

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES – REGULAR MEETING
SEPTEMBER 14, 2010
EDUCATION CENTER – BOARD ROOM

President Bryson called the meeting to order at 5:30 p.m. The Board recessed to closed session to: confer with Legal Counsel regarding Existing Litigation (three cases); confer with Legal Counsel regarding Anticipated Litigation (one case); discuss CSEA/CUEA negotiations; discuss Public Employee Discipline/Dismissal/Release; and discuss Public Employee Appointment/Employment.

The regular meeting of the Board reconvened to open session and was called to order by President Bryson at 7:00 p.m.

The Pledge of Allegiance was led by Trustee Winsten.

Present: Trustees Addonizio, Brick, Bryson, Christensen, Lopez-Maddox, Palazzo, Winsten, 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 Lopez-Maddox, seconded by Trustee Brick, and carried by a 7-0 vote to adopt the Board agenda. **Adoption of the Board Agenda**

President Bryson reported the following action taken during closed session: **President's Report From Closed Session Meeting**

Agenda Item #39 A-1 – Conference with Legal Counsel – Existing Litigation: Whispering Hills LLC v. Capistrano Unified School District. No action was taken.

Agenda Item #39 A-2 - Conference with Legal Counsel – Existing Litigation: City of Mission Viejo v. CUSD and City of Rancho Santa Margarita v. CUSD.

The Board voted by a 7-0 vote to approve settlement of the litigation entitled City of Mission Viejo v. Capistrano Unified School District, which was previously consolidated with the litigation entitled City of Rancho Santa Margarita v. Capistrano Unified School District.

AYES: Trustees Addonizio, Brick, Bryson, Christensen, Lopez-Maddox, Palazzo, and Winsten
NOES: None

Agenda Item #39 B3 – Conference with Legal Counsel – Anticipated Litigation: No action was taken.

Agenda Item 39 C – CSEA/CUEA Negotiations: No action was taken.

President Bryson introduced and welcomed Student Advisor Larson Ishii.

Introduction

Lexi Pettit received special recognition and a District resolution for advocating for Scleroderma Research.

Special Recognition

Superintendent Farley commented that he had three things to share that the District could be proud of: 1) school opened with 51,738 students; 2) the districtwide API score average is 862 and 3) RH Dana Elementary School has been designated as a National Blue Ribbon School.

**Board and
Superintendent
Comments**

President Bryson reported that she visited R.H. Dana Elementary School, on behalf of the Board, and was very impressed with the leadership of Principal Portillo and the school.

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:

- *Paul Baker shared his positive experiences as a student in the Adult Transition Program and stated that the program has prepared him for independent living.*
- *Julie Redmond stated that she was prompted to address the Board to spotlight a former Tesoro student after hearing about local businesses selling merchandise with high school logos. Mrs. Redmond shared that Jim Paulos helped protect Tesoro's trademark from being used without permission, created a methodology for all Tesoro events thus eliminating the need for event planners, brought parent organizations together to work toward the same goals, found ways to save the school money, and his only motivation has been to give back to the school, District, and community for the quality education he received.*
- *Lauren Bitton requested the Board take into consideration Jewish holidays when preparing future school calendars.*

Dr. Farley apologized to Mrs. Bitton and stated the District will do everything it can in the future to plan around important holidays.

President Bryson asked Trustees for items they wished to pull from the Consent Calendar. Trustee Christensen pulled Item #15.

**Items Pulled from
the Consent
Calendar**

CONSENT CALENDAR

It was moved by Trustee Lopez-Maddox, seconded by Trustee Brick, and motion carried unanimously to approve the following Consent Calendar items:

Minutes of the August 10, 2010, Regular Board meeting and the August 24, 2010, Special Board meeting.

**Minutes
Agenda Item 1**

Resolution No. 1011-29, Support of H.R. 2408, The Scleroderma Research and Awareness Act.

**Scleroderma
Research
Agenda Item 2**

Nonpublic school and agency contracts.

**Special Education
Agenda Item 3**

Readmission of students from expulsion: Case #2010-007, 2010-22, 2010-64, 2010-067, 2010-110, and 2010-152.

