

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES – REGULAR MEETING
MAY 9, 2011
EDUCATION CENTER – BOARD ROOM

President Brick called the meeting to order at 6:03 p.m. Prior to recessing to closed session, President Brick announced items 3AA, Conference with Legal Counsel regarding Anticipated Litigation and 3D, CSEA/CUEA/CUMA/Teamsters negotiations were being pulled from the agenda. The Board recessed to closed session at 6:04 p.m. to confer with Legal Counsel regarding Existing Litigation; discuss Student Expulsions (seven cases); and discuss Public Employee Discipline/Dismissal/Release.

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 President 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 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 – Conference with Legal Counsel – Existing Litigation:

Whispering Hills v. Capistrano Unified School District: No action was taken.

Agenda Item #3 B-1 – Student Expulsion

The Board voted by a 7-0 vote to expel the follow student with staff recommendations:
Case #2011-089

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

NOES: None

Agenda Item #3 B2-B7 – Student Expulsion by Stipulated Expulsion:

The Board voted by a 7-0 vote to expel the following students by stipulated agreement:
Case #2011-087, #2011-88, #2011-90, #2011-091, #2011-093, and #2011-096

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

NOES: None

Agenda Item #3 C – Public Employee Discipline/Dismissal/Release:

No action was taken.

Marcus Walton, Chief Communications Officer, introduced and recognized Laurie Lowy, Bonnie Liedlich, and Betsy Schmitz for being selected as the 2011 CUSD Teachers of the Year. President Brick and Superintendent Farley presented each Teacher of the Year with a plaque in honor of their selection.

**Special
Recognitions**

Student Body Presidents, Ally Davis from Aliso Niguel High School, and Chase Keller, from Tesoro High School, each presented a report on activities taking place at their high school.

**Student Body
Reports**

Trustee Hatton shared she is a big fan of teachers and was honored to be a part of the Teacher-of-the-Year celebration. She said teachers affect the emotional, intellectual, and social development of each student they encounter. Teachers can be virtually limitless in their capacity to touch lives.

**Board and
Superintendent
Comments**

President Brick reminded those in attendance of the Vietnam Memorial Wall that will soon be in Dana Point. There will be a parade on May 11 and the memorial will then be on display for public viewing May 12-15 at Sea Terrace Park in Dana Point.

Trustee Bryson thanked teachers for their great service. She said those working in education are unique among government workers because they produce a unique product - the future citizens of this country.

Trustee Alpay shared the results from the recent Classic Surf Series State High School Championships and congratulated San Clemente High School, San Juan Hills High School, and Tesoro High School for their wins.

Vice President Pritchard shared he and Trustee Alpay went to see the San Clemente High School Dance Team on Friday and they were spectacular. He also mentioned that he attended the Soka University International Festival, which he found amazing.

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

**Oral
Communications**

There were no speakers.

DISCUSSION/ACTION

Chief Communications Officer Marcus Walton stated Resolution No. 1011-54 requests the Board approve May 11, 2011, as California Day of the Teacher. This resolution serves as official notice to all employees, as well as all citizens of Capistrano Unified School District, of the Board's recognition of the excellent service provided by its certificated staff.

**California Day of
the Teacher
Agenda Item 7**

The following person addressed the Board:

- Vicki Soderberg, President, CUEA, extended her appreciation on behalf of over 2,000 teachers for this very fine resolution and for honoring our 2011 Teachers of the Year.

It was moved by Trustee Alpay, seconded by Trustee Hatton, and motion carried unanimously to approve Resolution No. 1011-054, California Day of the Teacher.

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

Chief Communications Officer Marcus Walton stated Resolution No. 1011-55 requests the Board approve the week of May 16-20, 2011, as Classified School Employees Week. This resolution serves as official notice to all employees, as well as all citizens of Capistrano Unified School District, of the Board's recognition of the excellent service provided by its classified personnel.

**Classified School
Employees Week
Agenda Item 8**

The following person addressed the Board:

- Ronda Walen thanked the Board for their support of classified employees and requested they adopt Resolution No. 1011-55 designating May 16-20, 2011, as Classified School Employees Week.

Following discussion, it was moved by Trustee Bryson, seconded by Trustee Hatton, and motion carried unanimously to approve Resolution No. 1011-055, Classified School Employees Week.

