

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES – REGULAR MEETING
APRIL 25, 2012
EDUCATION CENTER – BOARD ROOM

President Pritchard called the meeting to order at 5:30 p.m. The Board recessed to closed session to: confer with Legal Counsel regarding Existing Litigation; CSEA/CUEA/CUMA/Teamsters negotiations; discuss Student Expulsions; and discuss Public Employee Appointment/Employment.

Closed session recessed at 6:24 p.m.

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

The Pledge of Allegiance was led by Tesoro High School ASB President Kyle Long

Present: Trustees Addonizio, Alpay, Brick, Bryson, Hatton, Palazzo, Pritchard, and Student Advisor Ryan Pallas

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

Prior to the adoption of the agenda Trustee Palazzo asked staff why agenda item 7 was posted on the website as a public hearing but not listed on the agenda as one. Assistant Superintendent Julie Hatchel responded it was a communication error. Due to the error the item was pulled from the agenda and will be brought back a future Board meeting.

It was moved by Trustee Alpay, seconded by Trustee Hatton, and motion carried by a 7-0 vote to adopt the Board agenda, with the exclusion of agenda item 7.

Adoption of the Board Agenda

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

President Pritchard reported the following action taken during closed session:

President's Report From Closed Session Meeting

Agenda Item #3 A – CSEA/CUEA/CUMA/Teamsters Negotiations:

No action was taken.

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

Informal Dispute Resolution Case No. 46912

The Board voted 7-0 to approve the settlement agreement in the amount not-to-exceed \$75,000.

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

Agenda Item #3 C1 – Student Expulsion:

The Board voted 7-0 to expel the following students by stipulated agreements: Case #2012-061.

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

Agenda Item #3 C2 through C11 – Student Expulsions:

The Board voted 7-0 to expel the following students with staff recommendations: Case #2012-047, #2012-055, #2012-057, #2012-058, #2012-059, #2012-060, #2012-062, #2012-063, #2012-064, and #2012-065.

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

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

The Board voted 6-1 to approve the appointment of Katie Nunan, Director III, Personnel Services/Insurance and Risk Management.

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

The CARE Foundation represented by President Larney Fowler, and Microsoft representative Stephanie Ramsey presented the Board with an enlarged check in the amount of \$8,000 representing the gift grant for Microsoft software for Marblehead Elementary School.

Special Recognition

Student Body President Kyle Long from Tesoro High School presented a report on activities taking place at the high school.

Student Body Report

Dr. Farley announced that after being accepted by every major university, Student Advisor Ryan Pallas made the decision to attend Harvard next year. Dr. Farley asked Ryan to say a few words. Ryan shared he has attended District schools since kindergarten and the District has prepared him very well for college. Ryan stated he visited Harvard over spring break and knows he made the right decision.

Board and Superintendent Comments

Trustee Hatton read a statement she had written regarding the equally unpleasant choices forced upon the Board by Sacramento and encouraged everyone speaking at the meeting to take their passion and commitment for education and students to their local assembly members and senators who actually make funding decisions.

Trustee Bryson commented she visited Dana Hills High School, San Juan Elementary School, and several other District schools following the earthquake this week. She was very impressed on how well every site was prepared and praised Mike Beekman for this preparation. Trustee Bryson announced the La Pata extension is going through and it was good news for the District. She also shared she spoke in Stockton regarding the District’s process for charter schools. Trustee Bryson stated the Orange County Supervisors took District parcel tax money which added to the financial burden of the District. She encouraged everyone to contact the Orange County Supervisors as well as the legislators in Sacramento regarding education funding.

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

**Oral
Communications**

The following speakers addressed the Board:

- Anna Swartz asked the Board to make tough choices in the best interest of children and consider reduction of salaries for classified and administrators first before class size increases.
- Julie Collier request Trustees put children first and to ask staff to find alternative ways to balance the budget rather than class size increases and furlough days.

