

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

President Brick called the meeting to order at 6:00 p.m. The Board recessed to closed session to: confer with Legal Counsel regarding Existing Litigation (two cases); discuss Student Expulsions (thirteen cases); 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 7:06 p.m.

The Pledge of Allegiance was led by Trustee Brick.

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 Addonizio, seconded by Trustee Alpay, 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 #33 A-1 – Conference with Legal Counsel – Existing Litigation: Whispering Hills LLC v. Capistrano Unified School District. No action was taken.

Capistrano Valley High School Principal Deni Christensen shared the success story of the digital arts program at CVHS and stated that Kevin Clark was a product of the program. Student Advisor Larson Ishii introduced Kevin Clark by highlighting his talents and praising his film.

Special Recognition

Kevin Clark was recognized for receiving the Best Director award for his short film, "The Thief and the Liar."

Student Body President Parker Tinsley from San Juan Hills High School presented a report on activities taking place at the high school.

Student Body Report

Trustee Bryson announced she had attended Dana Hills High School and visited the Biotech class. Trustee Bryson commented that she was very impressed by teacher Kristy Clark and the program and thanked the donors who provided all the materials, lab equipment, and supplemental workbooks for the class. Trustee Bryson also reported that she attended the CUCPTSA Council meeting as the Board representative and was looking forward to working with them throughout the year.

Board and Superintendent Comments

Trustee Palazzo read a thank you letter she received from ROP Chief Executive Officer Kim Thomason thanking the District and staff for providing cleanup and restoration of the ROP campus due to flood damage caused by the rain storms in December.

Trustee Hatton announced she had gone to Sacramento with the CUCPTSA Legislation Team and was very impressed with the work they do on behalf of the District. Trustee Hatton reported that she, Trustee Alpay, and Trustee Pritchard had recently participated in the CSBA new Board member training to enable them to be better Board members.

Trustee Pritchard remarked that he had addressed the CUCPTSA Legislative Team at their meeting on February 4 and discussed the CSBA training.

Trustee Bryson added that she had also attended the CSBA Board member training four years ago.

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:

- *Sue Roche stated it wasn't Oxford Preparatory Academy's intention to interrupt current District programs and the academy is committed to finding facilities that benefit both parties. Mrs. Roche added that the academy had requested, and was granted, an extension to the District's facilities offer to pursue other non-district facilities.*
- *Ronda Walen thanked Trustees Brick, Hatton, Pritchard, and Superintendent Farley for attending the CSEA Installation Luncheon.*
- *Erika Schulte shared comments from letters received from elected officials and the community supporting the charter for Oxford Preparatory Academy.*
- *Trudy Podobas presented the Board with blue wristbands commemorating the Kindness Counts program in honor of Blue Ribbon Week in San Clemente. The purpose of this week is to raise awareness of all forms of bullying through kindness campaigns, build respect, and promote character value programs.*
- *Donna Smiggs stated her concerns about Oxford Preparatory Academy's recruiting process and the revenue the District will lose if the charter petition is granted.*
- *Lanan Clark shared that Oxford Preparatory Academy has formed a community outreach committee to educate the community about charter schools, create awareness about the Oxford Preparatory Academy in South Orange County, and provide guidance for enrollment procedures.*
- *Margie Tinsley, Eric Wersching, and Jett McCormick thanked Trustees for placing the San Juan Hills High School stadium bid item on the agenda and shared they are looking forward to having the stadium completed.*
- *Lori Kosky told Trustees that the reduction in calendar work days for classified employees from 17 days to 2 days prior to the opening of school does not allow staff enough time to accomplish all the tasks that need to be done. Ms. Kosky asked the Board to go back to negotiations and reinstate the days.*

Vice President Pritchard asked Trustees for items they wished to pull from the Consent Calendar. Agenda items #7, #12, #15, #17, #19, and #20 were pulled.

Items Pulled from the Consent Calendar

CONSENT CALENDAR

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

Amended minutes of the December 7, 2010, regular Board meeting.

Minutes
Agenda Item 1

Minutes of the December 13, 2010, special Board meeting; the January 11, 2011, regular Board meeting; and the January 26, 2011, special Board meeting.

