling and disposal serves, All Green Electronics Recycling.

**Independent
Contractor
Agreement
Agenda Item 22**

Student assessment and data analysis system, Illuminate Education, Inc.

**Award RFQ
No. 7-1011
Agenda Item 23**

Payment to the District's master teachers who supported student teachers during the 2010 fall semester.

**Master Teacher
Payment
Agenda Item 24**

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

At 5:57 p.m. it was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried unanimously to extend the meeting to 6:05 p.m.

Meeting Extended

Trustee Palazzo asked to clarify statements recorded in the April 27, 2011, minutes regarding the amendments Trustee Alpay made to the April 11, 2011, minutes. The amended minutes state Trustees Addonizio and Palazzo recused themselves from discussion related to the CUEA agreement. Trustee Palazzo would like the record to reflect what she and Trustee Addonizio did, which was recused themselves from agenda item #3 and agenda item #4. Agenda item #3, Response to Demand to Cure and Correct Alleged Brown Act Violations, an Information/Discussion item, and agenda item #4, Reaffirmation of Previously Considered Restoration of Furlough Days and Pay for Four Employee Organizations, a Discussion/Action item.

**Minutes
Agenda Item 10**

Following discussion, it was moved by Trustee Palazzo, seconded by Trustee Alpay, and motion carried unanimously to approve the minutes of the April 27, 2011, Board meeting and the May 9, 2011, Board meeting and the addition of the clarifying comments made by Trustee Palazzo reflected in the minutes of this meeting.

Trustee Bryson thanked Mr. Lebs and his staff for requesting and receiving a 10 percent reduction on the extension of this agreement.

**Agreement
Extension
Agenda Item 15**


It was moved by Trustee Bryson, seconded by Trustee Addonizio, and motion carried unanimously to approve the second extension of the agreement for E-rate consulting services to be provided by NvLS Professional Services, LLC.

It was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried unanimously to adjourn the meeting.

Adjournment

Vice President Pritchard announced the meeting adjourned at 6:03 p.m.


Board Clerk


Secretary, Board of Trustees