DISCUSSION/ACTION

Interim Deputy Superintendent Robyn Phillips introduced Mark Farrell, Managing Director of Piper Jaffray and Company, and stated Mr. Farrell was present to assist her in answering Trustee questions following her presentation. Dr. Phillips stated this item would authorize the District to participate in the California School Cash Reserve Program to issue a TRAN, not-to-exceed \$75 million, to meet cash flow needs for the 2012-2013 fiscal year. The District needs additional cash flow because of timing gaps between receipt of revenues and the expenditure of general fund monies. It is projected the District will experience a cash flow shortfall of approximately \$75 million in December 2012. Without this short-term borrowing, the District would be unable to meet its financial obligations and become fiscally insolvent. Dr. Phillips added all TRAN obligations will be repaid from property tax receipts by April 2013.

**TRAN
Agenda Item 1**

Following discussion, it was moved by Trustee Addonizio, seconded by Trustee Bryson, and motion carried by a 7-0 vote to approve Resolution No. 1112-41 authorizing the borrowing of funds for fiscal year 2012-2013 and the issuance and sale of 2012-2013 Tax and Revenue Anticipation Notes and participation in the California School Cash Reserve program and requesting the Board of Supervisors of the County to issue and sell said series of notes.

- AYES: Trustees Addonizio, Alpay, Brick, Bryson, Hatton, Palazzo, Pritchard, and Student Advisor Ryan Pallas
- NOES: None
- ABSENT: None
- ABSTAIN: None

Assistant Superintendent Jodee Brentlinger explained due to the state continuing to fund schools far below what they are entitled and federal stimulus money not continuing beyond this school year the District is forced to cut millions from the budget as it prepares for 2012-2013. Mrs. Brentlinger stated staff recognizes the impact on employees and services for students but the District must consider all options available in an effort to provide maximum flexibility during the budget development process. Preparing for a significant budget shortfall creates the need to consider reducing or eliminating programs and services. Mrs. Brentlinger added since the printing of the item numerous vacancies have been created through natural attrition and there will continue to be vacancies which will ultimately lessen the impact upon the number of employees who will be laid off.

**Classified Layoff
Agenda Item 2**

Due to the number of requests to address the Board on this item, it was moved by Trustee Alpay, seconded by Trustee Addonizio, and motion carried unanimously to suspend the time-limit rule and allow all speakers three minutes to address the Board.

The following speakers addressed the Board:

- *Linda Myers, Barbara Luton, Rebecca Paulsen, Marika Howell, Michelle Epph, and Courtney Fielder asked the Board to reconsider the layoff of school librarians especially at the middle school level.*
- *Kim Jensen, Terry Hause, and Ronda Walen stated classified employees support learning and requested Trustees exhaust all other possibilities before laying off classified staff.*

Following discussion, it was moved by Trustee Hatton, seconded by Trustee Bryson, and motion failed by a 3-4 vote to approve Resolution No. 1112-39, Classified Layoff Management and Non-Management Employees, in the designated classifications with the exception of Middle School Library Media Technician 4.975 FTE.

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

It was moved by Trustee Alpay, seconded by Trustee Brick, and motion carried by a 4-3 vote to approve Resolution No. 1112-39, Classified Layoff Management and Non-Management Employees, in the designated classifications.

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

At 8:52 p.m. it was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried unanimously to approve a five-minute break. **Recess**

President Prichard reconvened the meeting at 9:01 p.m.

During the break Student Advisor Ryan Pallas left the meeting.

Assistant Superintendent Jodee Brentlinger explained this resolution provides the Board maximum flexibility as it prepares for next year's budget. This item is unique this year because it has been bifurcated into respondents and non-respondents. The 282 respondents will be participating in a hearing conducted by the Administrative Law Judge (ALJ) and have a new statutory timeline. The 80 not requesting a hearing are considered non-respondents and fall into the same statutory timeline as the respondents as defined in the Education Code. Mrs. Brentlinger stated this item represents the first step in reducing and eliminating these positions. Following the ALJ hearings, the second portion of this process will be brought back to the Board for approval. **Reduction and/or Elimination of Certificated Services
Agenda Item 3**

It was moved by Trustee Alpay, seconded by Trustee Brick, and motion carried by a 5-2 vote to approve Resolution No. 1112-42, Reduction or Elimination of Certain Certificated Services.

