

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

BOARD OF TRUSTEES
Regular Meeting

November 14, 2011

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 LEGAL COUNSEL – EXISTING LITIGATION EXHIBITS 3A1-A2

Number of Cases – Two
(Pursuant to Government Code §54956.9(a))

Case 1

Superior Court of the State of California
County of Orange – Central Justice Center
Case No. 30-2010-00430720
Lopez v. Capistrano Unified School District

Case 2

Orange County Superior Court
Case No. 30-2011-00444363
Last v. Commission on Professional Competence & Real Party in Interest, CUSD

B. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

(Pursuant to Government Code §54957)

C. STUDENT EXPULSIONS

EXHIBITS 3C1-C7

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

D. CONFERENCE WITH LABOR NEGOTIATORS

Joseph M. Farley/Jodee Brentlinger/Ron Lebs/Julie Hatchel/Sara Jochem/Jeff Bristow

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)

**PUBLIC HEARING: Agenda Item #1– Recommendation of Tentative Agreement with CUEA for July 1, 2011-
June 30, 2012**

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

*Capistrano Academic Resources to Education Foundation
Student Body President's Report – Capistrano Valley High Schools*

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.

PUBLIC HEARING

- 1. RECOMMENDATION OF TENTATIVE AGREEMENT WITH CAPISTRANO UNIFIED EDUCATION ASSOCIATION FOR JULY 1, 2011 – JUNE 30, 2012:** INFORMATION/
DISCUSSION
Page 1
EXHIBIT 1

The Board will conduct a public hearing on the recommendation of a tentative agreement between the Capistrano Unified School District and the Capistrano Unified Education Association for July 2, 2011 – June 30, 2012.

CUSD Strategic Plan Pillar 5: Effective Operations

Contact: Jodee Brentlinger, Assistant Superintendent, Personnel Services

Staff Recommendation

It is recommended the Board President open the public hearing, determine if members of the public have submitted requests to speak on this item, and after hearing any speakers, formally close the hearing before proceeding to the next agenda item.

DISCUSSION/ACTION ITEMS

- 2. RECOMMENDATION OF TENTATIVE AGREEMENT WITH CAPISTRANO UNIFIED EDUCATION ASSOCIATION FOR JULY 1, 2011 – JUNE 30, 2012:** DISCUSSION/
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EXHIBIT 2

The purpose of this agenda item is to seek approval of the tentative agreement between the District and the Capistrano Unified Education Association (CUEA). In addition to the tentative agreement, the Public Disclosure of Collective Bargaining Agreement is attached. The total estimated fiscal impact of this agreement is a continued savings to the District of approximately \$10.5 million for the 2011-2012 fiscal year.

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 tentative agreement with CUEA for July 1, 2011 – June 30, 2012.

Motion by _____

Seconded by _____

3. RESOLUTION NO. 1112-25 – ESTABLISHING CRITERIA FOR ADJUSTING TRUSTEE AREA BOUNDARIES:

With the passage of Measure H on November 2, 2010, the District changed the current method of election to a “by trustee area” method of election requiring each member of the Board of Trustees to reside within, and be elected by, the voters living within that particular Trustee area or district. Voters in a Trustee area no longer elect members of the Board of Trustees for other Trustee areas. The election scheduled for Tuesday, November 6, 2012, will employ this method of election. In addition, the 2010 Census generated updated demographic data. As populations shift, Trustee areas need to be evaluated and rebalanced. This Trustee area analysis needs to be completed, revised, and established prior to March 1, 2012.

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EXHIBIT 3

The first step in the process of establishing new Trustee areas is to adopt criteria by which the analysis of the new voting districts will be performed and measured. This presentation will consist of five components:

1. Review of election/redistricting laws and procedures
2. Review of the current Trustee boundaries
3. Review of proposed schedule and optional services
4. Solicitation of input from Trustees
5. Adoption of Resolution 1112-25, Establishing Criteria for Adjusting Trustee Area Boundaries

CUSD Strategic Plan Pillar 1: Community Relations
CUSD Strategic Plan Pillar 5: Effective Operations
Contact: Ron Lebs, Deputy Superintendent, Business & Support Services

Staff Recommendation

It is recommended the Board President recognize Ron Lebs, Deputy Superintendent, Business and Support Services, to present this item.

