

CAPISTRANO UNIFIED SCHOOL DISTRICT
33122 Valle Road
San Juan Capistrano, CA 92675

BOARD OF TRUSTEES
Regular Meeting

April 25, 2012

Closed Session 5:30 p.m.
Open Session 7:00 p.m.

AGENDA

CLOSED SESSION AT 5:30 P.M.

1. CALL TO ORDER

2. CLOSED SESSION COMMENTS

3. CLOSED SESSION (as authorized by law)

A. CONFERENCE WITH LABOR NEGOTIATORS

Joseph M. Farley/Jodee Brentlinger/Tim Holcomb/Robyn Phillips/
Julie Hatchel/Sara Jocham/Jeff Bristow/Attorney Jon Pearl
Employee Organizations:
1) Capistrano Unified Education Association (CUEA)
2) California School Employees Association (CSEA)
3) Teamsters
4) Unrepresented Employees (CUMA)
(Pursuant to Government Code §54957.6)

B. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION EXHIBIT 3B

Number of Cases – One
Informal Dispute Resolution Case No. 46912
(Pursuant to Government Code §54956.9(a))

C. STUDENT EXPULSIONS

Deliberations of Findings of Fact and Recommendations
(Pursuant to Education Code §48918{c} and §35145)

EXHIBITS 3C1-C11

D. PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT

Director III, Personnel Services/Insurance and Risk Management
(Pursuant to Government Code §54957)

EXHIBIT 3D

RECORDING OF SCHOOL BOARD MEETINGS

In accordance with Board Policy 9324, Board Minutes, all Regular School Board Meetings will be audio recorded.

OPEN SESSION AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

ADOPTION OF THE AGENDA – ROLL CALL

REPORT ON CLOSED SESSION ACTION

SPECIAL RECOGNITIONS

*Victoria Jakovich, CARE Foundation, Stephanie Ramsey and Michael Soto, Microsoft - \$8,000 Software Gift Grant
Student Body President’s Report – Tesoro High School*

BOARD AND SUPERINTENDENT COMMENTS

ORAL COMMUNICATIONS (Non-Agenda Items)

Oral Communications will occur immediately following Board and Superintendent Comments. The total time for Oral Communications shall be twenty (20) minutes. Individual presentations are limited to a maximum of three (3) minutes per individual.

DISCUSSION/ACTION ITEMS

- 1. RESOLUTION NO. 1112-41, AUTHORIZING THE BORROWING OF FUNDS FOR FISCAL YEAR 2012-2013 AND THE ISSUANCE AND SALE OF ONE OR MORE SERIES 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:**

DISCUSSION/
ACTION
Page 1
EXHIBIT 1

Tax and Revenue Anticipation Notes (TRANs) are short-term debt instruments issued by a school district to meet cash flow needs. The District needs additional cash flow because of timing gaps between receipt of revenues and the expenditure of general fund monies. Resolution No. 1112-41 authorizes the District to participate in the California School Cash Reserve Program to issue a TRAN to meet cash flow needs for the 2012-2013 fiscal year.

CUSD Strategic Plan Pillar 5: Effective Operations

Contact: Robyn S. Phillips, Interim Deputy Superintendent, Business and Support Services

Staff Recommendation

It is recommended the Board President recognize Robyn Phillips, Interim Deputy Superintendent, Business and Support Services, to present this item.

Following discussion, it is recommended Trustees 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.

Motion by _____

Seconded by _____

ROLL CALL:

Student Advisor Ryan Pallas _____

Trustee Addonizio _____

Trustee Alpay _____

Trustee Brick _____

Trustee Bryson _____

Trustee Hatton _____

Trustee Palazzo _____

Trustee Pritchard _____

2. RESOLUTION NO. 1112-39, CLASSIFIED LAYOFF MANAGEMENT AND NON-MANAGEMENT EMPLOYEES:

DISCUSSION/
ACTION
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EXHIBIT 2

