

AMENDED

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES – REGULAR MEETING
DECEMBER 7, 2010
EDUCATION CENTER – BOARD ROOM

Superintendent Farley called the meeting to order at 6:00 p.m.

The Oath of Office was administered to Trustee Ellen Addonizio by Trustee Sue Palazzo. **Oath of Office**

The Oath of Office was administered to Trustee John Alpay by Truman Benedict, former CUSD Superintendent.

The Oath of Office was administered to Trustee Anna Bryson by Dr. Bill Evers, former U.S. Assistant Secretary of Education for Planning, Evaluation, and Policy Development.

The Oath of Office was administered to Trustees Lynn Hatton and Gary Pritchard by Superintendent Joseph M. Farley.

The following person addressed the Board:

- *Chris Korpi congratulated the new Trustees and commented that effective Trustees need to lead and the Board should govern with humility and put children first.*

Public Comment

Superintendent Farley announced closed session item #48 B, Conference with Legal Counsel regarding Existing Litigation, Whispering Hills LLC v. CUSD was being pulled from the agenda. **Announcement**

The Board recessed to closed session at 6:20 p.m. to: confer with Legal Counsel regarding a Pending Litigation; discuss student expulsions; discuss Public Employee Discipline/Dismissal/Release; discuss Public Employee Appointment/Employment; and confer with Labor Negotiators regarding CSEA/CUEA/CUMA/Teamster negotiations.

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

The Pledge of Allegiance was led by Student Advisor Larson Ishii

Present: Trustees Addonizio, Alpay, Brick, Bryson, Hatton, Palazzo, Pritchard, and Student Advisor ~~Larsen~~ 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**

Superintendent Farley reported the following action taken during closed session:

Agenda Item #48 A – Conference with Legal Counsel – Pending Litigation: Liability Claim No. 07-58298DP. The Board voted by a 7-0 vote to accept staff recommendation for Claim No. 07-58298DP. **Report From Closed Session Meeting**

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

Agenda Item #48 B – Conference with Legal Counsel – Existing Litigation: Whispering Hills LLC v. Capistrano Unified School District. This item was pulled from the agenda prior to going into closed session.

Agenda Item #48 C-1 through C-9 – Student Expulsions: The Board voted by a 7-0 vote to expel the following students by stipulated agreement: Case #2011-003, #2011-007, #2011-019, #2011-020, #2011-021, #2011-022, #2011-023, #2011-024, and #2011-025.

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

NOES: None

Agenda Item #48 D – Public Employee Discipline/Dismissal/Release: No action was taken.

Agenda Item #48 E – Public Employee Appointment/Employment— Administrative Assignment:

The Board voted by a 7-0 vote to approve the appointment of Jennifer Garrett-Smalley, Principal, Aliso Viejo Middle School.

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

NOES: None

The Board voted by a 7-0 vote to approve the appointment of Jill O’Connell-Bogle, Principal, Oak Grove Elementary School.

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

NOES: None

The Board voted by a 7-0 vote to approve the appointment of Brad Baker, Assistant Principal, Marco Forster Middle School and Amy Kernan, Assistant Principal, Newhart Middle School.

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

NOES: None

Superintendent Farley announced nominations were in order for President of the Board.

Reorganization of the Board
Agenda Item 1-3

Trustee Hatton nominated Trustee Brick and Trustee Addonizio nominated Trustee Palazzo. There being no further nominations, nominations were closed by Trustee Alpay. By a 4-3 roll call vote, Trustee Brick was elected President of the Board.

AYES: Trustees Alpay, Brick, Hatton, and Pritchard

NOES: Trustees Addonizio, Bryson, and Palazzo

President Brick declared that nominations were in order for Vice President. Trustee Alpay nominated Trustee Pritchard and Trustee Addonizio nominated Trustee Palazzo. There being no further nominations, nominations were closed by Trustee Alpay. By a 4-3 roll call vote, Trustee Pritchard was elected Vice President of the Board.