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 explained the Board of Trustees, acting solely as the approving agent for the Capistrano Unified School District, is requested to approve and adopt Resolution No. 1011-51, which authorizes the execution of the following three agreements on behalf of the District:

**CFD 2005-1
Agenda Item 9**

1. Settlement Agreement
2. First Amended Impact Mitigation Agreement
3. First Amended and Restated Joint Community Facilities Agreement Relating to Reducing Special Taxes of Community Facilities District No. 2005-1

Mr. Lebs introduced Attorney Alex Bowie who explained the nuances of the resolution and who was available to answer any questions.

Following discussion, it was moved by Trustee Addonizio, seconded by President Brick, and motion carried unanimously to approve Resolution No. 1011-51, 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), Approving and Authorizing the Execution of First Amended Impact Mitigation Agreement and First Amended and Restated Joint Community Facilities Agreement Relating to Reducing Special Taxes of Community Facilities District No. 2005-1.

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 commented that at the top of the second page of this item, the "settlement agreement" should not have been listed. He had revised copies available for Trustees as well as members of the audience and commented he would update the website with the corrected item. Mr. Lebs then stated the Board of Trustees, acting as the legislative body of Community Facilities District 2005-1 (Whispering Hills) of the Capistrano Unified School District, is requested to approve and adopt Resolution No. 1011-52, which authorizes the execution of the following agreements on behalf of

**CFD 2005-1
Agenda Item 10**

the District:

1. First Amended Impact Mitigation Agreement
2. First Amended and Restated Joint Community Facilities Agreement Relating to Reducing Special Taxes of Community Facilities District No. 2005-1

Attorney Alex Bowie explained the nuances of this resolution and was available to answer questions.

It was moved by Trustee Bryson, seconded by Trustee Alpay, and motion carried unanimously to adopt Resolution No. 1011-52, 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), Approving and Authorizing the Execution of First Amended Impact Mitigation Agreement and First Amended Joint Community Facilities Agreement Relating to Reducing Special Taxes of Community Facilities District No. 2005-1.

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

Vice President Pritchard announced the Public Hearing open at 7:45 p.m. regarding the approval of Resolution 1011-53, 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 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." There being no speakers to address the Board, Vice President Pritchard recognized Deputy Superintendent Ron Lebs who asked the Board to continue this Public Hearing to the June 13, 2011, Board meeting.

**Public Hearing:
CFD 2005-1
Agenda Item 11**

It was moved by Trustee Bryson, seconded by Trustee Alpay, and motion carried unanimously to approve Resolution 1011-53, 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 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

Superintendent Farley stated revisions to Resolution No. 1011-48 were made based on the Board's direction from the March 23, April 11, and April 27 Board meetings. Superintendent Farley asked Trustees if they had any changes or additions they wanted incorporated into the document.

**Role of Board:
Powers and
Responsibilities
Agenda Item 12**

Following discussion, it was moved by Trustee Addonizio, seconded by Trustee Bryson, and motion carried unanimously to approve Resolution No. 1011-48, Role of the Board: Powers and Responsibilities, reaffirming the statement regarding the general powers and responsibilities of the Board.

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

Assistant Superintendent Jodee Brentlinger stated the formalized process was started on February 22, 2011, when the Board of Trustees adopted Resolution Number 1011-39, which eliminated or reduced particular kinds of services or programs being provided by certificated staff and authorized the issuance of release from their temporary employment contract effective the end of the 2010-2011 school year. Temporary release notices were issued to 348 employees prior to the March 15, 2011, certificated layoff timeline.

**Teacher Layoff Hearings
Agenda Item 13**

Under the layoff statutes, temporary certificated employees hired using categorical funding sources have limited due process rights. On Tuesday, April 12, 2011, the District conducted a hearing before Daniel Juarez, an administrative law judge, provided by the California Office of Administrative hearings. There were 176 employees who participated in these hearings.

The Administrative Law Judge's decision confirmed that the District fulfilled all of its legal obligations to reduce and/or eliminate services impacting a total of 348 employees. In order to preserve the Board's ability to maximize all budget flexibility options, while at the same time honoring its intention to save employee jobs, staff recommends issuing final release notices to the 348 employees. The statutory deadline does not allow for noticing employees after the May 14th deadline; however, the District may rehire some or all teachers after that date. As the fiscal status of the District is further defined through the month of May and June, employees may be rehired.

The following person addressed the Board:

- Ann Roche, District Nurse, shared a letter from District nurses recognizing the financial hardship in the District but stating the current status of the state's economy has increased family and student requests for health services at the school sites.