With the governor’s January budget proposal, the District is anticipating a \$50.1 million shortfall as it prepares for 2012-2013. That figure will drop if one of the two tax initiatives to support schools passes in November 2012. With personnel costs now exceeding 90 percent of the District’s total budget, the District must consider all options available in an effort to provide maximum flexibility during the budget development process. This includes preparing for the worst-case scenario. Preparing for a significant budget shortfall creates the need to consider reducing or eliminating programs and services. In accordance with Education Code §45117, classified employees may be laid off due to a bona fide reduction, elimination of a service being performed, or lack of funds. The layoff process considers length of service (e.g., seniority) and any other higher classifications, with no skipping permitted for special expertise. This agenda item proposes the elimination of positions due to a lack of funds. Classified employees must be given a forty-five (45) day notice prior to the effective date of any layoff. Individuals laid off shall be eligible for reemployment for a period of 39 months pursuant to Education Code §45298. There will be a budget reduction in the amount of approximately \$3.5 million as a result of this classified layoff.

CUSD Strategic Plan Pillar 5: Effective Operations

Contact: Jodee Brentlinger, Assistant Superintendent, Personnel Services

Staff Recommendation:

It is recommended the Board President recognize Jodee Brentlinger, Assistant Superintendent, Personnel Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve Resolution No. 1112-39, Classified Layoff Management and Non-Management Employees, in the designated classifications.

Motion by _____	Seconded by _____
ROLL CALL:	
Student Advisor Ryan Pallas _____	
Trustee Addonizio _____	Trustee Bryson _____
Trustee Alpay _____	Trustee Hatton _____
Trustee Brick _____	Trustee Palazzo _____
	Trustee Pritchard _____

3. RESOLUTION NO. 1112-42, REDUCTION OR ELIMINATION OF CERTAIN CERTIFICATED SERVICES:

DISCUSSION/
ACTION
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EXHIBIT 3

The District and CUEA scheduled this year’s layoff/temporary release hearing for April 18, 2012. Out of the 362 employees who received preliminary notices, approximately 282 requested a hearing and were thereafter deemed “respondents” and subject to the jurisdiction of the Administrative Law Judge (ALJ) who will conduct the hearing. The parties selected April 18, believing the established processes of the District, and the higher level of familiarity of the participants, would provide for a quick hearing. After the issuance of the *Stockton* decision, CUEA and the District agreed to move the hearing for at least two reasons: (1) more than one day is necessary in order to address all issues affecting the District’s 362 temporary teachers; and (2) the further out the schedule of the hearing, the more likely it is there will be guidance from the Supreme Court regarding an appeal of the decision. On Friday, April 6, 2012, the ALJ agreed to continue the hearing to June 6, 7, and 8. However, the ALJ only has jurisdiction over respondents. Since some individuals did not request a hearing, and therefore waived their rights, the process becomes bifurcated between the respondents and the non-respondents.

Non-respondents are the certificated employees who did not request a hearing and thus have waived their rights. As a result of the bifurcated process, the District must adhere to existing statutory timelines for all non-respondents, which includes Board action prior to final notification of release on or before May 14, 2012. There are currently 80 non-respondents.

It is important to take note of two important facts concerning non-respondents:

1. While the employees waived their right to participate in the hearing process, any decisions by the Board following the hearing will be made applicable to all employees whether present at the hearing or not.
2. The District retains the ability to rehire these employees, in seniority order, after final notices are given. However, if final notices are not given, the District loses the ability to release them and must incur the cost associated with retaining these employees.

The purpose of this item is to seek approval of the reduction and/or elimination of certificated services. Approval of this resolution provides maximum flexibility as provided the Board in previous years.

CUSD Strategic Plan Pillar 5: Effective Operations

Contact: Jodee Brentlinger, Assistant Superintendent, Personnel Services

Staff Recommendation:

It is recommended the Board President recognize Jodee Brentlinger, Assistant Superintendent, Personnel Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve Resolution No. 1112-42, Reduction or Elimination of Certain Certificated Services.

Motion by _____	Seconded by _____
ROLL CALL:	
Student Advisor Ryan Pallas _____	
Trustee Addonizio _____	Trustee Bryson _____
Trustee Alpay _____	Trustee Hatton _____
Trustee Brick _____	Trustee Palazzo _____
	Trustee Pritchard _____

4. CUEA CONTRACT REOPENER PROPOSAL:

The current collective bargaining agreement between the District and Capistrano Unified Education Association (CUEA) expires on June 30, 2012. On March 12, 2012, the Board adopted the District’s proposal to reopen negotiations for the 2012-2013 school year. Board Policy 4143.1, Public Notice-Issues of Meeting and Negotiations describes the steps to be taken by the Board and its authorized representatives in order to enter into a new agreement with an exclusive bargaining unit. The District has approved its proposal to reopen six articles. On March 30, 2012, CUEA presented the District with the association’s proposal.