AYES: Trustees Alpay, Brick, Hatton, and Pritchard

NOES: Trustees Addonizio, Bryson, and Palazzo

President Brick declared that nominations were in order for Clerk of the Board. Trustee Hatton nominated Trustee Palazzo but Trustee Palazzo declined. Trustee Pritchard nominated Trustee Addonizio but Trustee Addonizio declined. Trustee Bryson nominated Trustee Alpay. By a roll call vote of 7-0, Trustee Alpay was elected Clerk of the Board.

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

NOES: None

Tesoro High School Madrigals directed by Keith Hancock presented a holiday musical performance. **Musical Performance**

President Brick presented Trustee Bryson with a plaque and gavel for serving as Board President from December 2009 to November 2010. **Special Recognition**

The Board recessed at 7:25 p.m. to reorganize the dais. The meeting was called back to order by President Brick at 7:35 p.m. **Break**

President Brick remarked that he had attended the Orange County Department of Education's Teachers of the Year award ceremony where three CUSD teachers were honored. **Board and Superintendent Comments**

Trustee Palazzo commented that she attended a GRIP (Gang Reduction and Intervention Partnership) commendation presented at the Orange County Board of Supervisor's meeting and the Aliso Viejo area concert at Aliso Niguel High School. Trustee Palazzo added that the CUCPTSA Legislation Team was going to Sacramento on Wednesday and she hoped they would advocate funding for the District's academies.

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:

- *Fran Sdao welcomed the new Trustees and commended them for their hard work, time, and energy in preparing for their role as a Board member.*
- *Marilyn Amato welcomed the new Trustees and encouraged them to restore integrity, trust, and respect to the District.*
- *Karin Schnell thanked Trustees Addonizio, Palazzo, and Superintendent Farley for attending the Capistrano Alliance for the Arts Education event and also thanked Trustees for saving art programs last year.*
- *Wallace Hart told Trustees the District is punishing students, not educating them by assigning students to alternative suspension school.*
- *Linda Verraster stated that the San Clemente High School's marching band has been invited to participate in the Memorial Day Parade in Washington, D.C. and asked for Trustee and District support in helping students raise money for the trip.*

President Brick asked Trustees to select committees they want to serve on during 2011. **Reorganization of the Board- Appointment to Committees Agenda Item 4**

Trustee Bryson will serve as the District's representative on the County Committee on School District Organization with Trustee Addonizio as the alternate.

Trustees Hatton and Pritchard will serve on the Orange County School Boards Political Action Group Effort (PAGE).

Trustees Addonizio and Palazzo will serve on the Regional Occupational Program Board (ROP) with Trustee Bryson serving as the alternate.

Trustees Addonizio and Alpay were selected to serve on the Instructional Materials Review Committee (IMRC).

Trustees selected to serve on the following ad hoc committees:

City of Aliso Viejo: Trustees Bryson and Pritchard

City of Dana Point: Trustees Alpay and Bryson

City of Laguna Niguel: Trustees Addonizio and Bryson

City of Mission Viejo: Trustees Addonizio and Hatton

City of Rancho Santa Margarita: Trustees Hatton and Pritchard

City of San Clemente: Trustees Alpay and Bryson

City of San Juan Capistrano: Trustees Addonizio and Palazzo

Trustee Hatton will serve as an ex-officio member of the Capistrano Academic Resources to Education Foundation (CARE).

Trustee Pritchard will serve on the District Restructuring Council (DRC) with Trustee Alpay as the alternate.

President Brick asked Trustees for items they wished to pull from the Consent Calendar. Items 5, 6, and 35 were pulled.

**Items Pulled from
the Consent
Calendar**

CONSENT CALENDAR

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

Petition to waive California Education Code §60851(a) and Board Policy 6162.52 – California High School Exit Examination: Case #1011-008 through #1011-010.

**California High
School Exit Exam
Agenda Item 7**

Proposed 2011 Extended School Year Schedule.