Minutes
Agenda Item 2 6251

Instructional materials recommended for adoption, Stagecraft Fundamentals.	Instructional Materials Agenda Item 3
Instructional materials recommended for adoption, IB Honors Physics, IB Chemistry, and IB Physics.	Instructional Materials Agenda Item 4
Readmission of students from expulsion: Case #2009-033, #2009-037, #2009-113, #2010-011, #2010-042, #2010-050, #2010-056, #2010-60, #2010-082, #2010-99, #2010-114, and #2010-115.	Expulsion Readmissions Agenda Item 5
2010-2011 Consolidation Application for Funding Categorical Aid Programs, Part II.	Consolidated Application Part II Agenda Item 6
Purchase Orders and Warrants as listed.	Purchase Orders/ Warrants Agenda Item 8
Donations of funds and equipment.	Donations Agenda Item 9
Grant evaluation services, Center for Grants and Evaluation, Inc.	Consulting Agreement Agenda Item 10
Elementary math professional development, Math Solutions, a Division of Scholastic Inc.	Consulting Agreement Agenda Item 11
Purchase and removal of obsolete textbooks, Independent Book Buying Services, LLC.	Independent Contractor Agreement Agenda Item 13
Creative writing assemblies, The Imagination Machine.	Independent Contractor Agreement Agenda Item 14
Contract amendment for WLC Architects, CVHS Performing Arts Center.	Contract Amendment Agenda Item 16
Independent educational evaluation for student transition planning assessment, Gary Greene.	Independent Contractor Agreement Agenda Item 18
Resignations, retirements, and employment of classified personnel.	Resignations/ Retirements/ Employment (Classified Personnel) Agenda Item 21

Resignations, retirements, and employment of certificated personnel.

**Resignations/
Retirements/
Employment
(Certificated
Personnel)
Agenda Item 22**

Authorization of coaches to provide second semester Physical Education credit.

**Coaches
Agenda Item 23**

Acceptance of the 2010-2011 Quarterly Report - Williams Settlement Uniform Complaint Procedures.

**Williams
Settlement
Agenda Item 24**

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

Trustee Palazzo asked staff to clarify the financial implications of summer school. Assistant Superintendent Julie Hatchel explained that the Special Education Extended School Year program is mandated and is partially reimbursed from the federal government. Mrs. Hatchel added the District is providing the same General Education Credit Recovery Summer School program as last year at an approximate cost of \$50,000.

**Remedial High
School Summer
School Program
Agenda Item 7**

It was moved by Trustee Palazzo, seconded by Trustee Addonizio, and motion carried unanimously to approve the proposed revised 2011 remedial high school summer program.

Trustee Bryson asked staff what city's developer fees are funding these architectural services. Deputy Superintendent Ron Lebs responded that funding is provided from developer fees from throughout the District areas that are not part of Community Facilities Districts.

**Consulting
Agreement
Agenda Item 12**

It was moved by Trustee Bryson, seconded by Trustee Alpay, and motion carried unanimously to approve architectural services, PJHM Architects, Inc.

Trustee Alpay inquired about the timeline for construction of the stadium and requested clarification that construction on the stadium cannot begin until the Whispering Hills case is settled. Deputy Superintendent Ron Lebs explained that Board approval of this item allows the District to begin the bidding process as soon as the Whispering Hills case is settled and the timeline for construction is dependent upon the settlement. Mr. Lebs added if the case is settled in the next 30 days, construction could be completed in October.

**San Juan Hills
High School
Stadium
Agenda Item 15**

It was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried unanimously to approve authorization to advertise Bid No. 1011-15, San Juan Hills High School Stadium, Phase II.

Trustee Addonizio asked staff for more information on this item regarding funding, policy, and training. Executive Director Susan Holliday shared that funding is provided from 2006 Microsoft Voucher Settlement funds, staff is developing an Acceptable Use policy for this program, and training will occur in four tiers without teachers being pulled from the classroom for training.

**Statement of Work
Agreement
Agenda Item 17**

It was moved by Trustee Addonizio, seconded by Trustee Bryson, and motion carried unanimously to approve authorization to enter into a Statement of Work Agreement for installation, training, and support for deployment of SharePoint.