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

It was moved by Trustee Bryson, seconded by Trustee Alpay, and motion carried unanimously to approve the CUEA contract reopener proposal. **CUEA Contract Reopener Proposal
Agenda Item 4**

It was moved by Trustee Bryson, seconded by Trustee Alpay, and motion carried unanimously to approve the CSEA contract reopener proposal. **CSEA Contract Reopener Proposal
Agenda Item 5**

Assistant Superintendent Julie Hatchel stated this resolution is being presented to amend the original State Preschool Contract with the California Department of Education to reflect a change from 246 days of operation to 181 days of operation for the current 2011-2012 school year due to a reduction in funding. The original contract would have caused the District to have an encroachment into the general fund due to the number of days the District runs preschool versus the number of dollars the District receives in funding to provide services for students.

**State Preschool
Amended
Agreement
Agenda Item 6**

It was moved by Trustee Bryson, seconded by Trustee Alpay, and motion carried unanimously to approve Resolution 1112-40, Resolution for Acceptance of Contract Amendment.

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

This item was pulled prior to the approval of the agenda and will be brought back a future Board meeting.

**K-3 Class Size
Penalty Waiver
Agenda Item 7**

Assistant Superintendent Julie Hatchel stated one of the District's goals is to prepare all students for college. This course was developed by the California State University (CSU) system to align its goals for what students need to know and be able to do relative to entry in the freshman year of the state college system. The CSU Expository Reading and Writing Curriculum pilot course will be implemented in fall of 2012 as a high school senior-level English course and will eliminate all non-college preparatory courses in the senior year. The District intends to offer only A-G certified classes. The year-long course will be the standard required senior English class for all students who do not pass the Early Assessment Program portion of the English Language Arts California Standards Test.

**English Reading
and Writing
Course Pilot
Agenda Item 8**

Following discussion, it was moved by Trustee Bryson, seconded by Trustee Hatton, and motion carried unanimously to approve the California State University Expository Reading and Writing Curriculum.

Interim Deputy Superintendent Tim Holcomb stated there were no updates to report this month.

**Division of State
Architect Update
Agenda Item 9**

President Pritchard asked Trustees for items they wished to pull from the Consent Calendar. Agenda items 13, 24, and 31 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:

Minutes of the March 28, 2012, regular Board meeting and the April 6, 2012, special Board meeting.

**Minutes
Agenda Item 10**

Petition to waive California Education Code §60851(a) and Board Policy 6162.52 – California High School Exit Examination: Case #1112-017 through #1112-030.

**CAHSEE Waiver
Agenda Item 11**

Readmission of a student from expulsion: Case #2011-089.