Following discussion, it is recommended the Board of Trustees provide direction regarding the schedule/timeline and approve Resolution 1112-25, Establishing Criteria for Adjusting Trustee Area Boundaries.

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

4. MANDARIN IMMERSION PROGRAM UPDATE:

The Board approved the creation of the Mandarin Immersion Program for Marian Bergeson Elementary School on September 26, 2011, for the 2012-2013 school year. This item serves as an update toward the completion of the Board directed motion regarding approval of the Mandarin Immersion Program.

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

INFORMATION/
DISCUSSION
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EXHIBIT 4

Staff Recommendation

It is recommended that the Board President recognize Julie Hatchel, Assistant Superintendent, Education Services, who will present this item and answer any questions Trustees may have. This is an information item only and no Board action is necessary.

5. SCHOOL FACILITY MITIGATION AGREEMENTS AND COMMUNITY FACILITIES DISTRICTS – PART TWO:

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EXHIBIT 5

As stated at the Board meeting on September 26, 2011, this agenda item was to be delivered in two parts. Part one of the PowerPoint presentation is available for review on the District Board Agendas and Supporting Documentation page on the District’s website.

The District currently operates ten Community Facilities Districts (CFDs) which are used to fund capital improvements at various school sites. In Part one of the presentation, staff presented an overview of school facility mitigation and CFD mechanics. Part two of the presentation will focus on the District’s CFDs and facility funding options with the goal of laying the foundation for policy decisions and operational direction as it relates to future housing development and subsequent school facility needs.

This presentation will consist of the following:

- PowerPoint Presentation Outline (Part Two)
- CFD Map
- CFD Funding Sources and Balances
- CFD Budgets (Board Approved 8-24-11)
- Authorized Funding Sources by Site
- Sources and Uses of Funds Summary
- CFD Expenditure of Special Taxes

CUSD Strategic Plan Pillar 5: Effective Operations

Contact: Ron Lebs, Deputy Superintendent, Business and Support Services

Staff Recommendation

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

6. AGREEMENT FOR THE SETTLEMENT OF THE TORT CLAIM BETWEEN THE ORANGE COUNTY SOCIAL SERVICES AGENCY AND CAPISTRANO UNIFIED SCHOOL DISTRICT:

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EXHIBIT 6

The approval of the settlement agreement will resolve a dispute regarding the payment of board and care costs for special education students in residential treatment centers for the time period of July 1, 2010, through October 7, 2010, due to changes in mental health funding at the state level. This agreement will allow the District to settle this claim without litigation by paying 40 percent of the board and care costs in the amount of \$175,552.61.

CUSD Strategic Plan Pillar 5: Effective Operations

Contact: Sara Jocham, Assistant Superintendent, Special Education Operations and SELPA

Staff Recommendation

It is recommended the Board President recognize Sara Jocham, Assistant Superintendent, Special Education Operations and SELPA, to present this item.

Following discussion, it is recommended the Board of Trustees approve the settlement agreement with Orange County Social Services Agency in the amount of \$175,552.61 to resolve the Government Tort Claim.

Motion by _____ Seconded by _____

7. ACCOUNTABILITY PROGRESS REPORT:

California's comprehensive accountability system monitors the academic achievement of all the state's public schools, including charter schools, and local educational agencies that serve students in kindergarten through grade twelve. This accountability system is based on state requirements, established by the Public Schools Accountability Act of 1999, and on federal requirements, established by the No Child Left Behind Act of 2001. The California Department of Education reports both state and federal accountability results under the "Accountability Progress Reporting" system. State-required reports include Base and Growth Academic Performance Index results. Federal-required reports include Adequate Yearly Progress and Program Improvement results. These reports were released in September 2011. This item provides a summary of the 2011 Accountability Progress Report along with additional standardized assessment results from the 2010-2011 academic year. There is no financial impact.

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 provide the Accountability Progress Report and answer any questions Trustees may have. This is an information item only and no Board action is necessary.

