

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES – REGULAR MEETING
MARCH 28, 2012
EDUCATION CENTER – BOARD ROOM

President Pritchard called the meeting to order at 5:30 p.m. Trustee Palazzo stated Trustees did not receive any written material for agenda items 3 B and 3 D. President Pritchard announced agenda item 3 A2 was being pulled. The Board recessed to closed session to: discuss Student Expulsions; confer with Legal Counsel regarding Pending Litigation; confer with Legal Counsel regarding Existing Litigation; discuss CSEA/CUEA/CUMA/Teamsters negotiations; discuss Public Employee Appointment/ Employment; and discuss Public Employee Discipline/Dismissal/Release.

Closed session recessed at 6:44 p.m.

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

The Pledge of Allegiance was led by San Clemente High School student Courtney Faye Smith.

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

A CD of the Board meeting discussion related to each of the items on the public agenda is on file in the Superintendent's office as a matter of the permanent record. An audio recording of the meeting is available on the District website: www.capousd.org

Permanent Record

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

Adoption of the Board Agenda

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

President Pritchard reported the following action taken during closed session:

President's Report From Closed Session Meeting

Agenda Item #3 A1 through A6 excluding A2 which was pulled– Student Expulsions:

The Board voted 7-0 to expel the following students with staff recommendations: Case #2012-035, #2012-039, #2012-043, #2012-046, and #2012-048.

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

Agenda Item #3 A7 through A18 – Student Expulsions:

The Board voted 7-0 to expel the following students by stipulated agreements: Case #2012-037, #2012-038, #2012-040, #2012-041, #2012-042, #2012-044, #2012-049, #2012-051, #2012-052, #2012-053, #2012-054, and 2012-056.

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

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

Case No. 30-2011-00498422

The Board voted 7-0 to assign the balance of its self-insured retention to its liability insurers to allow ASCIP the flexibility of proceeding with the resolution of this claim as expeditiously as possible.

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

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

Last v. Commission on Professional Competence
OCSC Case No. 30-2011-00444363

The Board voted 7-0 to approve a settlement agreement with former certificated employee Kirk Last. This settlement compromises the claims made in the case Last v. Commission on Professional Competence, OCSC Case No. 30-2011-00444363, by granting Last compensation for back wages.

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

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

No action was taken.

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

The Board voted 7-0 to approve the appointment of Renée Rowan, Director VI, Personnel Services.

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

Agenda Item #3 F– Public Employee Discipline/Dismissal/Release:

No action was taken.

San Clemente High School student Courtney Faye Smith was recognized for assisting with the development of Courtney's Sand Castle in San Clemente. Courtney's Sand Castle is a universally accessible playground for disabled children.

Special Recognition

SchoolsFirst Federal Credit Union was recognized for its 2011 contributions to District schools. Jennifer Avery and Kyle McDonald from SchoolsFirst Federal Credit Union presented the Board with an enlarged check for \$5,360 representing its 2011 contributions.

At Superintendent Farley's request Student Advisor Ryan Pallas shared he has received acceptance letters from the University of Chicago, North Western, University of Virginia, UCLA, and Berkley so far, and is waiting to hear from the Ivy League schools this week.

Board and Superintendent Comments

Trustee Bryson encouraged the audience to attend SOSCA's latest play, A Streetcar Named Desire.

Trustee Hatton shared Dr. Farley had participated in a virtual fieldtrip that was televised to San Clemente High School. The virtual fieldtrip took place at the Santa Margarita River as part of the Science, Technology, Engineering, Arts, and Mathematics (STEAM) program. Trustee Hatton stated she is proud of the District's commitment to STEAM and announced upcoming activities in March and April at Barcelona Hills Elementary School, Castille Elementary School, and Newhart Middle School. Trustee Bryson requested staff prepare a list of STEAM activities for Trustees.

Trustee Palazzo commented she was delighted to see all of the San Juan schools participating in the Swallow's Day Parade. Trustee Palazzo reminded staff that on November 30 she had requested an update on the status of the District's joint-use agreements. Trustee Palazzo stated regarding the March 12 Board meeting agenda item on recording closed session, she did not request nor was she aware Attorney Dan Shinoff would be addressing Trustees or she would have prepared questions for him. Trustee Palazzo requested staff review Board policy regarding the use of personal electronic devices in closed session and on the dais.

Trustee Alpay congratulated the San Clemente High School Dance Team for winning state championships in three categories and moving on to compete at the USA Nationals.

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:

- *Dee Keck stated she had been terminated because she failed to have the required TB test within the timeframe specified by the District. Ms. Keck stated she never received any previous notification to retest but the termination letter stated the District had mailed several reminder letters to her.*
- *Stan Wasbin shared reasons why the Board should not consider implementing SB 48 in District classrooms.*
- *Karen Millard spoke regarding problems with the standards based number grading report card system and the lack of consensus between teachers on a uniformity of standards for grading students.*
- *Ross Chun, CEO of eco-stride, invited the Board to the third annual Sustainability Forum on April 12 at Soka University where Trustee Hatton will speak regarding Newhart Middle School's program and its Eco-Fair (Earth Day) on April 20.*

DISCUSSION/ACTION

Interim Deputy Superintendent Robyn Phillips presented an update on redevelopment agency funding from redevelopment agencies in the cities of Mission Viejo, San Juan Capistrano, and San Clemente. Dr. Phillips' report included data on the impact of the recent dissolution of the agencies, how redevelopment revenues are expended, and how funds may address current facility needs. Dr. Phillips reported the exhibit Trustees received, and posted for this item prior to the meeting, was incorrect and the Board had never authorized \$3 million in funding from the Mission Viejo RDA for the Capistrano Valley High School Performing Arts Center. Dr. Phillips stated the project would be funded with the \$3 million CTE grant and the balance from 87-1 funds leaving a \$5.46 million balance for the Mission Viejo RDA. The report reflects a review of District documents from 2002 through 2012 related to redevelopment funding and the 2002 Certificates of Participation.