**Extended School
Year Schedule
Agenda Item 8**

2010-2011 Single School Plans for Student Achievement and Budgets.

**Single School Plans
Agenda Item 9**

Instructional materials recommended for adoption, high school foreign language textbook, Advanced Placement Chinese.

**Instructional
Materials
Agenda Item 10**

Supplemental instructional materials recommended for adoption, Read 180.

**Instructional
Materials
Agenda Item 11**

Purchase Orders and Warrants as listed.

**Purchase Orders/
Warrants
Agenda Item 12**

Donations of funds and equipment.

**Donations
Agenda Item 13**

Supplemental educational tutoring services, 100% Learning Fun Center.

**Consulting
Agreement
Agenda Item 14**

Supplemental educational tutoring services, L.E.A.P.S. Learning Services.	Consulting Agreement Agenda Item 15
Supplemental educational tutoring services, UROK Learning Institute.	Consulting Agreement Agenda Item 16
Supplemental educational tutoring services, Mathnasium of San Clemente.	Consulting Agreement Agenda Item 17
Supplemental educational tutoring services, Ultimate Success Learning Program.	Consulting Agreement Agenda Item 18
Supplemental educational tutoring services, Learning Ladder, Inc.	Consulting Agreement Agenda Item 19
Supplemental educational tutoring services, Basic Educational Services Team. Inc.	Consulting Agreement Agenda Item 20
Supplemental educational tutoring services, ATS Project Success.	Consulting Agreement Agenda Item 21
Supplemental educational tutoring services, ACE Tutoring Services, Inc.	Consulting Agreement Agenda Item 22
Supplemental educational tutoring services, The Academic Advantage, Inc.	Consulting Agreement Agenda Item 23
Supplemental educational tutoring services, Math + Think, Inc.	Consulting Agreement Agenda Item 24
Supplemental educational tutoring services, Total Education Solutions.	Consulting Agreement Agenda Item 25
Supplemental educational tutoring services, Professional Tutors of America, Inc.	Consulting Agreement Agenda Item 26
Supplemental educational tutoring services, Club Z in Home Tutoring.	Consulting Agreement Agenda Item 27
Supplemental educational tutoring services, Teach-N-Tutor, Inc.	Consulting Agreement Agenda Item 28
Installation, training and support for adaptive hardware and software for disabled students, Voice Solutions.	Consulting Agreement Agenda Item 29

Architectural services, PJHM Architects, Inc.	Consulting Agreement Agenda Item 30
Limited use license agreement between CUSD and SAMLARC for use of Tijeras Creek Park.	Limited Use License Agreement Agenda Item 31
Limited use license agreement between CUSD and SAMLARC for use of Arroyo Vista Park.	Limited Use License Agreement Agenda Item 32
Authorization to enter into a lease/purchase financing agreement with Key Government Finance, Cisco Capital's Financing Partner.	Lease/Purchase Financing Agreement Agenda Item 33
Authorization to utilize Contract No. GS-07F-0396M, Fire and Security Alarm and Signal Systems for Life Cycle Support Providing Design, Coding Integration, Testing, Deploying, Repair, Maintenance, Ancillary Services—General Services Administration (GSA) – SimplexGrinnell LP under the same terms and conditions of the public agency's contract.	Utilization of Contract No. GS-07F-0396M Agenda Item 34
Application to participate in the class size reduction program.	Class Size Reduction Agenda Item 36
Award of Request for Proposal No. 3-1011, Uniform Service, Cintas Corporation.	Uniform Service Agenda Item 37
Authorization to advertise Bid No. 1011-08, Milk and Dairy Products.	Milk and Dairy Products Agenda Item 38
Resignations, retirements, and employment of classified personnel.	Resignations/ Retirements/ Employment (Classified Personnel) Agenda Item 39
Resignations, retirements, and employment of certificated personnel.	Resignations/ Retirements/ Employment (Certificated Personnel) Agenda Item 40
ROLL CALL: AYES: Trustees Addonizio, Alpay, Brick, Bryson, Hatton, Palazzo, Pritchard, and Student Advisor Larson Ishii. NOES: None ABSENT: None ABSTAIN: None	
Superintendent Farley pulled this item to allow only the Trustees who were on the Board at the November 9, 2010, meeting to approve the minutes.	Minutes Agenda Item 5
It was moved by Trustee Addonizio, seconded by Trustee Palazzo, and carried by a 4-0 vote to approve the minutes of the November 9, 2010, regular Board meeting.	

