

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES – REGULAR MEETING
NOVEMBER 14, 2011
EDUCATION CENTER – BOARD ROOM

President Brick called the meeting to order at 5:30 p.m. Trustee Palazzo stated for the record Trustees received no written materials for closed session agenda items 3B and 3D. The Board recessed to closed session to confer with Legal Counsel regarding Existing Litigation (2 cases); discuss Public Employee Discipline/Dismissal/Release; discuss Student Expulsions (seven cases); and discuss CSEA/CUEA/CUMA/Teamsters negotiations.

Trustee Alpay arrived in closed session at 5:35 p.m.

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 Trustee Bryson.

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

Absent: Trustee Hatton

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, Palazzo, Pritchard,
and Student Advisor Ryan Pallas

NOES: None

ABSENT: Trustee Hatton

ABSTAIN: None

President Brick asked Trustee Pritchard to facilitate the meeting.

President's Announcement

Trustee Pritchard reported the following action taken during closed session:

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

President's Report From Closed Session Meeting

Case No. 30-2010-00430720

Lopez v. CUSD

The Board gave direction to staff.

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

Case No. 30-2011-00444363

Last vs. Commission on Professional Competence & Real Party in Interest, CUSD

The Board gave direction to staff.

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

Agenda Item #3 C1– Student Expulsions:

The Board voted 6-0 to expel the following student with staff recommendations: Case #2012-003.

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

Agenda Item #3 C2–C7 – Student Expulsions:

The Board voted 5-0 to expel the following students by stipulated agreement: Case #2012-002, #2012-004, #2012-005, #2012-006, #2012-007, and #2012-008.

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

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

The Contributing Academic Resources to Education (CARE) Foundation was recognized for their support of the District through fundraising and arranging partnerships with corporations in the community to enhance the quality of education for every student.

Special Recognitions

Student Body President Jake Stilwell from Capistrano Valley High School presented a report on activities taking place at the high school.

Student Body Report

Trustee Bryson thanked R.H. Dana ENF Principal Judy Dore for escorting her around the school and for providing an appreciation luncheon for District employees who assisted with repairing the school after the vandalism. Trustee Bryson shared it was a joyful experience for her to see students achieving their goals in the classrooms.

Board and Superintendent Comments

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:

- *Mark Klein spoke in regards to the investigation of Coach Eric Patton.*
- *Chris Hopkins shared his concerns regarding student requirements for the magazine sale fundraiser at Ladera Ranch Middle School.*

PUBLIC HEARING

Trustee Pritchard announced the Public Hearing open at 7:19 p.m. regarding the approval of a tentative agreement with CUEA. There being no speakers to address the Board, Trustee Pritchard declared the Public Hearing closed at 7:20 p.m.

**CUEA Tentative Agreement
Agenda Item 1**

DISCUSSION/ACTION

Assistant Superintendent Jodee Brentlinger stated the purpose of this item is to seek approval of the tentative agreement between the District and the Capistrano Unified Education Association (CUEA). Mrs. Brentlinger stated both teams agreed to maintain the status quo of the current contract provisions surrounding wages and class size. For the 2012 plan year only, the District will increase its contributions to unit member health benefit premium costs. The plan includes no additional premium costs for employees covered under the Health Maintenance Organization (HMO) plan. This fact along with the significant cost differential between the Point of Service (POS) and the Health Maintenance Organization (HMO) or Kaiser HMO plans will promote additional migration from POS.

**CUEA Tentative Agreement
Agenda Item 2**

The following speakers addressed the Board:

- *Vicki Soderberg stated CUEA employees voted overwhelmingly to ratify the tentative agreement and commented this agreement is proof the District and CUEA can work together for the students, for the teachers, and for the future of public education.*

Following discussion it was moved by Trustee Bryson, seconded by Trustee Alpay, and motion carried by a 4-2 vote to approve the tentative agreement with CUEA for July 1, 2011 through June 30, 2012.