CUSD Strategic Plan Pillar 5: Effective Operations

Contact: Jodee Brentlinger, Assistant Superintendent, Personnel Services

Staff Recommendation

It is recommended the Board President recognize Jodee Brentlinger, Assistant Superintendent, Personnel Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve the CUEA contract reopener proposal.

Motion by _____	Seconded by _____
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DISCUSSION/
ACTION
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EXHIBIT 4

5. CSEA CONTRACT REOPENER PROPOSAL:

The current collective bargaining agreement between the District and Capistrano School Employees Association (CSEA) expires on June 30, 2012. On March 12, 2012, the Board adopted the District’s proposal to reopen negotiations for the 2012-2013 school year. Board Policy 4143.1, Public Notice-Issues of Meeting and Negotiations describes the steps to be taken by the Board and its authorized representatives in order to enter into a new agreement with an exclusive bargaining unit. The District has approved its proposal to reopen five articles. CSEA is expected to present its proposal to the District by April 20, 2012.

CUSD Strategic Plan Pillar 5: Effective Operations

Contact: Jodee Brentlinger, Assistant Superintendent, Personnel Services

Staff Recommendation

It is recommended the Board President recognize Jodee Brentlinger, Assistant Superintendent, Personnel Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve the CSEA contract reopener proposal.

Motion by _____ Seconded by _____

DISCUSSION/
ACTION
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EXHIBIT 5

6. RESOLUTION NO. 1112-40, RESOLUTION FOR ACCEPTANCE OF CONTRACT AMENDMENT:

The California Department of Education has entered into an agreement with the District to amend the current State Preschool Contract #CSPP-1335 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. There is no financial impact.

CUSD Strategic Plan Pillar 3: Academic Achievement and Enrichment

Contact: Julie Hatchel, Assistant Superintendent, Education Services

Staff Recommendation

It is recommended the Board President recognize Julie Hatchel, Assistant Superintendent, Education Services, to present this item.

Following discussion, it is recommended the Board approve Resolution No. 1112-40, Resolution for Acceptance of Contract Amendment.

Motion by _____ Seconded by _____

ROLL CALL:

Student Advisor Ryan Pallas _____

Trustee Addonizio _____

Trustee Alpay _____

Trustee Brick _____

Trustee Bryson _____

Trustee Hatton _____

Trustee Palazzo _____

Trustee Pritchard _____

DISCUSSION/
ACTION
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EXHIBIT 6

7. REQUEST TO WAIVE THE PENALTY FOR CLASS SIZE INCREASES:

DISCUSSION/
ACTION
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EXHIBIT 7

The District is requesting a California Department of Education waiver of penalties for increasing kindergarten through third grade class sizes, and for kindergarten through third grade class size averages, in the 2012-2013 school year. Although class sizes may not actually increase if the waiver is granted, its approval will permit increases if they are necessary and approved through collective bargaining processes. The waiver would provide additional staffing and placement options that will reduce the number of combination classes. Class size increases, layoffs, and negotiated concessions regarding salary, work year, and furlough days are being considered because the District must identify \$50 million in budget reductions prior to June 30, 2012. Should the District actually increase class sizes, the waiver would eliminate penalties for kindergarten classes above 31 and first through third grade classes above 30. The waiver would also eliminate the penalties for increasing the district-wide class size averages in kindergarten to above 33 and to above 32 in grades one through three.

CUSD Strategic Plan Pillar 3: Academic Achievement and Enrichment
Contact: Julie Hatchel, Assistant Superintendent, Education Services

Staff Recommendation

It is recommended the Board President recognize Julie Hatchel, Assistant Superintendent, Education Services, to present this item.

It is recommended the Board of Trustees approve the Request to Waive the Penalty for Class Size Increases.