Following discussion, it was moved by Trustee Bryson, seconded by Trustee Alpay, and motion carried by a 5-2 vote to approve Resolution No. 1011-56, the Proposed Decision of the Administrative Law Judge, and authorize final release notices in accordance with the decision.

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

After comments from Ron Lebs, Executive Director Randy Rowles presented a report on the December 2010 storm and flood damage to the District. Mr. Rowles' report summarized the flood-related activities at the impacted facilities, the financial impact to the District of the remediation work, and remaining resources and requirements to complete the work to storm-damaged sites and facilities.

**Storm and Flood Damage Report
Agenda Item 14**

Trustee Alpay stated he placed this item on the agenda for Board consideration of revising the 2011 School Board Meeting Schedule by rescheduling the Wednesday, May 25, 2011, Board meeting to another night in May. The reason for the request was due to San Clemente High School and Tesoro High School Achievement Awards scheduled for May 25 and the desire of Trustees to participate in these events.

**Revision to Board Meeting Calendar
Agenda Item 14A**

Following discussion, it was moved by Trustee Bryson, seconded by Trustee Addonizio, and motion carried by a 7-0 vote to change the start time of the May 25, 2011, Board meeting to 5:00 p.m. for open session, with closed session beginning at 4:00 p.m.

Assistant Superintendent Julie Hatchel stated current Board Policy (BP) 6174 explains the English learner program in the District. BP 6174.1 defines the parental waiver process for parents of English learners after the passing of Proposition 227. Since the adoption of BP 6174.1 in 1998 and BP 6174 in 1999, there is a more refined interpretation of what the laws mean and how they work together to create an education program for English learners. Therefore, the BP needs to be updated and combined into one policy. BP 6174.1 will be deleted and included in BP 6174. This item will be brought back to a future Board meeting for approval.

**Board Policy
Revisions
Agenda Item 15**

Deputy Superintendent Ron Lebs shared he had just received one new close out from the Division of State Architect since the printing of this agenda, which was the certification on the original construction of San Juan Hills High School.

**Division of State
Architect
Agenda Item 16**

Vice President Pritchard asked Trustees for items they wished to pull from the Consent Calendar. Items 22A, 25, 34, and 41 were pulled.

**Items Pulled from
the Consent
Calendar**

CONSENT CALENDAR

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

Expunging of expulsion record: Case #2009-100.

**Expunging of
Expulsion Records
Agenda Item 17**

Readmission of a student from expulsion: Case #2009-045.

**Expulsion
Readmissions
Agenda Item 18**

Petition to waive California Education Code §60851(a) and Board Policy 6162.52 – California High School Exit Examination: Case #1011-021.

**California High
School Exit Exam
Agenda Item 19**

Joint Powers Agreement for Supplemental Law Enforcement Services.

**Joint Powers
Agreement
Agenda Item 20**

Members of the Special Educations Local Plan Area Community Advisory Committee.

**SELPA Advisory
Committee
Agenda Item 21**

Instructional materials recommended for adoption, *The Assault*, for International Baccalaureate English.

**Instructional
Materials
Agenda Item 22**

Purchase orders, warrants, and previously Board approved bids and contracts as listed.

**Purchase
Orders/Warrants
Agenda Item 23**

Employment contract of Ronald N. Lebs, Deputy Superintendent, Business & Support Services.