8. TREATMENT OF STUDENT ATTENDANCE AS A RESULT OF SCHOOL CLOSURE DUE TO POWER OUTAGE ON SEPTEMBER 9, 2011:

Schools are funded on Average Daily Attendance which means that in order to receive funding for a particular day, a student must be in attendance on that school day of the academic calendar. However, with respect to the closing of school on September 9, the situation is slightly different. For the 2011-2012 school year, Education Code §46201.3(a) allows California school districts to reduce the number of instructional days by up to seven thereby shortening the calendar from 180 to 175 days. The District's 2011-2012 academic calendar includes 180 instructional days. With the closure of school on Friday, September 9, the number of instructional days was reduced to 179. Under normal circumstances, the District would seek an attendance waiver for this day of closure. Because the minimum number of required days of instruction is currently 175, the District does not need to seek a waiver; it can simply eliminate the day from the academic calendar and shorten the school year to 179 days without any impact to state funding.

CUSD Strategic Plan Pillar 2: Safe and Healthy Schools

CUSD Strategic Plan Pillar 5: Effective Operations

Contact: Ron Lebs, Deputy Superintendent, Business & Support Services

Staff Recommendation

It is recommended the Board President recognize Ron Lebs, Deputy Superintendent, Business and Support Services, to present this item and answer any questions the Board of Trustees may have. This is an information item only and no Board action is necessary.

9. COMPRESSED NATURAL GAS FUELING FACILITY PROJECT UPDATE:

On October 10, 2011, the Trustees expressed interest in following the progress of the Compressed Natural Gas (CNG) Fueling Facility project and requested District staff to prepare a report that provides Trustees with information communicating recent project activity and delineating overall project progress. Additionally, this update includes a master activity schedule (exhibit) that summarizes current and future progress against milestones.

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EXHIBIT 7

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EXHIBIT 8

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EXHIBIT 9

As shown in the exhibit, there has been significant activity in September and October, 2011, including completion of a risk assessment study, meeting with and gaining project support from the Temple Beth El, recommencing the public review and comment period for the project's updated environmental documentation, and submittal of the application for a Conditional Use Permit to the City of Aliso Viejo.

CUSD Strategic Plan Pillar 5: Effective Operations

Contact: Ron Lebs, Deputy Superintendent, Business & Support Services

Staff Recommendation:

It is recommended the Board President recognize Ron Lebs, Deputy Superintendent, Business and Support Services to provide the CNG Fueling Facility project update and answer any questions the Board of Trustees may have. This is an information item only and no Board action is necessary.

10. JOINT FACILITY USE AGREEMENT BETWEEN CAPISTRANO UNIFIED SCHOOL DISTRICT AND THE CITY OF SAN JUAN CAPISTRANO AT MARCO FORSTER MIDDLE SCHOOL:

In 1999, the District and the City of San Juan Capistrano executed a Joint Facility Use Agreement for the construction and operation of an outdoor roller hockey facility on the campus of Marco Forster Middle School. At that time, the city requested the agreement to fulfill a need for this type of community recreation, and the unused tennis court area of the school provided that opportunity. Conditions of the agreement included the city constructing, operating and maintaining the facility, and obtaining the scheduling rights of use outside of regular school hours for a ten-year term. The city invested approximately \$200,000 in improvements. In return, the school's students were granted priority use of the improved facility during school hours, and the District was entitled to 20 percent of revenues generated through contractual agreements with a third party operator.

The original agreement has expired and the city's programmed use for the community has ceased. The city is now requesting a continuation of the agreement to allow the city to continue to provide a roller hockey program. The city prepared an updated agreement for District consideration which includes a change in the designation of use of the facility. Since roller hockey is no longer as popular in the community, the city desires to change the designated use as roller hockey/multi-purpose facility allowing other types of uses. Also, the new agreement has been reformatted and includes revised language referring each agency's respective authority/responsibilities. Pending District approval, the agreement will need to go before the City Council for their approval. Legal counsels from the District and the city have reviewed and approved the new agreement.

CUSD Strategic Plan Pillar 5: Effective Operations

Contact: Ron Lebs, Deputy Superintendent, Business & Support Services

Staff Recommendation

It is recommended the Board President recognize Ron Lebs, Deputy Superintendent, Business and Support Services, who will present this item.

Following discussion, it is recommended the Board of Trustees approve Joint Facility Use Agreement between the District and the City of San Juan Capistrano for the roller hockey/multipurpose facility at Marco Forster Middle School.