Trustee Bryson reminded staff to inform those submitting bids, of the District's interest in a 10 % reduction in fees.

**Special Tax
Consulting Services
Agenda Item 19**

It was moved by Trustee Bryson, seconded by Trustee Addonizio, and motion carried unanimously to approve authorization to advertise for Request for Qualifications No. 6-1011, Special Tax Consulting Services for Public Financing.

Trustee Addonizio asked staff to share feedback on the Data Director program and the purpose of this request for qualifications. Assistant Superintendent Julie Hatchel stated that this is the District's third year using Data Director and staff now requires a higher level of service.

**Student
Assessment and
Data Analysis
System
Agenda Item 20**

It was moved by Trustee Addonizio, seconded by Trustee Alpay, and motion carried unanimously to approve authorization to advertise Request for Qualifications No. 7-1011, Student Assessment and Data Analysis System.

DISCUSSION/ACTION

Deputy Superintendent Ron Lebs, along with Executive Director Kristofer Pitman, presented a PowerPoint overview of the budget development process based on the Governor's January two-option budget proposal for 2011-2012. Following the review of the two options, Mr. Lebs discussed the additional challenges the District is facing for 2011-2012. *(The PowerPoint and spreadsheets are posted on the District website: www.capousd.org)*

**Budget
Development
Agenda Item 25**

Trustees Palazzo questioned staff regarding the increase of PERS employer contributions. Mr. Lebs responded that staff will investigate the PERS employer contribution increase and report back to the Board.

Mr. Lebs reported the District will be filing a self-qualified Second Interim Report as District cannot currently identify all the cuts needed. Mr. Lebs advised Trustees that OCDE is recommending districts base their budgets on the Option II scenario and not to budget any further allocation from the American Recovery & Reinvestment Act (ARRA) funds.

Trustee Addonizio expressed her concerns regarding additional budget challenges totaling \$8.7 million and remarked that the \$8.7 million shortfall did not include the salary adjustment just agreed to for teachers.

Trustee Palazzo directed staff to provide Trustees with the Second Interim Budget item's supporting information/materials no later than March 1 for the March 8 meeting.

Trustee Bryson requested that staff provide a copy of the 2009-2010 budget assumptions to Trustees Alpay, Hatton, and Pritchard to use as a comparison to the 2011-2012 budget assumptions.

Following Trustee questions and comments it was moved by Trustee Bryson, seconded by Trustee Brick, and motion carried by a 6-1 vote to approve the preliminary budget development calendar, budget guidelines, and budget assumptions for fiscal year 2011-2012.

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

NOES: Trustee Addonizio

Chief Communications Officer Marcus Walton presented for second reading the proposed revisions to Board Policy 1113, *District Web and Social Media Sites*. Mr. Walton stated this item seeks Trustee consideration to revise the current Board policy to reflect changes in technology, provide guidance to users, and define responsibility for content published with these technologies.

**Board Policy
Revision
Agenda Item 26**

Following discussion, it was moved by Trustee Bryson, seconded by Trustee Alpay, and motion carried unanimously to approve revised Board Policy 1113, *District Web and Social Media Sites*.

Chief Communications Officer Marcus Walton presented 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. This item will be brought back for a second reading at the March 8, 2011, Board meeting.

**Board Policy
Revision
Agenda Item 27**

Trustee Palazzo questioned why the sentence, "*No campaign materials may be distributed on District property at any time other than during events scheduled pursuant to the Civic Center Act*" was removed from this policy. Mr. Walton responded that there were First Amendment concerns. A school district cannot prohibit students from participating in political expression. There are also regulations that prohibit limiting staff, under certain situations, from participating in political activities. Mr. Walton referred to a memo Dr. Farley sent to staff that addresses the restrictions the District has in terms of limiting staffs' political activity.

Trustee Palazzo requested that the memo sent to staff from Dr. Farley regarding political activities on campus be attached to this item when it is brought back for the second reading and also be sent to Trustees.