**Employment
Contract
Agenda Item 24**

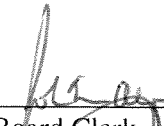
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| Master contract for special education services to be provided by Rainbow Connection, Inc., a non-public agency. | Master Contract Agenda Item 26 |
| Master contract for special education services to be provided by Therapeutic Education Center-Canal Street, a non-public agency. | Master Contract Agenda Item 27 |
| Master contract for special education services to be provided by Therapeutic Education Center-Santa Ana, a non-public agency. | Master Contract Agenda Item 28 |
| Master contract for special education services to be provided by Ocean View School, a non-public agency. | Master Contract Agenda Item 29 |
| Master contract for special education services to be provided by Blind Children's Learning Center, a non-public agency. | Master Contract Agenda Item 30 |
| Master contract for special education services to be provided by Speech and Language Development Center, a non-public agency. | Master Contract Agenda Item 31 |
| Master contract for special education services to be provided by Pyramid Autism Center, a non-public agency. | Master Contract Agenda Item 32 |
| Resolution No. 1011-50, Transition Partnership Project Interagency Agreement with the Department of Rehabilitation. | Interagency Agreement Agenda Item 33 |
| Agreement for Television Broadcasting and Consulting Services, PBS SOCAL/KOCE-TV Foundation. | Television Broadcasting Agreement Agenda Item 35 |
| Evaluation services for the After School Education and Safety program at Viejo Elementary School, V. Patricia Beyer. | Independent Contractor Agreement Agenda Item 36 |
| Arts Teach assemblies and workshops, Segerstrom Center for the Arts. | Independent Contractor Agreement Agenda Item 37 |
| ASB accounting workshop, CASBO. | Independent Contractor Agreement Agenda Item 38 |
| Implementation support and training for Oracle Primavera contract management software program, D.R. McNatty & Associates, Inc. | Independent Contractor Agreement Agenda Item 39 |
| Presentation for the Parent Involvement Program at Marco Forster Middle School, Instructional Support Services, Inc. | Independent Contractor Agreement Agenda Item 40 |
| Advertise Bid No. 1112-01, Audio Visual Equipment. | Audio Visual Equipment Agenda Item 42 |

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| Advertise Bid No. 1112-05, Electrical Supplies and Materials. | Electrical Supplies/Materials Agenda Item 43 |
| Award of Bid No. 1011-13, Snack and Beverage Products, A&R Wholesale Distributors, Inc. | Snack/Beverage Products Agenda Item 44 |
| Award of Bid No. 1011-14, Grocery Products, A&R Wholesale Distributors Inc., Gold Star Foods, Sysco ILA, And Campus Foods. | Grocery Products Agenda Item 45 |
| Resignations, retirements, and employment of classified personnel. | Resignations/ Retirements/ Employment (Classified Personnel) Agenda Item 46 |
| Resignations, retirements, and employment of certificated personnel. | Resignations/ Retirements/ Employment (Certificated Personnel) Agenda Item 47 |
| <p>ROLL CALL: AYES: Trustees Addonizio, Alpay, Brick, Bryson, Hatton, Palazzo, Pritchard, and Student Advisor Larson Ishii</p> <p>NOES: None</p> <p>ABSENT: None</p> <p>ABSTAIN: None</p> | |
| Trustee Alpay pulled this item to ask Assistant Superintendent Julie Hatchel for details regarding the process of arriving at the name of this new high school. | Naming of Independent HS Agenda Item 22A |
| Following discussion, it was moved by Trustee Addonizio, seconded by Trustee Bryson and motion carried by a 5-2 vote to approve naming the independent study high school, West View Academy, with Trustees Alpay and Hatton dissenting. | |
| Trustee Hatton pulled this item in order to ask Candy Miller how the District chooses these agencies, what the evaluation process is for these agencies, and how they are held accountable. | Master Contract Agenda Item 25 |
| It was moved by Trustee Hatton, seconded by Trustee Bryson, and motion carried unanimously to approve the master contract for special education services to Deborah Hebert, Inc., a non-public agency. | |
| Trustee Alpay pulled this item in order to request background on this item without revealing the identity of the student. | Agreement with Laguna Beach USD Agenda Item 34 |
| Trustee Alpay moved this item be tabled; however, the motion failed due to the lack of a second. | |
| Following discussion, it was moved by Trustee Pritchard, seconded by Trustee Bryson, and motion carried by a 6-1 vote to approve the agreement with Laguna Beach Unified School District to split the excess costs of educating a special education student, with Trustee Alpay dissenting. | |
| Trustee Addonizio pulled this item in order to give Deputy Superintendent Ron Lebs the opportunity to provide more information about how this contractor was selected. Randy Rowles provided information regarding the process used. | Independent Contractor Agreement |

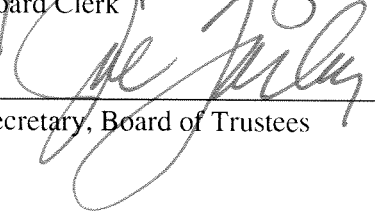
It was moved by Trustee Addonizio, seconded by Trustee Bryson, and motion carried unanimously to approve Kern County Superintendent of Schools as the third party labor compliance monitoring services related to the construction of the Capistrano Valley High School's performing arts theater.

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

Vice President Pritchard announced the meeting adjourned at 9:00 p.m.



Board Clerk



Secretary, Board of Trustees

Minutes submitted by Connie Scott, Executive Secretary to the Superintendent