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

Deputy Superintendent Ron Lebs introduced Douglas Johnson, president of National Demographics Corporation to assist with the presentation of this item. Mr. Johnson stated 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. Mr. Johnson reviewed the election/redistricting laws and procedures, the current Trustee boundaries, proposed schedule and optional services, and solicited input from Trustees.

**Trustee Area Boundaries
Agenda Item 3**

It was moved by Trustee Bryson to approve Resolution No. 1112-25 but the motion failed for lack of a second.

Following discussion, it was moved by Trustee Bryson, seconded by Trustee Alpay, and motion carried by a 6-0 vote to approve Option I, Basic Process.

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

Following further discussion, it was moved by Trustee Alpay, seconded by Trustee Pritchard, and motion carried by a 4-2 vote to approve Resolution No. 1112-25, Establishing Criteria for Adjusting Trustee Area Boundaries with the following modifications:

- Numbers one through five remain the same
- Number six is stricken entirely
- Number seven is changed to follow municipal boundaries
- Number eight remains the same
- Number nine is stricken entirely
- Number ten remains the same

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

It was moved by Trustee Alpay, seconded by Trustee Pritchard, and motion carried by a 6-0 vote to approve only the basic redistricting procedure with no online redistricting application. Trustee Alpay requested a roll call vote.

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

Assistant Superintendent Julie Hatchel provided Trustees with an update on the Mandarin Immersion Program (MIP) at Bergeson Elementary School. Mrs. Hatchel reported the following: staff has established a program model for the language instruction within the MIP; developed an Intent to Enroll form available on the District website and 160 forms have been submitted; set up an MIP fundraising group under the umbrella of the Bergeson foundation; parents are receiving weekly program updates from Principal Barbara Scholl via the school's Listserv newsletter; staff is bringing forward revisions to the open enrollment Board policy to allow staff to begin enrolling MIP students in December; preparations for recruiting teachers has begun; collaborative partnerships are being pursued for a Chinese sister school and community organizations; and staff has submitted paperwork for licensing the preschool program which will hopefully open in the spring.

**Mandarin
Immersion
Program Update
Agenda Item 4**

Trustee Alpay stated the two way immersion link on the District's Listserv is not language specific and requested staff provide clarification on the Listserv regarding the Mandarin Immersion Program. Trustee Alpay also requested staff poll MIP parents regarding their interest in using the Singapore math program.

Deputy Superintendent Ron Lebs stated staff presented an overview of school facility mitigation and Community Facilities Districts (CFD) mechanics at the September 26, 2011, Board meeting. Mr. Lebs explained part two of the presentation focuses 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. Mr. Lebs presented a PowerPoint and reviewed the agenda exhibits covering the CFD budgets, authorized funding sources by site, sources and uses of funds summary, and expenditure of special taxes.

**CFD Overview
Part Two
Agenda Item 5**

Assistant Superintendent Sara Jocham explained the approval of the settlement agreement with the Orange County Social Services Agency 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. The agreement will allow the District to settle this claim without litigation by paying 40 percent of the board and care costs.

**Tort Claim
Settlement
Agreement
Agenda Item 6**

Following discussion, it was moved by Trustee Addonizio, seconded by Trustee Palazzo, and motion carried by a 6-0 vote to approve the settlement agreement with Orange County Social Services Agency in the amount of \$175,552.61 to resolve the Government Tort Claim.

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

Assistant Superintendent Julie Hatchel provided a summary of the 2011 Accountability Progress Report along with additional standardized assessment results from the 2010-2011 academic year.

**Accountability
Progress Report
Agenda Item 7**

Deputy Superintendent Ron Lebs explained how attendance for the power outage closure of schools on Friday, September 9 was treated. Mr. Lebs stated for the 2011-2012 school year, the District can legally reduce the number of instructional days from 180 to 175 days and still receive funding from the state without seeking an attendance waiver.

**Treatment of
Student
Attendance for
September 9
School Closure
Agenda Item 8**

Student Advisor Ryan Pallas left the dais at 9:20 p.m.

