

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES – REGULAR MEETING
APRIL 27, 2011
EDUCATION CENTER – BOARD ROOM

President Brick called the meeting to order at 6:00 p.m. Prior to recessing to closed session, President Brick announced item 3D, Public Employee Discipline/Dismissal/Release, was being pulled from the agenda. The Board recessed to closed session at 6:02 p.m. to: confer with Legal Counsel regarding Existing Litigation (three cases); discuss Public Employee Employment/Performance; 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 7:05 p.m.

The Pledge of Allegiance was led by Trustee Bryson.

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-1 & 2 – Conference with Legal Counsel – Existing Litigation:

Travelers Casualty & Surety Co. of America v. CUSD
Pave West v. GC Builders, CUSD, Travelers Insurance, and American Contractors Indem Co.

The Board voted by a 7-0 vote to approve the settlement agreement and pay various claimants a total amount of \$358,750.70. The amount being paid equals the approximate amount the District was contractually obligated to pay to the contractors.

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

Agenda Item #3 A-3 – Conference with Legal Counsel – Existing Litigation:

Whispering Hills LLC v. CUSD: No action was taken.

Agenda Item #3 C – Public Employee Appointment/Employment:

Principal: No action was taken.

Superintendent Farley commented on the new Board agenda format which is the result of the work of three Trustees, Board Manager Jane Boos, and himself. The format was designed to be more user friendly and more instructive for the audience. Trustees were asked to notify the Superintendent if there were any modifications they would like implemented after using the new format at the meeting.

**Board and
Superintendent
Comments**

Trustee Alpay shared information on the Barcelona Beautification Bash scheduled for Saturday, April 30 and encouraged the audience to participate either by physically working or donating to the school for the event. Trustee Alpay then asked Barcelona Hills PTA President Kathy Arnoldo to come forward and accept an envelope containing a donation from all seven Trustees for the Barcelona Beautification Bash.

Trustee Bryson shared she had attended the Les Miserables performance at San Juan Hills High School and congratulated Principal Ressler and the students on an incredible production and magnificent performance.

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:

- *Laura Hess, Vivian Contreras, and Linda Shepard asked Trustees to consider a better solution than placing the Oxford Preparatory Academy Charter School on the Barcelona Hills Elementary School campus due to safety factors, lack of facilities, and the negative effect on the community.*
- *Brenda Miller updated the Board on the City of San Clemente's Bicycle and Pedestrian Master Plan and stated the city is seeking input from the community to identify areas in need of improvement for bicycle and pedestrian safety.*

PUBLIC HEARING

Vice President Pritchard announced the Public Hearing open at 7:25 p.m. regarding the approval of class size penalty General Waiver Request for the 2011-2012 and 2012-2013 school years. 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:
Class Size Waiver
Agenda Item 6**

The following people addressed the Board:

- *Lori Abbott read a letter on behalf of CUCPTSA President Michele Langham stating one of the top priorities of the 2010-2011 CUCPTSA Local Legislative Agenda is to advocate for no further increases in class sizes in grades K-12. The letter urged Trustees to make the best interest of students their number one priority as they consider solutions to the budget deficit.*
- *Dave Sherwood stated class size increases should be the last option Trustees consider to balance the budget.*

Vice President Pritchard declared the Public Hearing closed at 7:41 p.m.

Deputy Superintendent Ron Lebs stated in order to maintain maximum flexibility in providing options to balance the budget in the 2011-2012 and 2012-2013 fiscal years, the District is seeking the ability to increase the districtwide average number of pupils in grades four through twelve. Staff has prepared a General Waiver Request to the state, asking to waive portions of California Education Code §41376(b) and (e) relating to class size penalties for grades four through twelve. Board approval is required to send the General Waiver Request to the State Board of Education for consideration. Mr. Lebs stressed approval of the waiver would not obligate the District to increase class sizes but would give the District the option if needed. Mr. Lebs also stated the District has not prioritized the order of the cuts but the District needs a number of options available to address the significant budget shortfall.

Dr. Farley added the District may need to cut as much as \$20 million and has limited options for capturing the necessary funds to balance the budget. There are only three options: reducing salary and benefits; class size increases; and furlough days. In order to reach the \$20 million a combination of all three options will be needed. This item does not indicate the District endorses class size increase, it simply reinforces that the District is at an unfortunate condition where no single deduction will make up the \$20 million deficit.

Trustee Addonizio stated there is a need for a Budget Workshop for Trustees. Trustee Alpay requested a list of other districts that have or were requesting a waiver. Trustee Hatton requested staff provide information on the average class size for the District.

Following a lengthy discussion, it was moved by Trustee Pritchard, seconded by Trustee Brick, and motion carried by a 4-3 vote to approve the General Waiver Request for the 2011-2012 and 2012-2013 school years, and authorize the superintendent/designee to submit the necessary documents to the state.