Motion by _____ Seconded by _____

8. ENGLISH READING AND WRITING COURSE PILOT:

DISCUSSION/
ACTION
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EXHIBIT 8

This item seeks approval of the California State University (CSU) Expository Reading and Writing Curriculum as a high school senior-level English course at all six comprehensive high schools. This new course offering is part of the restructuring of the District’s senior-year English. The year-long course will be the required senior English class for all students who do not pass the Early Assessment Program portion of the English Language Arts California Standards Test taken during the spring of grade 11. The program utilizes a CSU curriculum and provides free training and materials for all teachers who will instruct the course. Upon Board approval, the course will be submitted for UC/CSU approval as college preparatory English (Subject B) within the UC/CSU systems. It is expected the course will receive this approval since the curriculum has already received special “program status.” The only financial impact associated with this item is the teacher release time to attend mandatory training; the funds for training have already been set aside pending Board approval.

CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment
Contact: Julie Hatchel, Assistant Superintendent, Education Services

Staff Recommendation

It is recommended that the Board President recognize Julie Hatchel, Assistant Superintendent, Education Services, who will present this item.

Following discussion, it is recommended the Board of Trustees approve the California State University Expository Reading and Writing Curriculum.

Motion by _____ Seconded by _____

9. DIVISION OF STATE ARCHITECT UPDATE:

Update of progress of the Division of State Architect (DSA) Construction and Project listing. There is no financial impact at this time. There will be a fee to reopen the closed applications to finalize and close them with certification when all documentation is completed. There is no change from the information provided to the Board of Trustees at its March 12, 2012, meeting.

CUSD Strategic Plan Pillar 2: Safe and Healthy Schools

Contact: Tim Holcomb, Interim Deputy Superintendent, Business & Support Services

Staff Recommendation:

It is recommended the Board President recognize Tim Holcomb, Interim Deputy Superintendent, Business and Support Services, to provide the DSA update and answer any questions the Board of Trustees may have. This is an information item only and no Board action is necessary.

CONSENT CALENDAR

All matters listed under the Consent Calendar are considered by the Board to be routine and will be enacted by the Board in one motion in the form listed below. There will be no discussion of these items prior to the time the Board votes on the motion unless members of the Board, staff, or the public request specific items to be discussed and/or removed from the Consent Calendar. The Superintendent and the staff recommend approval of all consent Calendar items.

GENERAL FUNCTIONS

10. SCHOOL BOARD MINUTES:

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

Contact: Jane Boos, Manager, Board Office Operations

CURRICULUM & INSTRUCTION

11. PETITION TO WAIVE CALIFORNIA HIGH SCHOOL EXIT EXAM:

Approval to waive California Education Code §60851(c) and Board Policy 6162.52 in accordance with §60851(c) for fourteen students who have completed all requirements for passing the California High School Exit Examination (CAHSEE) subtest in Mathematics and/or English/Language Arts, case numbers 1112-017 through 1112-030. California Education Code §60851(c) and Board Policy 6162.52 provide authority for the Board of Trustees to review and approve waivers for special education students to pass the CAHSEE with modifications stated in the pupil's Individualized Education Program. Supporting information for this item is provided to Trustees under separate cover so that individual student rights under the Family Educational Rights and Privacy Act are protected.

CUSD Strategic Plan Pillar 3: Academic Achievement and Enrichment

Contact: Julie Hatchel, Assistant Superintendent, Education Services

12. EXPULSION READMISSIONS:

Approval to readmit students from expulsion. Due to the confidential nature of the student expulsion readmission, the supporting information is provided to Trustees under separate cover.

CUSD Strategic Plan Pillar 2: Safe and Healthy Schools

Contact: Julie Hatchel, Assistant Superintendent, Education Services

13. INSTRUCTIONAL MATERIALS RECOMMENDED FOR ADOPTION: HIGH SCHOOL PILOT TEXTBOOK – FORENSIC SCIENCE:

Adoption of *Criminalistics: an Introduction to Forensic Science, 10th edition* written by Richard Saferstein and published by Pearson/Prentice Hall ©2011. Aliso Niguel High School is requesting the adoption of a pilot title for use with Forensic Science in grades 11 and 12. This pilot title would be adopted for a two-year period pending the evaluation of future publications which are expected to become available in approximately two years and will then include information regarding a 2009 study in this field. The study, authored by the Committee on Identifying the Needs of the Forensic Sciences Community, National Research Council, and entitled *Strengthening Forensic Science in the United States: A Path Forward*, will be used to supplement the text with the most recent findings in this emerging area of science. The proposed textbook has been approved by a vote of 11-2 by the Instructional Materials Review Committee and a copy is on display in the Board room.

CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment

Contact: Julie Hatchel, Assistant Superintendent, Education Services

14. AGREEMENT FCI-SD-04 BY AND BETWEEN CHILDREN AND FAMILIES COMMISSION OF ORANGE COUNTY AND CAPISTRANO UNIFIED SCHOOL DISTRICT:

Approval of the agreement for the provision of services from July 1, 2012, through June 30, 2014. The Children and Families Commission of Orange County has entered into an agreement with the District to facilitate the creation and implementation of an integrated, comprehensive, and collaborative system of information and services to enhance optimal early childhood development as set forth in the California Children and Families Act of 1998. The provision of services of \$525,100 is included in this funding renewal amendment beginning July 1, 2012, to June 30, 2014.

CUSD Strategic Plan Pillar 3: Academic Achievement and Enrichment

Contact: Julie Hatchel, Assistant Superintendent, Education Services

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EXHIBIT 14

BUSINESS & SUPPORT SERVICES

15. PURCHASE ORDERS, COMMERCIAL WARRANTS, AND PREVIOUSLY BOARD-APPROVED BIDS AND CONTRACTS:

Approval of purchase orders (Attachment 1) and commercial warrants (Attachment 2). The expenditures related to the listed purchase orders and commercial warrants included in this item were previously authorized as part of the District's budget approval process. The purchase orders total \$1,933,932.04; the commercial warrants total \$8,718,975.97. Attachment 3 is a list of previously Board-approved bids and contracts to assist in the review of the purchase order and commercial warrant listings.

CUSD Strategic Plan Pillar 5: Effective Operations

Contact: Tim Holcomb, Interim Deputy Superintendent, Business and Support Services

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EXHIBIT 15

16. DONATION OF FUNDS AND EQUIPMENT:

A number of gifts have been donated to the District, including \$172,348.30 in cash. These funds will be deposited in the appropriate school accounts. Items other than cash gifts have no financial impact on the budget. The District does not guarantee maintenance of those items or the expenditure of any District funds for their continued use.

CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment

Contact: Robyn Phillips, Interim Deputy Superintendent, Business and Support Services

Page 137
EXHIBIT 16

- 17. SPECIAL EDUCATION INFORMAL DISPUTE RESOLUTION AGREEMENTS:**
Approval of the ratification of special education Informal Dispute Resolution (IDR) agreement case #35112 and case #35212. Due to the confidential nature of the agreements, supporting information is provided to the Trustees under separate cover. There is no financial impact.
CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment
Contact: Sara Jocham, Assistant Superintendent, SELPA and Special Education Operations
- 18. ACCEPTANCE OF FUNDS FOR CALIFORNIA TECHNOLOGY ASSISTANCE PROJECT GRANT:** Page 139
EXHIBIT 18
Approval of funds for California Technology Assistance Project (CTAP) Grant. On March 14, 2012, Capistrano Valley High School Teachers Wendy McElfish and Craig Landino were awarded a CTAP grant in the amount of \$6679.69 to be used for the purchase of 13 digital cameras and lens kits. Capistrano Valley High School students will use the cameras to learn the elements and principles of design to produce original photographic art pieces. Expenditures are limited to the grant amount with no District matching fund obligations.
CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment
Contact: Tim Holcomb, Interim Deputy Superintendent, Business and Support Services
- 19. JOINT POWERS AGREEMENT – SUPPLEMENTAL LAW ENFORCEMENT SERVICES, COUNTY OF ORANGE:** Page 141
EXHIBIT 19
Approval of a Joint Powers Agreement with the County of Orange Sheriff-Coroner Department to provide supplemental law enforcement services as needed by the District. This agreement covers services for the period of July 1, 2012, through June 30, 2013. The contractor will provide services at the rates indicated in the agreement, paid by various site funds and general fund depending on the services requested. Expenditures are limited to \$20,000.
CUSD Strategic Plan Pillar 2: Safe and Healthy Schools
Contact: Tim Holcomb, Interim Deputy Superintendent, Business and Support Services
- 20. INDEPENDENT CONTRACTOR AGREEMENT – PROFESSIONAL DEVELOPMENT, BEYOND TECHNOLOGY EDUCATION INCORPORATED:** Page 155
EXHIBIT 20
Approval of an Independent Contractor Agreement with Beyond Technology Education Incorporated to provide teacher professional development training regarding advanced technology integration into the curriculum. The contractor will provide services at the rates indicated on the fee schedule, paid by Title II funds. Expenditures are limited to \$6,000.
CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment
Contact: Tim Holcomb, Interim Deputy Superintendent, Business and Support Services
- 21. INDEPENDENT CONTRACTOR AGREEMENT – ONLINE TUTORING, BRAINFUSE, INCORPORATED:** Page 163
EXHIBIT 21
Approval of an Independent Contractor Agreement with Brainfuse, Incorporated to provide online tutoring for California Preparatory Academy. The contractor will provide services at the rates indicated in the agreement, paid by the general fund. Expenditures are limited to \$3,000.
CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment
Contact: Tim Holcomb, Interim Deputy Superintendent, Business and Support Services