Motion by _____

Seconded by _____

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EXHIBIT 10

11. SECOND READING – REVISIONS TO BOARD POLICY 5165, HEALTH EXAMINATIONS:

Board Policy 5165 is the governing policy outlining vision and hearing, scoliosis, and sports examination requirements. The policy was adopted in 1997 and has not been revised since. Minor language edits are periodically needed to keep this policy current. The recommended changes will clarify the language and will comply with current law. Proposed additions to the Board policy are underlined; deletions are struck through.

CUSD Strategic Plan Pillar 2: Safe and Healthy Schools

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 revisions to Board Policy 5165, *Health Examinations*.

Motion by _____ Seconded by _____

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EXHIBIT 11

12. FIRST READING – REVISIONS TO BOARD POLICY 5111 - STUDENT ADMISSION:

The passage of Senate Bill 1381 (SB 1381) in 2010 introduced a variety of changes to the enrollment dates for children entering kindergarten and first grade in California, as well as, creating enrollment options for students who miss the kindergarten age cutoff as a result of SB 1381. In accordance with the new entry age requirements, Board Policy 5111 is being amended to reflect those new entry dates as well as outline the birthdates of students who qualify for transitional kindergarten programs. Other changes to the Board policy reflect the required documentation to verify entry age. Proposed additions to the Board policy are underlined; deletions are struck through.

CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment

Contact: Julie Hatchel, Assistant Superintendent, Education Services

Staff Recommendation

It is recommended the Board President recognize Julie Hatchel, Assistant Superintendent, Education Services, who will present this item and answer any questions Trustees may have. This is an information item only and no Board action is necessary.

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EXHIBIT 12

13. FIRST READING – REVISIONS TO BOARD POLICY 5119 - OPEN ENROLLMENT:

Board Policy 5119 is being revised to change the category for District students who are siblings of any student currently in attendance and who will continue to be enrolled at the same school next year, to be moved from priority A to priority B status. This will enable siblings to continue to enroll beyond the published application deadline. There is no financial impact. Proposed additions to the Board policy are underlined; deletions are struck through.

CUSD Strategic Plan Pillar 1: Community Relations

Contact: Julie Hatchel, Assistant Superintendent, Education Services

Staff Recommendation

It is recommended the Board President recognize Julie Hatchel, Assistant Superintendent, Education Services, who will present this item and answer any questions Trustees may have. This is an information item only and no Board action is necessary.

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EXHIBIT 13

- 14. FIRST READING - REVISIONS TO BOARD POLICY 5141, CONDUCT:** INFORMATION/
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EXHIBIT 14
- Bullying and cyber bullying has become a growing national concern. In order to be effective in dealing with this issue, administrators, staff, students, and parents need to be clear of its definition and what steps should be taken if an offense occurs. Revisions to Board Policy 5141 expands the current policy to address bullying. These revisions will also update and clarify the current language. Proposed additions to the Board policy are underlined; deletions are struck through.
- CUSD Strategic Plan Pillar 2: Safe and Healthy Schools*
Contact: Julie Hatchel, Assistant Superintendent, Education Services

Staff Recommendation

It is recommended the Board President recognize Julie Hatchel, Assistant Superintendent, Education Services, who will present this item and answer any questions Trustees may have. This is an information item only and no Board action is necessary.

- 15. DIVISION OF STATE ARCHITECT UPDATE:** INFORMATION/
DISCUSSION
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EXHIBIT 15
- Update of progress of the Division of State Architect 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 at its October 10, 2011, meeting.
- CUSD Strategic Plan Pillar 2: Safe and Healthy Schools*
Contact: Ron Lebs, Deputy Superintendent, Business & Support Services

Staff Recommendation

It is recommended the Board President recognize Ron Lebs, Deputy Superintendent, Business and Support Services, who will provide the DSA Update and answer any questions 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

- 16. SCHOOL BOARD MINUTES:** Page 215
EXHIBIT 16
- Approval of the minutes of the October 26, 2011, regular Board meeting.
Contact: Jane Boos, Manager, Board Office Operations
- 17. ANNUAL ORGANIZATIONAL MEETING:** Page 219
EXHIBIT 17
- Approval of December 12, 2011, as the date for the annual organizational meeting of the Board of Trustees. The provisions of Education Code §35143 and §72000 require the governing board of each school district and community college district to hold an annual organizational meeting within a prescribed 15-day period beginning with the first day of the term of office following the biennial school district board election. For 2011, this 15-day period is from December 2 through December 16. The Education Code further requires that, unless otherwise provided by rule of the governing board, the day and time of the annual organizational meeting shall be selected by the board at its regular meeting held immediately prior to the first day of the 15-day period and to notify the county superintendent of schools of the time and day selected. There is no financial impact.
Contact: Jane Boos, Manager, Board Office Operations