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

At 8:13 p.m., it was moved by Trustee Alpay, seconded by Trustee Pritchard, and motion carried by a 5-2 vote to approve a five-minute recess. Trustees Addonizio and Bryson voted no. The meeting reconvened at 8:18 p.m.

Recess

DISCUSSION/ACTION

Superintendent Farley stated revisions to Resolution No. 1011-48 were made based on the Board's direction from the March 23 and the April 11 Board meetings. Superintendent Farley asked Trustees if they had any changes or additions they wanted incorporated into the document. Trustee Hatton read a rewrite on the resolution she had prepared. Following her presentation, Trustee Hatton asked Trustees to consider her revisions and continue this item to the next Board meeting.

**Role of Board:
Powers and
Responsibilities
Agenda Item 7**

It was moved by Trustee Hatton, seconded by Trustee Brick, and motion carried unanimously to approve continuing Resolution No. 1011-48, Role of the Board: Powers and Responsibilities, to the May 9, 2011, Board meeting.

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

Assistant Superintendent Jodee Brentlinger explained this item proposes the reduction or elimination of positions due to a lack of funds. These positions are funded through categorical sources, gift money, or grants and do not impact the general fund.

**Classified Layoff,
Management/Non-
Management
Employees
Agenda Item 8**

Trustee Hatton requested staff to provide the number of bilingual community service liaisons in the District before and after the 2.963 FTE layoff requested in this item.

It was moved by Trustee Pritchard, seconded by Trustee Bryson, and motion carried by a 5-2 vote to approve Resolution No. 1011-49 Classified Layoff, Management and Non-management Employees, in the designated classifications.

ROLL CALL AYES: Trustees Alpay, Brick, Bryson, Hatton, and Pritchard
NOES: Trustees Addonizio and Palazzo
ABSENT: None
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 9**

Trustee Alpay requested staff make two revisions to the policy. On agenda page 19, paragraph 4, last sentence, he asked that the sentence be changed to, "With the exception of an emergency situation, all changes shall be approved by the Board and on page 21, first sentence, he asked staff to more clearly define the agency.

This item will be brought back for a second reading at a future meeting.

Vice President Pritchard announced Consent item #11 (Joint Powers Agreement for Supplemental Law Enforcement Services) is being pulled from the agenda and will be brought back to the May 9, 2011, Board meeting.

**Announcement of
Pulled Item**

Vice President Pritchard asked Trustees for items they wished to pull from the Consent Calendar. Items #10 and #13 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 12**

Master contract for special education services to be provided by Abby Rosenberg, a non-public agency.

**Master Contract
Agenda Item 14**

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

Trustee Alpay requested amending the April 11, 2011, minutes (agenda page 27) from: "Trustee Addonizio asked to have a separate vote for the March 16 special Board meeting minutes as she and Trustee Palazzo had recused themselves during the meeting," to "Trustee Addonizio asked to have a separate vote for the March 16 special Board meeting minutes as she and Trustee Palazzo had recused themselves *from discussion related to the CUEA agreement.*"

**Minutes
Agenda Item 10**

Trustee Alpay clarified Trustees Addonizio and Palazzo were present for the remainder of the meeting. Trustees Addonizio and Palazzo had no objection to Trustee Alpay's amendment.

It was moved by Trustee Alpay, seconded by Trustee Bryson, and carried unanimously to approve the minutes of the April 11, 2011, regular Board meeting with Trustee Alpay's changes.

Trustee Addonizio asked staff for the financial impact of this item. Deputy Superintendent Ron Lebs stated this agency was only used if needed for special education students and the financial impact would be difficult to determine. Executive Director Candy Miller stated this non-public agency provides services the District isn't able to provide and added the District has paid \$3,000 so far this year to this agency for services.

**Master Contract
Agenda Item 13**

It was moved by Trustee Addonizio, seconded by Trustee Alpay, and carried unanimously to approve the master contract for special education services to be provided by Wertheimer-Gale and Associates, a non-public agency.

The Board recessed at 8:40 p.m. to continue discussion of the remaining closed session items.

The Board reconvened at 10:05 p.m. and Vice President Pritchard reported the following action taken during closed session:

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

Agenda Item 3 B – Public Employee Employment/Performance:

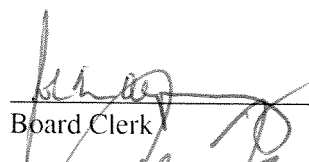
Deputy Superintendent, Business & Support Services: No action was taken.

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

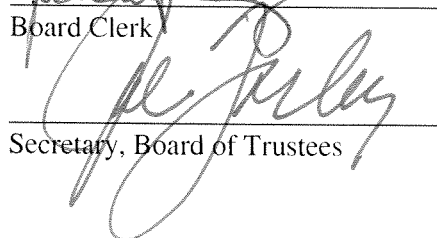
It was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried unanimously to adjourn the meeting.

Adjournment

Vice President Pritchard announced the meeting adjourned at 10:06 p.m.



Board Clerk



Secretary, Board of Trustees

Minutes submitted by Jane Boos, Manager, Board Office Operations