**Expulsion
Readmissions
Agenda Item 4**

Instructional materials recommended for adoption—IB Psychology.

**Instructional
Materials
Agenda Item 5**

Instructional materials recommended for adoption—Reading Intervention.	Instructional Materials Agenda Item 6
Instructional materials recommended for adoption—AP French.	Instructional Materials Agenda Item 7
Instructional materials recommended for adoption—AP Chinese, high school. This item was pulled from the agenda on 9/10/10.	Instructional Materials Agenda Item 8
Revised school start and dismissal times for the 2010-11 school year.	School Start/Dismissal Times Agenda Item 8A
Purchase Orders/Warrants/Consulting Agreements as listed.	Purchase Orders/Warrants/Consulting Agreements Agenda Item 9
Donations of funds and equipment.	Donations Agenda Item 10
Resolution No. 1011-16, 2009-10 fiscal year end increase/decrease of appropriation.	Transfer of Funds Agenda Item 11
Resolution No. 1011-17, establishing Gann Limit for 2010-2011.	Gann Limit Agenda Item 12
Resolution No. 1011-18, authorizing transfers to the insurance funds and an interfund loan from the General Fund (Fund 01) to the Health & Welfare Benefits Fund (Fund 69).	Insurance Funds Transfers Agenda Item 13
Resolution No. 1011-19, authorizing Industrial Relations Labor Compliance Program.	Industrial Relations Labor Compliance Program Agenda Item 14
Authorization to sell obsolete and unusable miscellaneous District materials.	Obsolete Materials Agenda Item 16
Extension of agreement for vehicle maintenance and driver training services for Anneliese's School.	Training Services Agenda Item 17
Agreement for vehicle maintenance and driver training services for JSerra Catholic High School.	Training Services Agenda Item 18
Advertise for Request for Proposal (RFP) No. 3-1011, Uniform Services.	Uniform Services Agenda Item 19
Advertise for Request for Qualifications (RFQ) No. 4-1011, DSA approved Inspector of Record (IOR).	Inspector of Record Agenda Item 20

Advertise for Request for Qualifications (RFQ) No. 5-1011, Special Inspections and Materials Testing Services.

**Special Inspections
and Materials
Testing Services
Agenda Item 21**

Execution of software license agreement and maintenance and support services agreement for school construction project accounting, Coli Technologies, Inc.

**School
Construction
Project Accounting
Agenda Item 22**

Authorization to utilize the County of Orange Master Agreement No. MA-017-10011795, Office Supplies, Staples Advantage.

**Office Supplies
Agenda Item 23**

Authorization to utilize Bid No. 7-09-70-02, Janitorial Supplies, Western States Contracting Alliance (WSCA), Waxie Enterprises, Inc.

**Janitorial Supplies
Agenda Item 24**

Preliminary project scope and preliminary project estimate, and authorize engagement of architect services.

**Newhart Multi-
Purpose Room/
Library Expansion
Agenda Item 25**

Resignations, retirements, and employment of classified personnel.

**Resignations/
Retirements/
Employment
(Classified
Personnel)
Agenda Item 26**

Resignations, retirements, and employment of certificated personnel.

**Resignations/
Retirements/
Employment
(Certificated
Personnel)
Agenda Item 27**

Fourth quarter teacher assignment monitoring summary requirement by the Williams Settlement Legislation for the 2009-2010 school year.

**Teacher
Monitoring
Agenda Item 28**

ROLL CALL: AYES: Trustees Addonizio, Brick, Bryson, Christensen, Lopez-Maddox, Palazzo, Winsten, and Student Advisor Ishii.
NOES: None
ABSENT: None
ABSTAIN: None

President Bryson recognized Trustee Christensen who asked staff how much space is still available to rent in the District office. Cary Brockman, Director of Facilities Planning, responded that the District is legally allowed to rent 1/3 of the building space and that there is approximately 20,000 square feet available to be rented in Building B.

**Letter of Intent
Agenda Item 15**

It was moved by Trustee Christensen, seconded by Trustee Lopez-Maddox, and carried unanimously to approve the Letter of Intent to lease additional vacant space in Building C of the District office.