Assistant Superintendent Julie Hatchel presented proposed Board Policy 5117.1, *Open Enrollment Act/Romero Bill*. Mrs. Hatchel stated that the implementation of SBX5 4 encourages districts to establish policy to implement provisions pursuant to the legislation. This proposed Board policy will establish policy to comply with the Open Enrollment Act legislation. This item will be brought back for a second reading at the March 8, 2011, Board meeting.

**Board Policy
Adoption
Agenda Item 28**

Assistant Superintendent Julie Hatchel presented the proposed revisions to Board Policy 5118, *Interdistrict Attendance Agreements*. Mrs. Hatchel explained that the implementation of AB2444 requires districts to revise current Board policy regarding interdistrict attendance agreements. This item will be brought back for a second reading at the March 8, 2011, Board meeting.

**Board Policy
Revision
Agenda Item 29**

Assistant Superintendent Julie Hatchel presented the proposed revisions to Board Policy 5119, *Open Enrollment*. Mrs. Hatchel explained that the Education Department is taking over the processing of the Open Enrollment applications and although this policy was revised last year there are a few changes required. This item will be brought back for a second reading at the March 8, 2011, Board meeting.

**Board Policy
Revision
Agenda Item 30**

Trustee Alpay clarified the purpose of Open Enrollment with Assistant Superintendent Julie Hatchel and then asked if 2005 was the last time the Board took an in-depth review analysis of attendance boundaries. Mrs. Hatchel responded yes but that attendance boundaries were a separate issue from open enrollment. Trustee Alpay stated he had reviewed the minutes of the March 28, 2005, Board meeting and the Board approved reassigning students in attendance area 1500 from San Clemente High School to San Juan Hills High School at the completion of La Pata and then asked staff if this would occur automatically without further action of the Board. Mrs. Hatchel replied that based upon the Board's approval at the 2005 meeting no further Board action is required. Trustee Alpay directed staff to agendize attendance boundaries for a future Board meeting.

Trustee Alpay asked staff, in regards to the four priority criteria for school placement, if La Pata was completed and attendance area 1500 (Talega) students applied for open enrollment to San Clemente High School would they fall under category D, assuming they didn't qualify for categories A or B. Mrs. Hatchel stated that they would be considered priority C status because that study area of San Clemente pay a Mello-Roos tax. Trustee Alpay also asked staff to consider the Palisades area stating that a portion of Capo Beach and San Clemente, which historically attended San Clemente High School, had been reassigned to San Juan Hills High School due to the 2005 boundary adjustment.

Trustee Palazzo called for a Point of Order to focus on finishing the discussion on the Open Enrollment policy. Vice President Pritchard requested Trustee Alpay confine his comments to the Open Enrollment policy.

Trustee Alpay stated that in regards to the Open Enrollment policy there are three San Clemente middle schools that feed into two high schools and requested that staff create a special category, in addition to the four already established in the Open Enrollment policy, giving priority to those students (attendance area 1500 and Capo Beach) to attend their own high school, in their own cities, or to go with their fellow students that they have grown up with in K-8.

Trustee Alpay directed staff to look at the Open Enrollment policy under Placement Procedure where it states: *Open Enrollment applications shall be initiated by a child's parent/guardian. Applications must be submitted on the District-designated form which is available at the District office, in each school office, and on the CUSD website.* Trustee Alpay stated that when he went to the website it states Dual Immersion program applications must be processed at the school site. Mrs. Hatchel replied that application process for the Two-Way program changed this year due to some nuances that need to be addressed at the school site. Mrs. Hatchel stated she will clarify the procedure for Dual Immersion applications in the policy.

Trustee Alpay asked staff to reconsider the need for parents of Dual Immersion students to submit a new Open Enrollment application when their child enters middle or high school and suggested staff add in the policy that Dual Immersion students will continue on in the feeder pattern of the school they currently attend. Mrs. Hatchel explained that some students decide not to continue in the Dual Immersion program and by requiring an application it assists the school with staffing. Trustee Alpay stated that the policy needs better clarification in this area to eliminate confusion.

Trustee Alpay inquired why there is a hard deadline of July 30 for the submission of applications. Mrs. Hatchel explained that it is difficult to finalize staffing if the District continues to receive open enrollment applications after July 30. Mrs. Hatchel stated only applications for priority A or B status would be accepted after the deadline.