Deputy Superintendent Ron Lebs introduced Executive Director Randy Rowles who reported on the progress of the Compressed Natural Gas (CNG) Fueling Facility project. Mr. Rowles updated Trustees on the project's activity in September and October 2011, and future activities for November and December.

**CNG Fueling
Facility Project
Update
Agenda Item 9**

Deputy Superintendent Ron Lebs, along with Executive Director Randy Rowles, and Director Cary Brockman presented this item. Mr. Brockman stated 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. The original agreement has expired and the city is requesting a continuation of the agreement. Since roller hockey is no longer as popular in the community, the city desires to change the designated use to a roller hockey/multi-purpose facility allowing other types of uses. The revised agreement has been reviewed by legal counsel from the District and the city.

**Joint Facility Use
Agreement
Agenda Item 10**

Trustees Addonizio and Palazzo expressed their concerns over the removal of section six in the original joint use agreement from the revised agreement. Trustees Addonizio and Palazzo also asked staff to provide the written opinion of the District's legal counsel on this joint use agreement. Trustee Addonizio requested her concerns that the facilities could be sold to a third party be noted for the record.

Following discussion, it was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried by a 4-2 vote to approve the 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.

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

Assistant Superintendent Julie Hatchel stated this is the second reading of Board Policy 5165, *Health Examinations*, and no changes have been made since the first reading at the October 26 Board meeting. However, staff is moving forward with standardizing the District's existing health forms as the result of comments made by speakers at the first reading of this policy on October 26.

**Board Policy
Revisions
Agenda Item 11**

The following speaker addressed the Board:

- Beth Grivett expressed her concern that the revision to this policy requires physician assistants, who perform the physical exams, to have their supervising doctor's signature of approval.

Trustee Alpay requested staff to provide clarification on the liability requirements regarding physician assistants' ability to perform health exams without requiring a doctor's signature.

It was moved by Trustee Alpay, seconded by Trustee Addonizio, and motion carried by a 6-0 vote to continue the revisions to Board Policy 5165, *Health Examinations* to the November 30 Board meeting.

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

Assistant Superintendent Julie Hatchel stated revisions to Board Policy 5111, *Student Admission*, were made to align with the passage of the Kindergarten Readiness Act which changes the deadline to register children entering kindergarten. Legal documents required to verify the child's age for enrollment were also revised.

**Board Policy
Revisions
Agenda Item 12**

Assistant Superintendent Julie Hatchel stated two changes for Board Policy 5119, *Open Enrollment*, are being recommended. One, to allow siblings to apply for an open enrollment year round and two, to facilitate an early open enrollment window the first week of December for the Mandarin Immersion Program (MIP). Mrs. Hatchel explained for this year there would be a benefit to opening the open enrollment window in December to allow those who want to enroll in MIP the opportunity to know they are in the program so they can begin fundraising and supporting the establishment of the program.

**Board Policy
Revisions
Agenda Item 13**

Assistant Superintendent Julie Hatchel stated 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. Board Policy 5141 expands the current policy to address the bullying issue.

**Board Policy
Revisions
Agenda Item 14**

Trustee Bryson requested the words "demeanor" and "intrinsic motivation" be removed from this policy as the meanings are too vague/broad. Trustee Alpay requested staff include case law regarding cyber bullying in the revised policy.

Deputy Superintendent Ron Lebs stated there was nothing new to report this month.

**Division of State
Architect Update
Agenda Item 15**

Trustee Pritchard asked Trustees for items they wished to pull from the Consent Calendar. Agenda items 25 and 29 were pulled.

**Items Pulled from
the Consent
Calendar**

CONSENT CALENDAR

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

Minutes of the October 26, 2011, regular Board meeting.

**Minutes
Agenda Item 16**

Annual Organizational Meeting of the Board of Trustees.