CURRICULUM & INSTRUCTION

18. 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) approving four students have completed all requirements for passing the California High School Exit Exam (CAHSEE) subtest in mathematics, case numbers 1112-001 through 1112-004. 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 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

19. INSTRUCTIONAL MATERIALS RECOMMENDED FOR ADOPTION: HIGH SCHOOL TEXTBOOK – INTERNATIONAL BACCALAUREATE FRENCH:

Adoption of *Kiffe Kiffe Demain (Kiffe Kiffe Tomorrow)* written by Faiza Guene and published by Hachette Litteratures ©2004, for a seven-year period. San Clemente High School is requesting the adoption of a new supplemental title for use with the International Baccalaureate French course (Standard & Higher Level) in grades 11 and 12. The proposed textbook has been reviewed and approved by the Instructional Materials Review Committee and a copy is on display in the Board room. The book will be purchased using site funds.

CUSD Strategic Plan Pillar 3: Academic Achievement and Enrichment

Contact: Julie Hatchel, Assistant Superintendent, Education Services

20. INSTRUCTIONAL MATERIALS RECOMMENDED FOR ADOPTION: HIGH SCHOOL TEXTBOOK – FRENCH III, IV AND ADVANCED PLACEMENT FRENCH LANGUAGE:

Adoption of *Imaginez: Le français sans frontières 2nd edition* written by Cherie Mitschke and published by Vista Higher Learning ©2012, for a seven-year period. Tesoro High School is requesting the adoption of a supplemental title for use with the French III, IV, & AP French Language courses in grades 10 and 11. The proposed textbook has been reviewed and approved by the Instructional Materials Review Committee and a copy is on display in the Board room. The book will be purchased using site funds.

CUSD Strategic Plan Pillar 3: Academic Achievement and Enrichment

Contact: Julie Hatchel, Assistant Superintendent, Education Services

21. INSTRUCTIONAL MATERIALS RECOMMENDED FOR ADOPTION: MIDDLE SCHOOL SUPPLEMENTAL TEXTBOOK – ENGLISH 8:

Adoption of *Success for Teens* written by the editors of the Success Foundation and published by Success Books ©2008, for a seven-year period. Newhart Middle School is requesting the adoption of this supplemental textbook to be used for eighth grade English as an informational unit. The proposed textbook has been reviewed and approved by the Instructional Materials Review Committee and a copy is on display in the Board room. The book will be purchased using site funds.

CUSD Strategic Plan Pillar 3: Academic Achievement and Enrichment

Contact: Julie Hatchel, Assistant Superintendent, Education Services

22. **AGREEMENT BY AND BETWEEN THE ORANGE COUNTY SUPERINTENDENT OF SCHOOLS AND THE CAPISTRANO UNIFIED SCHOOL DISTRICT FOR THE SCHOOL READINESS INITIATIVE GRANT:** Page 221
EXHIBIT 22
Approval of the agreement for the School Readiness Initiative Grant. The Orange County Superintendent of Schools has entered into an agreement with the District to facilitate the School Readiness Initiative Grant for the provision of training and technical assistance. The provision of services of \$1,200 is included in this agreement beginning July 1, 2011, to June 30, 2012.
CUSD Strategic Plan Pillar 3: Academic Achievement and Enrichment
Contact: Julie Hatchel, Assistant Superintendent, Education Services

BUSINESS & SUPPORT SERVICES

23. **PURCHASE ORDERS, COMMERCIAL WARRANTS, AND PREVIOUSLY BOARD-APPROVED BIDS AND CONTRACTS:** Page 233
EXHIBIT 23
Approval of purchase orders (Exhibit 23-Attachment 1) and commercial warrants (Exhibit 23-Attachment 2). The purchase orders and commercial warrants included in this item have previously been authorized as part of the District's budget approval process. The purchase orders total \$6,132,295.06; the commercial warrants total \$8,901,226.47. Attachment 3 of Exhibit 23 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 3: Academic Achievement & Enrichment
Contact: Ron Lebs, Deputy Superintendent, Business & Support Services