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

Trustee Alpay stated that District Board meetings were held on Monday until last year when the Board approved changing the meetings to Tuesday. Trustee Alpay added that Tuesday Board meetings conflict with several city council meetings and suggested that CUSD Board meetings be changed back to Monday evenings so Board members are able to attend city council meetings. Trustees Bryson and Palazzo stated that the benefits of having Board meetings on Tuesday is to allow staff and Trustees additional preparation time for meetings.

**School Board
Meeting Schedule
Agenda Item 6**

It was moved by Trustee Alpay, seconded by Trustee Pritchard, and motion failed by 3-4 vote to approve changing the 2011 Board meeting schedule to Monday evenings.

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

It was moved by Trustee Addonizio, seconded by Trustee Bryson, and motion carried by a 5-2 vote to approve the School Board Meeting Schedule for the period July through December 2011.

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

Trustee Alpay pointed out that San Clemente High School (SCHS) has three different accounts in three different institutions and for internal control purposes he prefers that these accounts be consolidated into one account. Trustee Alpay moved to approve staff recommendation; however staff is to instruct SCHS to consolidate all ASB accounts to one banking institution. Dr. Farley stated that staff needs to research if the Board has the authority to direct a school to consolidate ASB accounts and suggested that Trustees continue this item to a future meeting for further discussion.

**ASB Bank
Accounts
Agenda Item 35**

It was moved by Trustee Addonizio, seconded by Trustee Alpay, and motion carried unanimously to approve bringing back bank accounts for all ASB organizations to a subsequent meeting.

DISCUSSION/ACTION

President Brick announced the Public Hearing open at 8:10 p.m. to accept comments from the public on the petition for the Oxford Preparatory Academy Charter School. President Brick asked if anyone wished to address the Board on this item.

**Public Hearing:
Oxford
Preparatory
Academy Charter
School
Agenda Item 41**

The following people addressed the Board:

- *Lori George expressed her disappointment in the misleading information that Barcelona Hills Elementary School was closing that prompted parents in her community to sign the Oxford Preparatory Academy petition.*
- *Ryan Alsop, Stephanie Davies, Timothy Maurier, Jared McLeod, Gretchen Mars, Craig Cleaver, Erika Schulte, Linda DeFance, Dana Reupert, Jennifer Dwight, Bert Bennett, Lanan Clark, Tammy Lohoff, Karl Yoder, and Sue Roche spoke in support of the petition for Oxford Preparatory Academy Charter School and encouraged Trustees to give it their full consideration and approval.*
- *Jerry Simmons pointed out that this petition meets all five legal requirements for a charter petition therefore it must be approved.*

President Brick declared the Public Hearing closed at 8:50 p.m. Superintendent Farley explained that the Board will review the Petition, all comments received concerning the Petition, and will consider granting or denying the charter at a subsequent Board meeting.

President Brick recognized Deputy Superintendent Ron Lebs who presented the proposed Extension of Agreements for various legal firms to provide services in their area of specialization.

**Legal Services'
Extension
Agreements
Agenda Item 42**

It was moved by Trustee Bryson, seconded by Trustee Palazzo, to ratify the Extension of Agreements for Bergman & Dacey, Best Best & Kreiger, Dannis Woliver Kelley, Harbottle Law Group, Law Office of Caroline Zuk, and Stradling Yocca Carlson & Rauth.