**Annual
Organization
Meeting
Agenda Item 17**

Petition to waive California Education Code §60851(a) and Board Policy 6162.52 – California High School Exit Examination: Case #1112-001 through #1112-004.	California High School Exit Exam Agenda Item 18
Adoption of <i>Kiffe Kiffe Demain (Kiffe Kiffe Tomorrow)</i> written by Faiza Guene and published by Hachette Litteratures ©2004, for a seven-year period.	Instructional Materials Agenda Item 19
Adoption of <i>Imaginez: Le français sans frontières 2nd edition</i> written by Cherie Mitschke and published by Vista Higher Learning ©2012, for a seven-year period.	Instructional Materials Agenda Item 20
Adoption of <i>Success for Teens</i> written by the editors of the Success Foundation and published by Success Books ©2008, for a seven-year period.	Instructional Materials Agenda Item 21
Agreement with the Orange County Superintendent of Schools to facilitate the School Readiness Initiative Grant for the provision of training and technical assistance.	School Readiness Initiate Grant Agreement Agenda Item 22
Purchase orders, warrants, and previously Board approved bids and contracts as listed.	Purchase Orders/Warrants Agenda Item 23
Resolution No. 1112-24, Transition Partnership Project Interagency Agreement Augmentation with the Department of Rehabilitation.	Transition Partnership Project Agenda Item 24
Health Services for Science Camp for Ladera Ranch Elementary School, Leisure Care Nurses Registry.	Independent Contractor Agreement Agenda Item 26
Historical social-science assemblies throughout the District, California Weekly Explorer, Incorporated.	Independent Contractor Agreement Agenda Item 27
Construction management services for the San Juan Hills High School Stadium Phase II project, Edenco, Incorporated.	Consulting Agreement Agenda Item 28
Amendment to the school bus service agreement with JSerra Catholic High School, adding the ability to provide bus rental services for District owned buses.	Bus Services Agreement Agenda Item 30
Resignations, retirements, and employment of classified personnel.	Resignations/Retirements/ Employment (Classified Personnel) Agenda Item 31

Resignations, retirements, and employment of certificated personnel.

**Resignations/
Retirements/
Employment
(Certificated
Personnel)**
Agenda Item 32

Visiting Educator assignment to Orange County Department of Education, Karin Foster.

Visiting Educator
Agenda Item 33

Authorization of coaches to provide first semester physical education credit.

Coaches
Agenda Item 34

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

Trustee Addonizio asked if the audit is completed and if the District had filed for an extension with the IRS. Executive Director David Carter responded there was an original extension and the District submitted everything through Orrick within the timeline given with the extension. The IRS is now reviewing the information and the District has not received notification the file has been closed.

IRS TRANS Audit
Agenda Item 25

It was moved by Trustee Addonizio, seconded by Trustee Alpay, and motion carried by a 6-0 vote to approve the contract agreement with Orrick, Herrington, & Sutcliffe LLP, for services related to the IRS audit of the 2009A Tax Revenue Anticipation Note (TRANS) Issuance.

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

Trustee Bryson asked if staff requested a ten percent reduction in rates. Deputy Superintendent Ron Lebs responded he would find out and report back to Trustees. Trustee Bryson asked if staff has inquired if Public Broadcasting System would assist the District with broadcasting Board meetings as she has requested in the past. Superintendent Farley responded he had investigated Trustee Bryson's previous request and there is a fee for broadcasting Board meetings. Superintendent Farley added he would provide Trustees with background information on the recording and broadcasting of Board meetings.

**Television
Broadcasting
Agreement**
Agenda Item 29

Following discussion, it was moved by Trustee Bryson, seconded by Trustee Alpay, and motion carried by a 6-0 vote to approve the agreement for Television Broadcasting and Consulting Services, PBS SOCAL/KOCE-TV Foundation.

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

It was moved by Trustee Alpay, seconded by Trustee Addonizio, and motion carried by a 6-0 vote to adjourn the meeting. **Adjournment**

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

Trustee Pritchard announced the meeting adjourned at 10:05 p.m.



Board Clerk



Secretary, Board of Trustees

Minutes submitted by Jane Boos, Manager, Board Office Operations