24. **RESOLUTION NO. 1112-24 – TRANSITION PARTNERSHIP PROJECT INTERAGENCY AGREEMENT AUGMENTATION WITH THE DEPARTMENT OF REHABILITATION:** Page 293
EXHIBIT 24
Approval of Resolution No. 1112-24 authorizes staff to execute the augmentation to the Transition Partnership Project Interagency Agreement with the Department of Rehabilitation. The augmentation provides additional funding to the District and the local Department of Rehabilitation Office to transition students/clients into competitive employment. Specifically, the funding provides for case management staff, pre-employment training, job placement, staff development services, and clerical support. These services are conducted collaboratively between the District and the local Department of Rehabilitation Office. In addition, the District will also receive the services of two Department of Rehabilitation counselors to plan and coordinate the provision of support services. The District will receive an additional \$149,991 for a total of approximately \$746,332 per year.
CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment
Contact: Ron Lebs, Deputy Superintendent, Business & Support Services

25. **CONTRACT AGREEMENT BETWEEN CAPISTRANO UNIFIED SCHOOL DISTRICT AND ORRICK, HERRINGTON, & SUTCLIFFE LLP FOR SERVICES RELATED TO THE INTERNAL REVENUE SERVICE AUDIT OF THE 2009A TAX REVENUE ANTICIPATION NOTE ISSUANCE:** Page 335
EXHIBIT 25
Approval and acceptance of the contract agreement between Capistrano Unified School District and Orrick, Herrington, & Sutcliffe LLP (Orrick). The Internal Revenue Service (IRS) is auditing the Capistrano Unified School District Tax Revenue Anticipation Note (TRAN) issuance for 2009-2010. This is the third time since 2000 that a TRAN issuance of the District has been audited. The audit required that information be submitted to the IRS by October 28, 2011. The District engaged bond counsel, Orrick, for assistance in completing the necessary response to the IRS audit. Several other districts participated in the same TRAN issuance and are also being audited. The estimated total cost to the District will be approximately \$5,000. Due to the timing of the audit, the District is submitting to the Board of Trustees a request to ratify the agreement with Orrick.
CUSD Strategic Plan Pillar 5: Effective Operations
Contact: Ron Lebs, Deputy Superintendent, Business and Support Services

26. **INDEPENDENT CONTRACTOR AGREEMENT – HEALTH SERVICES BY A LICENSED VOCATIONAL NURSE, LEISURE CARE NURSES REGISTRY:** Page 339
EXHIBIT 26
Approval of an independent contractor agreement with Leisure Care Nurses Registry to provide health services by a certified licensed vocational nurse for students from Ladera Ranch Elementary School while attending science camp. Leisure Care Nurses Registry will provide services at the rate of \$38 per hour. Services under this contract are estimated to be \$3,230, paid out of site gift funds.
CUSD Strategic Plan Pillar 2: Safe & Healthy Schools
Contact: Ron Lebs, Deputy Superintendent, Business and Support Services
27. **INDEPENDENT CONTRACTOR AGREEMENT – HISTORICAL SOCIAL-SCIENCE ASSEMBLY PROGRAMS, CALIFORNIA WEEKLY EXPLORER, INCORPORATED:** Page 347
EXHIBIT 27
Approval of an independent contractor agreement with California Weekly Explorer, Incorporated to provide historical social-science assemblies throughout the District. California Weekly Explorer will provide services at the rates indicated on the fee schedule for the 2011-2012 school year, for services as requested by the individual school sites, paid by PTA, parent groups, and gift funds. Expenditures under this contract are estimated to be \$10,000.
CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment
Contact Ron Lebs, Deputy Superintendent, Business and Support Services
28. **CONSULTANT AGREEMENT – CONSTRUCTION MANAGEMENT SERVICES, EDENCO, INCORPORATED:** Page 357
EXHIBIT 28
Approval of a consultant agreement with Edenco, Incorporated to provide construction management services for the San Juan Hills High School Stadium Phase II project. The project includes the construction of the home-side stadium bleachers, the press box, and related electrical and public address system. Edenco, Incorporated will provide services at the fixed rate of \$200,000 which represents a 13 percent professional fee reduction, to be paid from CFD 98-2.
CUSD Strategic Plan Pillar 5: Effective Operations
Contact: Ron Lebs, Deputy Superintendent, Business and Support Services
29. **TELEVISION BROADCASTING AND CONSULTING SERVICES AGREEMENT – KOCE-TV FOUNDATION, ON BEHALF OF PBS SOCIAL EDUCATION:** Page 365
EXHIBIT 29
Approval of a television broadcasting and consulting services agreement with KOCE-TV Foundation, on behalf of PBS SoCal Education, to provide teachers with instructional television materials and training on the effective use of television and Discovery Streaming for instructional use in the classroom. The vendor will provide services at the rates indicated on the fee schedule for the 2011-2012 school year, paid out of the general fund. Scheduled services under this contract are estimated to be \$39,924.60.
CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment
Contact: Ron Lebs, Deputy Superintendent, Business and Support Services
30. **SCHOOL BUS SERVICE AGREEMENT AMENDMENT – JSERRA CATHOLIC HIGH SCHOOL:** Page 373
EXHIBIT 30
Approval of adding the ability to provide bus rental services for District owned buses to the school bus service agreement with JSerra Catholic High School. Through this agreement, the District provides servicing, inspections, maintenance, roadside assistance, driver training, and rental service of District owned buses on an as-needed basis. This agreement provides a positive revenue stream into the District’s general fund to offset a portion of the Transportation Department’s encroachment.
CUSD Strategic Plan Pillar 5: Effective Operations
Contact: Ron Lebs, Deputy Superintendent, Business and Support Services