DISCUSSION/ACTION

President Bryson recognized Deputy Superintendent Ron Lebs who, along with Kristofer Pitman, Executive Director, Fiscal Services, presented a PowerPoint overview and summary budget for the District's ten CFDs. Mr. Lebs explained that changes to CFD budgets may be made at any time should the Board authorize new or changes to current construction initiatives. (The PowerPoint is available for review on the website, www.capousd.org.)

**Community
Facilities Districts
Agenda Item 29**

Trustee Winsten directed staff to research if CFD funds used to pay Certificates of Participation (COP) could be designated as loans and paid back to the CFDs. Trustee Winsten also requested that staff prepare an annual report on the status of the CFDs and present it to the Board at the beginning of each school year.

Following discussion, it was moved by Trustee Addonizio, seconded by Trustee Lopez-Maddox, and motion carried by a 5-2 vote to approve the adoption of the 2010-2011 Fiscal Year Budgets for Community Facilities District Nos. 87-1, 88-1, 90-1, 90-2, 90-2 IA, 92-1, 94-1, 98-1A, 98-2, and 2004-1.

AYES: Trustees Addonizio, Brick, Bryson, Lopez-Maddox, Palazzo and
Student Advisor Ishii
NOES: Trustees Christensen and Winsten

President Bryson recognized Deputy Superintendent Ron Lebs who, along with Kristofer Pitman, Executive Director, Fiscal Services, presented this item seeking approval to re-appropriate carryover funds and to approve the District's 2009-10 preliminary revenue and expenditure. Mr. Lebs explained that the one-page handout given to Trustees summarizes all the information found in the 178 page Exhibit B attached to this item. Mr. Pitman then provided a PowerPoint presentation. (Both the handout and PowerPoint are available for review on the website, www.capousd.org.)

**Preliminary
Financial
Statements
Agenda Item 30**

It was moved by Trustee Lopez-Maddox, seconded by Trustee Brick, and carried unanimously to approve the Preliminary Financial Statements for the 2009-10 Fiscal Year and Resolution No. 1011-15, Reappropriation of Carryover Funds.

ROLL CALL AYES: Trustees Addonizio, Brick, Bryson, Christensen, Lopez-Maddox, Palazzo, Winsten, and Student Advisor Ishii
NOES: None
ABSENT: None
ABSTAIN: None

President Bryson recognized Superintendent Farley who stated that this was a day for celebration with the Community Roots Academy. Dr. Farley commented that staff members had worked for months with representatives from the Community Roots Academy to develop a proposal for the Community Roots Academy Charter School.

**Community Roots
Academy Charter
School
Agenda Item 31**

The following people addressed the Board:

- *Co-founders Eve Fein and Jeremy Cavallaro thanked the Board, Dr. Farley, staff, community mentors, and advisors for their support.*

It was moved by Trustee Addonizio, seconded by Trustee Lopez-Maddox, and carried unanimously to approve the Community Roots Academy's request for approval of their charter petition for a three-year period.

President Bryson recognized Superintendent Farley who stated that this item was placed on the agenda for discussion at the request of Trustees. Dr. Farley explained that the membership fee paid for the 2010-11 fiscal year was \$16,972. Trustee Lopez-Maddox shared Trustees' concerns over CSBA mismanagement issues that were recently publicized.

**California School
Boards Association
Agenda Item 32**

Following discussion, it was moved by Trustee Lopez-Maddox, seconded by Trustee Brick, and carried unanimously to approve staff to send a letter to the California School Boards Association (CSBA) requesting a prorated reimbursement of the 2010-11 membership fee and informing CSBA that the District will not be renewing membership for 2011-12.

President Bryson recognized Superintendent Farley who stated that during closed session Trustees discussed the bid for the pool with staff and legal counsel and that it was recommended Trustees further review the options presented and continue this item to a subsequent meeting. Dr. Farley stressed that Trustees and staff are dedicated and committed to proceeding with the project; however, issues raised during closed session need consideration.