Following discussion, Trustee Alpay made a substitute motion, seconded by Trustee Palazzo, and motion carried unanimously to ratify the Extension of Agreements for Bergman & Dacey, Dannis Woliver Kelley, Harbottle Law Group, Law Office of Caroline Zuk, and Stradling Yocca Carlson & Rauth but the agreement with Best Best & Kreiger was to be extended for 2011 at the 2010 rates.

President Brick announced the Public Hearing open at 9:15 p.m. regarding approval of the Romero Bill/Open Enrollment Act Waiver Request. There being no speakers to address the Board, President Brick declared the Public Hearing closed at 9:16 p.m.

**Public Hearing:
Romero Bill/Open
Enrollment Act
Waiver Request
Agenda Item 43**

It was moved by Trustee Addonizio, seconded by Trustee Alpay, and motion carried by a 6-0 vote to approve the General Waiver Requests to waive Education Code §48352, excluding Kinoshita, San Juan, and Viejo elementary schools from the 2010-2011 and 2011-2012 lists of low achieving schools.

ROLL CALL: AYES: Trustees Addonizio, Alpay, Brick, Hatton, Palazzo,
Pritchard and Student Advisor ~~Larsen~~ Larson Ishii
NOES: None
ABSENT: Trustee Bryson (away from the dais when the vote was taken)
ABSTAIN: None

President Brick recognized Deputy Superintendent Ron Lebs who, along with Kristofer Pitman, Executive Director, Fiscal Services presented a review of the budget. Mr. Lebs explained that this agenda item presents a Positive Certification of the First Interim Financial Report for 2010-2011 indicating that the District will meet its financial obligations for the current, and the two subsequent fiscal years.

**First Interim
Report
Agenda Item 44**

Trustee Palazzo requested that staff provide written verification of monies actually received.

Following discussion, it was moved by Trustee Alpay, seconded by Trustee Hatton, and carried by a 5-2 vote to approve the Positive Certification of the First Interim Financial Report for the period July 1, 2010, through October 31, 2010, and authorize its filing with the County Superintendent of Schools; and, approve Resolution No. 1011-31, 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

It was moved by Trustee Addonizio, seconded by Trustee Palazzo, and carried unanimously to approve Resolution No. 1011-34, authorization to file a lawsuit against the Orange County Health Care Agency.

**Mental Health
Services for Special
Education Students
Agenda Item 45**

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

President Brick announced the Public Hearing open at 9:40 p.m. regarding the approval of Resolution No. 1011-32, consideration of reducing special taxes of Community Facilities District 2005-1, Whispering Hills or other action in regard thereto. There being no one to address the Board, President Brick recognized Deputy Superintendent Ron Lebs who asked the Board to continue this Public Hearing to the January 11, 2011, Board meeting.

**Public Hearing:
CFD 2005-1
Agenda Item 46**

It was moved by Trustee Addonizio, seconded by Trustee Alpay, and motion carried unanimously to continue the Public Hearing to January 11, 2011, by adopting Resolution No. 1011-32, 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), Continuing Public Hearing for Consideration of Request to Alter the Rate and Method of Apportionment and Reduce 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

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. Lebs reported that there was nothing new to report since the November meeting.

**Division of State
Architect (DSA)
Agenda Item 47**

Trustee Addonizio requested staff provide an update from SDG&E on the timeline for completion of the La Pata lighting project.

Trustee Bryson requested staff review Marblehead Elementary School concerns she discussed with Superintendent Farley after visiting the site.

The Board recessed at 9:50 p.m. to continue discussion on the remaining closed session item.

President Brick reported the following action taken during closed session:

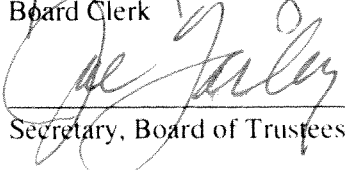
**President's Report
From Closed
Session Meeting**

Agenda Item #48 F – CSEA/CUEA/CUMA/Teamsters Negotiations: No action was taken.

President Brick adjourned the meeting at 11:00 p.m.



Board Clerk



Secretary, Board of Trustees