- 22. EXTENSION OF AGREEMENT NO. 11011144 FOR SUPPORT AND TRAINING FOR CONTRACT MANAGEMENT SOFTWARE PROGRAM FOR PUBLIC WORKS PROJECTS – D.R. MCNATTY & ASSOCIATES, INCORPORATED:**

Approval of the Extension of Agreement No. 11011144 for software support and training services to be provided by D.R. McNatty & Associates, Incorporated. The vendor was sent a letter requesting reduced pricing for the contract renewal term, May 10, 2012, through May 9, 2013. D.R. McNatty & Associates has offered reduced rates of approximately 3 – 10 percent for all services provided. This contract provides for software support services, on an as-needed basis, related to the various projects currently under construction. Expenditures utilizing this contract are limited to \$3,000, funded by the various project funds.

CUSD Strategic Plan Pillar 5: Effective Operations
Contact: Tim Holcomb, Interim Deputy Superintendent, Business and Support Services

Page 173
EXHIBIT 22
- 23. EXTENSION OF AGREEMENT NO. 11011132 FOR INSURANCE BROKER SERVICES FOR EXCESS WORKERS’ COMPENSATION INSURANCE – KEENAN ASSOCIATES:**

Approval of Extension of Agreement No. 11011132 for insurance broker services for excess workers’ compensation insurance to be provided by Keenan Associates. The vendor has agreed to maintain the same discounted pricing negotiated last year. Expenditures utilizing this contract are limited to \$18,107, funded from the appropriate accounts, depending on services provided.

CUSD Strategic Plan Pillar 5: Effective Operations
Contact: Tim Holcomb, Interim Deputy Superintendent, Business and Support Services

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EXHIBIT 23
- 24. AMENDMENT TO CONSULTANT AGREEMENT - BERGMAN & DACEY INCORPORATED, FIRM NAME CHANGE:**

Approval of an 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. All appropriate documentation has been filed with the Purchasing Department to effectuate this change.

CUSD Strategic Plan Pillar 5: Effective Operations
Contact: Tim Holcomb, Interim Deputy Superintendent, Business and Support Services

Page 203
EXHIBIT 24
- 25. RATIFICATION CHANGE ORDER #3 – BID NO. 1011-15, SAN JUAN HILLS HIGH SCHOOL STADIUM PHASE II:**

Approval of the ratification of change order #3 related to the stadium at San Juan Hills High School. In a previous action, the Board of Trustees delegated to the Superintendent the authority to approve work orders changing the cost of construction contracts, provided the cost does not exceed \$25,000 per individual work order. This change order aggregates various work orders that may consist of additions, deletions, or other revisions that are now being presented to the Board of Trustees for ratification. All such changes in the work are performed under applicable conditions of the change in contract documents. The approved work orders and the resulting change order are shown in the exhibit. The original contract sum was \$1,640,000. The new contract sum including change orders through #3 is \$1,709,318.

