

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES – REGULAR MEETING
OCTOBER 10, 2011
EDUCATION CENTER – BOARD ROOM

President Brick called the meeting to order at 5:30 p.m. The Board recessed to closed session to confer with Legal Counsel regarding Existing Litigation (two cases); discuss Public Employee Discipline/Dismissal/Release; discuss a Student Expulsion; 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 7:00 p.m.

The Pledge of Allegiance was led by President Brick.

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

Absent: Trustee Pritchard

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 Addonizio, and motion carried by a 6-0 vote to adopt the Board agenda.

Adoption of the Board Agenda

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

President Brick asked Trustee Alpay to facilitate the meeting.

President's Announcement

Trustee Alpay reported the following action taken during closed session:

President's Report From Closed Session Meeting

Agenda Item #3 A1 – Conference with Legal Counsel-Existing Litigation:

Case No. 30-2010 00399169

The Board voted 5-1 to approve the settlement agreement in the amount of \$80,000, resolution of the lawsuit, and waiver of any and all rights to employment with the District.

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

Agenda Item #3 A2 – Conference with Legal Counsel-Existing Litigation:

Case No. 2011070630

The Board voted 6-0 to approve the settlement agreement in an amount not to exceed \$130,000 that resolves all past claims, as well as future obligations to provide educational services to the minor student through July 31, 2012.

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

Agenda Item #3 B – Public Employee Discipline/Dismissal/Release: No action was taken.

Agenda Item #3 C – Student Expulsion by Stipulated Expulsion:

The Board voted 6-0 to expel the following student by stipulated agreement: Case #2012-001.

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

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

Store Manager Julie Jansen representing Albertsons on Pico in San Clemente was recognized for the assistance Albertsons provided during the evacuation of San Clemente High School in September.

**Special
Recognitions**

The Student Body President from Aliso Niguel High School was not able to attend as scheduled.

**Student Body
Report**

Trustee Hatton reminded the audience of the CARE Foundations' A Taste of Education event scheduled for October 13 and encouraged everyone to buy tickets for a chance to win a 2011 Toyota Prius.

**Board and
Superintendent
Comments**

Trustee Bryson thanked principals Jason Allemann of Dana Hills High School and Kevin Astor of Capistrano Valley High School for inviting her to their Homecoming football games and shared what a good time she had at both games.

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:

- *Ronda Walen thanked the Trustees for approving the funds for the four-day Interest-Based Bargaining training CSEA and District staff participated in to assist with the negotiation process. Ms. Walen stated the training goes beyond the bargaining table and can be used by any organization as it provides techniques and strategies in communication.*
- *Mark Larinde, Heather Smith, and Rob Rutkowski requested the Board allow flyers to be distributed on school grounds for the Theatre Experience of Southern California.*
- *Keiko Faeta Kelly, David Elecciri, and David Marohnic spoke in support of Coach Eric Patton.*

DISCUSSION/ACTION

Dr. Farley stated the original purpose for this item was to seek formal approval but the District received information today suggesting the Orange County Social Services Agency may be required to exhaust additional state and federal funding before filing this claim. Assistant Superintendent Sara Jocham explained the outstanding issue is whether or not the Orange County Social Service Agency can bill the state under SB90 for board and care for the time period July 1, 2010, through October 7, 2010. Legal counsel for the Social Services Agency said they could bill for SB90 mandated cost claims but they can't include the board and care costs. The State Controller's office and California Department of Education staff have indicated Social Services is allowed to submit claims for board and care costs for that time period. Staff is working to resolve this issue with the Orange County Department of Education legal counsel on behalf of all districts in Orange County. Mrs. Jocham stated there is a chance the District will need to pay the \$175,552.61 but only after due diligence to determine if the Orange County Social Services Agency has the capability to receive reimbursement for board and care costs from the state. Dr. Farley added this item will be brought back once this issue is resolved.

**Tort Claim
Settlement
Agreement
Agenda Item 1**

The following speaker addressed the Board:

- *Gail Benda spoke of the importance, for the District, of obtaining funding for special education and board and care costs.*

Deputy Superintendent Ron Lebs reported construction of the relocatables and shade structure at Newhart Middle School has been closed out by the Division of State Architect with certification.

**Division of State
Architect
Agenda Item 2**

Trustee Addonizio requested staff include the natural gas issue on the monthly DSA reports or add it as a separate Board item on the agenda.

Trustee Alpay asked Trustees for items they wished to pull from the Consent Calendar. Agenda items 3 and 9 were pulled.

**Items Pulled from
the Consent
Calendar**

CONSENT CALENDAR

It was moved by Trustee Addonizio, seconded by Trustee Hatton, and motion carried by a 6-0 vote to approve the following Consent Calendar items:

Readmission of students from expulsion: Case #2010-046, #2010-091, #2010-096, and #2011-044.

**Expulsion
Readmissions
Agenda Item 4**

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

**Purchase
Orders/Warrants
Agenda Item 5**

Orange County Superintendent of Schools to provide an online learning platform in which online learning classes can be created and housed.

**Income Agreement
Agenda Item 6**

Master contract for special education services to be provided by Kids Institute for Development and Advancement, a non-public school.

**Master Contract
Agenda Item 7**

Resignations, retirements, and employment of classified personnel.

**Resignations/
Retirements/
Employment
(Classified
Personnel)
Agenda Item 8**

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

Trustee Palazzo pulled this item to abstain since she was absent from the September 26 Board meeting.

Minutes
Agenda Item 3

It was moved by Trustee Addonizio, seconded by Trustee Brick, and motion carried by a 5-0-1 vote to approve the minutes of the September 26, 2011, regular Board meeting.

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

Trustee Palazzo asked Assistant Superintendent Jodee Brentlinger to explain first year temporary, second year temporary, and the 39-month rehire when we are rehiring our teachers.

**Resignations/
Retirements/
Employment
(Certificated
Personnel)**
Agenda Item 9

Assistant Superintendent Jodee Brentlinger stated when the District was in an accelerated growth pattern, the hiring of teachers on temporary contracts was not closely monitored and not necessary as we needed more teachers every year. Declining enrollment in the last few years has required the District to revisit its authorization under the law to hire teachers on temporary contracts. For example, in the past, we did not backfill behind teachers on part-time contracts or hire teachers as temporary when they were paid using categorical funding sources. Now the District is doing a thorough alignment of how many positions are categorically funded, how many teachers are working on part-time contracts, and hiring teachers on temporary contracts that match the allotment provided by law. Another provision under the law states when a permanent teacher voluntarily resigns, but is rehired within 39 months, the teacher receives all rights afforded him/her as before he/she left, except the employee receives a new seniority date.

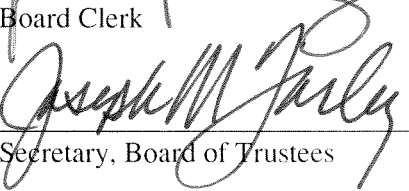
It was moved by Trustee Palazzo, seconded by Trustee Addonizio, and motion carried by a 6-0 vote to approve resignations, retirements, and employment of certificated personnel.

It was moved by Trustee Bryson, seconded by Trustee Brick, and motion carried by a 6-0 vote to adjourn the meeting.

Adjournment

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

Trustee Alpay announced the meeting adjourned at 7:39 p.m.


Board Clerk

Secretary, Board of Trustees