**San Juan Hills
High School
Agenda Item 33**

The following people addressed the Board:

- *John Novak, Margie Tinsley, Parker Tinsley, and Joshua Hunter all expressed their disappointment in Dr. Farley's recommendation to continue this item and voiced their support of awarding the contract to the lowest bidder.*

Following discussion, it was moved by Trustee Winsten, seconded by Trustee Lopez-Maddox, and carried unanimously to approve continuation of this item to the next Board meeting.

President Bryson recognized Assistant Superintendent Julie Hatchel to present for second reading the proposed revisions to Board Policy 6146.1, *High School Graduation Requirements*. Mrs. Hatchel stated that the intent of the revisions to this item was to allow the opportunity for the students with highly impacted academic schedules to take courses at Saddleback College that are required for graduation from CUSD.

**Board Policy
Revision
Agenda Item 34**

The following person addressed the Board:

- *Angie Narel shared her difficult experience with the process to obtain District approval for her son to take summer classes at Saddleback College and she fears that the current revisions to this policy won't help eliminate the problem for other students.*

Trustee Addonizio offered suggestions for the elimination of several proposed revisions to make it more student friendly. Trustee Palazzo requested that staff provide information to Trustees on the number of students who attended classes at Saddleback College during the summer and last school year.

Following discussion, it was moved by Trustee Lopez-Maddox, seconded by Trustee Christensen, and carried unanimously to approve staff to continue making revisions to Board Policy 6146.1, *High School Graduation Requirements* with the assistance of select Trustees (Addonizio/Palazzo) and to bring this item back to the October 12, 2010, Board meeting.

President Bryson recognized Assistant Superintendent Jodee Brentlinger to review the proposed revisions to Board Policy 4313, *Management/Supervisory and Confidential Service Days*. Mrs. Brentlinger stated that this item seeks Trustee consideration to revise the management policy concerning management/supervisory and confidential service days to align with the new current practice. This item will be brought back for a second reading at the October 12, 2010, Board meeting.

**Board Policy
Revision
Agenda Item 35**

President Bryson recognized Assistant Superintendent Julie Hatchel to review the proposed revisions to Board Policy 6161.2, *Damaged or Lost Instructional Materials*. Mrs. Hatchel explained that the consequence of withholding student grades is no longer a helpful practice, since grades are available online. Therefore, a revision to the current policy is warranted to reflect the changing times. This item will be brought back for a second reading at the October 12, 2010, Board meeting.

**Board Policy
Revision
Agenda Item 36**

President Bryson recognized Deputy Superintendent Ron Lebs who, along with John Forney, Director, Construction, provided updates of the progress of the Division of State Architect project listing, work schedule, and priorities. Mr. Forney shared that 26 projects to-date have been closed.

**Division of State
Architect (DSA)
Agenda Item 37**

President Bryson recognized Deputy Superintendent Ron Lebs who, along with John Forney, Director, Construction, provided a review of the completed summer project lists. Mr. Forney stated that there were 150 facility improvements over the summer.

**Summer Projects
Agenda Item 38**

The Board recessed at 9:00 p.m. to continue discussion on the remaining closed session items.

The Board reconvened to open session at 9:12 p.m. President Bryson reported the following action taken during closed session:

**President's Report
of Action Taken in
Closed Session**

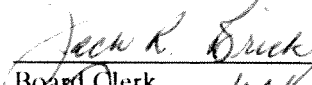
Agenda Item 39 D – Public Employee Discipline/Dismissal/Release: No action was taken.

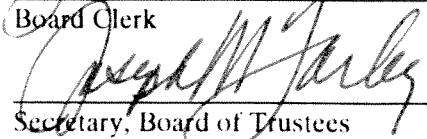
Agenda Item 39 E – Public Employee Appointment/Employment— Administrative Assignment:

The Board voted by a 7-0 vote to approve the appointment of Larry Vernaza, Supervisor, Custodial Services.

AYES: Trustees Addonizio, Brick, Bryson, Christensen,
Lopez-Maddox, Palazzo, and Winsten
NOES: None

The meeting adjourned at 9:13 p.m.



Board Clerk


Secretary, Board of Trustees