CUSD Strategic Plan Pillar 5: Effective Operations
Contact: Tim Holcomb, Interim Deputy Superintendent, Business and Support Services

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EXHIBIT 25

26. **RATIFICATION CHANGE ORDER #7 – BID NO. 1011-11, CAPISTRANO VALLEY HIGH SCHOOL PERFORMING ARTS THEATER:** Page 267
EXHIBIT 26
Approval of the ratification of change order #7 related to the theater at Capistrano Valley High School. In a previous action, the Board of Trustees delegated to the Superintendent the authority to approve work orders changing the cost of construction contracts, provided the cost does not exceed \$25,000 per individual work order. This change order aggregates various work orders that may consist of additions, deletions, or other revisions that are now being presented to the Board of Trustees for ratification. All such changes in the work are performed under applicable conditions of the change in contract documents. The approved work orders and the resulting change order are shown in the exhibit. The original contract sum was \$11,975,007. The new contract sum including change orders through #7 is \$12,133,718.
CUSD Strategic Plan Pillar 5: Effective Operations
Contact: Tim Holcomb, Interim Deputy Superintendent, Business and Support Services
27. **RATIFICATION OF CHANGE ORDER #17 – BID NO. 1011-09, SAN JUAN HILLS HIGH SCHOOL 30-METER POOL AND SUPPORT BUILDINGS:** Page 301
EXHIBIT 27
Approval of the ratification of change order #17 related to the construction of the 30-meter pool and support buildings at San Juan Hills High School. In a previous action, the Board of Trustees delegated to the Superintendent the authority to approve work orders changing the cost of construction contracts, provided the cost does not exceed \$25,000 per individual work order. This change order aggregates various work orders that may consist of additions, deletions, or other revisions that are now being presented to the Board of Trustees for ratification. All such changes in the work are performed under applicable conditions of the change in contract documents. The approved work orders and the resulting change orders are shown in the exhibit. The original contract sum was \$3,023,000. The new contract sum including change order #17 is \$3,259,525.
CUSD Strategic Plan Pillar 5: Effective Operations
Contact: Tim Holcomb, Interim Deputy Superintendent, Business and Support Services
- PERSONNEL SERVICES**
28. **RESIGNATIONS/RETIREMENTS/EMPLOYMENT–CLASSIFIED EMPLOYEES:** Page 331
EXHIBIT 28
Approval of the activity list for employment, separation, and additional assignments of classified employees. These positions will be charged to the appropriate fund and are included in the adopted budget.
CUSD Strategic Plan Pillar 5: Effective Operations
Contact: Jodee Brentlinger, Assistant Superintendent, Personnel Services
29. **RESIGNATIONS/RETIREMENTS/EMPLOYMENT – CERTIFICATED EMPLOYEES:** Page 345
EXHIBIT 29
Approval of the activity list for employment, separation, and additional assignments of certificated employees. These positions will be charged to the appropriate fund and are included in the adopted budget.
CUSD Strategic Plan Pillar 5: Effective Operations
Contact: Jodee Brentlinger, Assistant Superintendent, Personnel Services
30. **QUARTERLY REPORT – WILLIAMS SETTLEMENT UNIFORM COMPLAINT:** Page 355
EXHIBIT 30
Acceptance of Williams Settlement Second Quarter Report. As a result of the Williams Settlement, Education Code §35186 mandates school districts establish policies and procedures to resolve deficiencies related to textbooks and instructional materials, teacher vacancies or misassignments, facility conditions posing a threat to student/staff health or safety, and instruction and services for the California High School Exit Examination. Furthermore, the law requires that any deficiencies or complaints be reported to the Board of Trustees at a regularly scheduled public meeting each quarter. There are no deficiencies or complaints to report this quarter.
CUSD Strategic Plan Pillar 5: Effective Operations.
Contact: Jodee Brentlinger, Assistant Superintendent, Personnel Services

31. INTERN NURSING PROGRAM, UNIVERSITY OF WISCONSIN-GREENBAY PROFESSIONAL PROGRAM IN NURSING:

Approval of intern agreement with the University of Wisconsin to offer a nursing intern program. Under the supervision of a District nurse, the nursing intern will work on a health related teaching project and assist in the development of the District’s web-based health training modules for staff. These interns will shadow a District nurse to observe and learn their roles and responsibilities. There is no additional financial impact.