PERSONNEL SERVICES

- 31. RESIGNATIONS/RETIREMENTS/EMPLOYMENT–CLASSIFIED EMPLOYEES:** Page 387
EXHIBIT 31
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
- 32. RESIGNATIONS/RETIREMENTS/EMPLOYMENT – CERTIFICATED EMPLOYEES:** Page 405
EXHIBIT 32
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
- 33. VISITING EDUCATOR – KARIN FOSTER:** Page 423
EXHIBIT 33
Approval of Karin Foster for a Visiting Educator assignment to the Orange County Department of Education (OCDE). Pursuant to the Interjurisdictional Exchange provisions of Government Code §19050.8, a school district employee may be given a temporary assignment or loaned to another educational agency as a Visiting Educator. OCDE has requested Karin Foster continue to serve as a teacher for the Secondary English Language Learners Program for the 2011-2012 school year. Ms. Foster’s duties will include:
- Provide trainings to secondary teachers across the county to help close the achievement gap in core academic areas.
 - Support secondary teachers across the county with curriculum, materials, and resources to accelerate academic achievement of English Language learners.
- Under the law which approves the Visiting Educator, Ms. Foster’s status and rights as an employee of the District shall not be affected, and she will be entitled to all pay, allowances, and benefits offered to the employees of the District. Ms. Foster will remain an employee of the District. There is no financial impact. OCDE will reimburse the District for Ms. Foster’s salary and benefits with a standard contract agreement.
CUSD Strategic Plan Pillar 5: Effective Operations
Contact: Jodee Brentlinger, Assistant Superintendent, Personnel Services
- 34. AUTHORIZATION OF COACHES TO PROVIDE FIRST SEMESTER PHYSICAL EDUCATION CREDIT:** Page 429
EXHIBIT 34
Approval of teachers who are credentialed in subjects other than physical education to provide physical education credit to students in that respective sport. Districts may assign a teacher with a credential in a subject area other than physical education to coach a competitive sport and award physical education credit to students. State law requires that such teachers be full-time employees of a district, complete a minimum of 20 hours of first-aid instruction, have training on the harmful effects of steroid use, and be approved by the Board of Trustees. It has been determined that all teachers who do not hold a physical education credential, but are assigned coaching activities for which such credit is given, are full-time employees of the school District and have completed cardio pulmonary resuscitation and first aid instruction. Additionally, these coaches have attended or are in the process of attending a training program based on the Victory With Honor curriculum, which includes discussion on the dangerous effects of steroids. There is no 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 Bryson _____

Trustee Hatton _____

Trustee Palazzo _____

Trustee Pritchard _____

Trustee Brick _____

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 WEDNESDAY, NOVEMBER 30, 2011, 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.