Trustee Alpay commented that if a parent pays a Mello-Roos tax there should be some flexibility on the deadline and asked staff to consider giving authority to the Superintendent or his designee to set a deadline or make exceptions as appropriate for those applications.

Trustee Palazzo remarked that she was in favor of the July 30 deadline because she knows of the difficulty of staffing.

Vice President Pritchard announced the Public Hearing open at 9:05 p.m. regarding the approval of Resolution No. 1011-38, Terminating Public Hearing for Consideration of Reducing Special Taxes of Community Facilities District 2005-1 (Whispering Hills).

Vice President Pritchard recognized Assistant Superintendent Ron Lebs who stated the proposed Settlement Agreement, First Amended Impact Mitigation Agreement, and the First Amended Joint Community Financing Agreement with the City of San Juan Capistrano need to be completed before the Board can complete the "Proceedings" for

**Community Public
Hearing: CFD
2005-1
Agenda Item 31**

Consideration of Reducing the Special Taxes of CFD No. 2005-1. As these matters have not been concluded within the statutory period of time, the Continued Public Hearing should be closed and Resolution No. 1011-38 adopted terminating such proceedings, including provisions relating to initiating such proceedings again at the meeting of the Board on March 8, 2011.

Vice President Pritchard asked Trustee Alpay if any written comments had been received. Trustee Alpay responded none were 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 9:06 p.m.

It was moved by Trustee Addonizio, seconded by Trustee Bryson, and motion carried unanimously to approve Resolution 1011-38, entitled "Resolution of the Board of Trustees of the Capistrano Unified School District, Acting as the Legislative Body of Community Facilities District No. 2005-1 of the Capistrano Unified School District (Whispering Hills), Terminating Public Hearing for Consideration of Altering the Rate and Method of Apportionment and Reducing the Levy of Special Taxes Within Community Facilities District No. 2005-1 of the Capistrano Unified School District."

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 32**

The Board recessed at 9:08 p.m. to continue discussion on the remaining closed session items.

The Board reconvened at 10:31 p.m. and Vice President Pritchard reported the following action taken during closed session:

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

Agenda Item #33 A-2 – Conference with Legal Counsel – Existing Litigation: Gary Campbell v. Capistrano Unified School District. The Board voted by a 7-0 vote to approve the settlement agreement of the litigation entitled Gary Campbell v. Capistrano Unified School District (Case No. 30-2010-00424741).

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

Agenda Item #33 B-1 – Student Expulsions: The Board directed staff to work with the parent on an alternative enrollment plan and denied staff recommendation for Case #2011-43.

Agenda Item #33 B-2, B-3, B-5, B-6 – Student Expulsions: The Board voted by a 7-0 vote to expel the following students with staff recommendations: Case #2011-27, #2011-32, #2011-33, and #2011-36.

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

Agenda Item #33 B-4 – Student Expulsions: Case #2011-44 – no action was taken.

Agenda Item #33 B-7 through B-13 – Student Expulsions: The Board voted by a 7-0 vote to expel the following students by stipulated agreement: Case #2011-34, #2011-35, #2011-37, #2011-39, #2011-40, #2011-41 and #2011-45.

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

Agenda Item 33 C – Public Employee Appointment/Employment— Administrative Assignment:


The Board voted by a 7-0 vote to approve the appointment of Steve Bryant, Activities Director, Capistrano Valley High School High School.

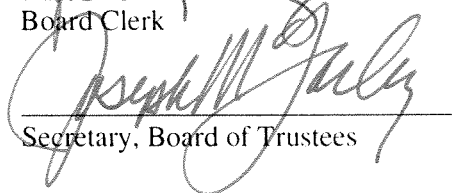
AYES: Trustees Addonizio, Alpay, Brick, Bryson, Hatton, Palazzo,
and Pritchard
NOES: None

Agenda Item #33 D – CSEA/CUEA/CUMA/Teamsters Negotiations: No action was taken.

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

Vice President Pritchard announced the meeting was adjourned at 10:34 p.m.



Board Clerk


Secretary, Board of Trustees

Minutes submitted by Jane Boos, Manager, Board Office Operations