**Expulsion
Readmission**

Agreement for the provision of services from July 1, 2012, through June 30, 2014, with the Children and Families Commission of Orange County.	Service Agreement Agenda Item 14
Purchase orders, warrants, and previously Board-approved bids and contracts as listed.	Purchase Orders/Warrants Agenda Item 15
Donation of funds and equipment.	Donations Agenda Item 16
Ratification of special education Informal Dispute Resolution agreement for IDR case #35112 and #35212.	Informal Dispute Resolution Agreement Agenda Item 17
Approval of funds for California Technology Assistance Project (CTAP) Grant.	CTAP Grant Agenda Item 18
Joint Powers Agreement with the County of Orange Sheriff-Coroner Department to provide supplemental law enforcement services as needed by the District.	Joint Powers Agreement Agenda Item 19
Independent Contractor Agreement with Beyond Technology Education Incorporated to provide teacher professional development training regarding advanced technology integration into the curriculum.	Independent Contractor Agreement Agenda Item 20
Independent Contractor Agreement with Brainfuse, Incorporated to provide online tutoring for California Preparatory Academy.	Independent Contractor Agreement Agenda Item 21
Extension of Agreement No. 11011144 for software support and training services to be provided by D.R. McNatty & Associates, Incorporated.	Extension of Agreement Agenda Item 22
Extension of Agreement No. 11011132 for insurance broker services for excess workers' compensation insurance to be provided by Keenan Associates.	Extension of Agreement Agenda Item 23
Ratification of change order #3 related to the stadium at San Juan Hills High School.	Change Order #3 SJHHS Stadium Agenda Item 25
Ratification of change order #7 related to the theater at Capistrano Valley High School.	Change Order #7 CVHS Theater Agenda Item 26
Ratification of change order #17 related to the construction of the 30-meter pool and support buildings at San Juan Hills High School.	Change Order #17 SJHHS Pool and Support Buildings Agenda Item 27
Resignations, retirements, and employment of classified personnel.	Resignations/ Retirements/ Employment (Classified Personnel) Agenda Item 28

Resignations, retirements, and employment of certificated personnel.

**Resignations/
Retirements/
Employment
(Certificated
Personnel)
Agenda Item 29**

Acceptance of Williams Settlement Second Quarter Report.

**Williams
Settlement
Agenda Item 30**

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

Trustee Bryson commented she was pleased the District is going to provide additional supplemental information to the textbook. The supplement, *Strengthening Forensic Science in the United States: A Path Forward*, makes sure students in the forensic science class are receiving updated, cutting-edge forensic science information regarding the effectiveness of DNA.

**Instructional
Material Adoption
Agenda Item 13**

It was moved by Trustee Bryson, seconded by Trustee Hatton, and motion carried unanimously to approve the adoption of *Criminalistics: an Introduction to Forensic Science, 10th edition* written by Richard Saferstein and published by Pearson/Prentice Hall ©2011.

Both Trustee Alpay and Trustee Bryson requested this item be pulled. Trustee Bryson wanted to be sure a ten percent discount had been requested from this firm. Interim Deputy Superintendent Tim Holcomb responded this item was being presented for a name change of the corporation only and not for additional or amended services. Trustee Alpay asked why Board approval is necessary for a name change only. Mr. Holcomb stated state law is specific in requiring the Board approve changes to assignments and name changes on District contracts which is unique to public agencies.

**Consultant
Agreement
Amendment
Agenda Item 24**

It was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried unanimously to approve the amendment to Consultant Agreement No. C0910107 with Bergman & Dacey Incorporated for general legal services changing the firm name to Bergman Dacey Goldsmith, a Professional Law Corporation.

Trustee Alpay asked staff to explain why the District is contracting with University of Wisconsin. Assistant Superintendent Jodee Brentlinger stated these are California residents who are participating in an online program through the University of Wisconsin. It is a win/win situation helping the District's pupil services department and assisting the nursing students with getting their degrees. Trustee Alpay expressed his concerns regarding background checks and fingerprinting for students coming on site and the District having a contract under Wisconsin law, based on Wisconsin statutes working in a California institution in California, as the requirements consistent with Wisconsin law may differ from California statutes. Trustee Alpay stated the contract needs to be reconciled for interns working in California. Mrs. Brentlinger stated she would work with pupil services and this particular entity to add a California fingerprinting requirement to the contract.

**Intern Nursing
Program
Agenda Item 31**


It was moved by Trustee Alpay, seconded by Trustee Addonizio, and motion carried unanimously to approve continuing the intern agreement with the University of Wisconsin to offer a nursing intern program to a future meeting.

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

President Pritchard announced the meeting adjourned at 9:39 p.m.



Board Clerk



Secretary, Board of Trustees

Minutes submitted by Jane Boos, Manager, Board Office Operations