CUSD Strategic Plan Pillar 5: Effective Operations

Contact: Jodee Brentlinger, Assistant Superintendent, Personnel Services

Motion by _____ Seconded by _____

ROLL CALL:

Student Advisor Ryan Pallas _____

Trustee Addonizio _____

Trustee Alpay _____

Trustee Brick _____

Trustee Bryson _____

Trustee Hatton _____

Trustee Palazzo _____

Trustee Pritchard _____

NOTE: BY USING A ROLL CALL VOTE FOR THE CONSENT CALENDAR, IT WILL MEET THE NEED FOR ACTION ITEMS WHICH REQUIRE A SIMPLE MOTION OR ROLL CALL VOTE.

ADJOURNMENT

Motion by _____ Seconded by _____

THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS MONDAY, MAY 14, 2012, 7:00 P.M. AT THE CAPISTRANO UNIFIED SCHOOL DISTRICT OFFICE BOARD ROOM, 33122 VALLE ROAD, SAN JUAN CAPISTRANO, CALIFORNIA

For information regarding Capistrano Unified School District, please visit our website:
www.capousd.org

INSTRUCTIONS FOR PRESENTATIONS TO THE BOARD BY PARENTS AND CITIZENS PRESENT AT THIS MEETING

We are pleased you can be with us at this meeting, and we hope you will return often. Your visit assures us of continuing community interest in our schools.

The members of the Board of Trustees of this District are locally elected state officials, who serve four-year terms of office, and who are responsible for the educational program of our community from grades kindergarten through twelve. They are required to conduct programs of the schools in accordance with the State of California Constitution, the State Education Code, and other laws relating to schools enacted by the Legislature, and policies and procedures which this Board adopts.

The Board is a policy-making body whose actions are guided by the school district's Mission and Goals. Administration of the District is delegated to a professional administrative staff headed by the Superintendent.

The agenda and its extensive background material are studied by each member of the Board for at least two days preceding the meeting. Board Members can call the administrative staff for clarification on any item, and many of the items on the agenda were discussed by the Board during previous meetings. These procedures enable the Board to act more effectively on agenda items than would otherwise be possible.

WHAT TO DO IF YOU WISH TO ADDRESS THE BOARD OF TRUSTEES

ITEMS ON THE AGENDA. Any person may address the Board concerning any item on the agenda and may, at the discretion of the Board, be granted three (3) minutes to make a presentation to the Board at the time a specific item is under discussion. However, the time assigned for individual presentations could be fewer than three (3) minutes depending upon the total number of speakers who wish to address a specific agenda topic. Prior to the opening of the meeting, a Request to Address the Board card (located in the foyer) should be completed and submitted to the Secretary of the Board. The total time devoted to presentations to the Board shall not exceed twenty (20) minutes, unless additional time is granted by the Board. All presentations shall be heard by the Board prior to the formal discussion of the agenda topic under consideration. Once an agenda item has been opened for public comment, no additional "Request to Address the Board of Trustees" cards shall be accepted for that topic.

ORAL COMMUNICATIONS (Non-Agenda Items). Citizens may address the Board on any item not appearing on the agenda. Individual presentations are limited to three (3) minutes per individual, with twenty (20) minutes in total being devoted for this purpose, but could be less if there are a large number of Oral Communication speakers. Legally, the Board may not take action on items raised by speakers under Oral Communications. However, at its discretion, the Board may refer items to the administration for follow-up or place topics on a future Board agenda.

PUBLIC HEARINGS. Anytime the Board schedules a separate public hearing on any given topic, it shall not hear speakers on that topic before the public hearing, except as to the scheduling of the hearing, nor shall it hear speakers after the hearing, except as to changes in the policy or recommended actions which are directed at the time of the hearing.

CLOSED SESSION. In accordance with Education Code §35146 and Government Code §54957, the Board may recess to Closed Session to discuss personnel matters which they consider inadvisable to take up in a public meeting.

REASONABLE ACCOMMODATION

In order to help ensure participation in the meeting of disabled individuals, appropriate disability-related accommodations or modifications shall be provided by the Board, upon request, in accordance with the Americans with Disabilities Act (ADA). Persons with a disability who require a disability-related accommodation or modification, including auxiliary aids and services in order to participate in a Board meeting, shall contact the Superintendent or designee in writing by noon on the Friday before the scheduled meeting. Such notification shall provide school district personnel time to make reasonable arrangements to assure accessibility to the meeting.