(The corrected report is included in Exhibit 1 in Agendas and Supporting Documentations on the District website: www.capousd.org.)

**Redevelopment
Agencies Report
Agenda Item 1**

Assistant Superintendent Jodee Brentlinger stated on January 25, 2012, the Board approved Resolution No. 1112-30 authorizing the implementation of a Supplementary Retirement Plan for certificated non-management employees retiring on June 30, 2012. As a condition of approval, the item was to be brought back before Trustees to confirm the plan would generate savings and help the District achieve the spending reductions necessary for a balanced budget for 2012-2013. A total of 158 employees have enrolled in the plan and submitted their papers to retire on June 30, 2012, contingent upon the plan proceeding. Updated estimates based on the actual participants indicate the District will realize savings of \$893,450 in 2012-2013. Over the course of five years, the District will save an estimated \$2,861,507.

**Supplementary
Retirement Plan
Agenda Item 2**

The following speaker addressed the Board:

- Vicki Soderberg thanked the Board for offering the supplemental plan. Mrs. Soderberg stated the timing is perfect and it is a good fiscal move for saving the District money and demonstrates the District's commitment to RIF teachers by providing an avenue for them to be rehired.

Following discussion, it was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried by a 5-2 vote to approve authorizing the implementation of the PARS fixed annuity plan for certificated non-management employees commencing with the 2012-13 fiscal year, appoint Superintendent Farley as the District representative, and request staff to keep the Board fully informed on the development of the plan, specifically the annuity contract.

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

Assistant Superintendent Jodee Brentlinger explained CSEA and the District have reached tentative agreements regarding Article 3.3 and 3.4 Rest and Lunch Periods and Preschool Job Descriptions. CSEA members on Tuesday, by an overwhelming vote, ratified and approved the 2011-2012 tentative agreements.

**CSEA Tentative
Contract
Agenda Item 3**

It was moved by Trustee Addonizio, seconded by Trustee Bryson, and motion carried unanimously to approve the tentative agreements with CSEA for July 1, 2011- June 30, 2012.

Assistant Superintendent Sara Jocham stated under Assembly Bill 3632, county mental health agencies had the responsibility of providing mental health services for students with special needs. AB 3632 was repealed in October 2010, shifting the responsibility for these services to school districts. The State Legislature identified the 2011-2012 fiscal year as a transition year and provided one-time funding to county mental health departments through AB 100. This funding is contingent upon a Memorandum of Understanding (MOU) between school districts and the Orange County Health Care Agency (OCHCA). In July 2011, the District signed a letter of intent with OCHCA to continue mental health services for students while a MOU was negotiated. Representatives from the Orange County Special Education Local Plan Areas met with OCHCA officials to develop the MOU that was approved by the Orange County Board of Supervisors on February 7, 2012. OCHCA will receive approximately \$8.2 million of AB 100 funds that are not accessible to school districts without a MOU with OCHCA. OCHCA estimates its funding will be exhausted by the end of March 2012. It is anticipated the District will owe OCHCA an additional \$500,000 for educationally related mental health services through the end of the 2011-2012 fiscal year. Expenditures will be paid out of the Special Education Mental Health Grant funds.

**MOU with
OCHCA
Agenda Item 4**

Following discussion, it was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried unanimously to approve the MOU with OCHCA for the 2011-2012 fiscal year.

It was moved by Trustee Bryson, seconded by Trustee Alpay, and motion carried unanimously to approve the proposed January through June 2013 School Board Meeting Schedule.

**Board Meeting
Schedule
Agenda Item 5**

President Pritchard asked Trustees for items they wished to pull from the Consent Calendar. Agenda items 10 and 25 were pulled.

**Items Pulled from
the Consent
Calendar**

CONSENT CALENDAR

It was moved by Trustee Alpay, seconded by Trustee Addonizio, and motion carried unanimously to approve the following Consent Calendar items:

Minutes of the March 12, 2012, regular Board meeting.

**Minutes
Agenda Item 6**

Readmission of students from expulsion: Case #2011-059, #2011-084, and #2011-097.

**Expulsion
Readmission
Agenda Item 7**

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

**Purchase
Orders/Warrants
Agenda Item 8**

Donation of funds and equipment.

**Donations
Agenda Item 9**

Ratification of special education Informal Dispute Resolution agreement for IDR case #13712.

**Informal Dispute
Resolution
Agreement
Agenda Item 11**

Special education settlement agreement case #2012010150.

**Settlement
Agreement
Agenda Item 12**

Amendment to special education settlement agreement case #2010120293.	Settlement Amendment Agenda Item 13
Independent Contractor Agreement with Discovery Science Center to provide instructional Science to Go classes for third grade students at Oso Grande Elementary School.	Independent Contractor Agreement Agenda Item 14
Extension of the agreement for special tax consulting services, David Taussig & Associates, Incorporated.	Extension of Agreement Agenda Item 15
Extension of the agreement for surveying and construction engineering services, Guida Surveying, Incorporated.	Extension of Agreement Agenda Item 16
Advertise Bid No. 1112-14 for the Newhart Middle School's Multi-Purpose Room Expansion Project.	Newhart MS MPR Project Agenda Item 17
Advertise Bid No. 1112-15 for refurbished computer equipment.	Computer Equipment Agenda Item 18
Advertise Bid No. 1213-01 for plumbing service.	Plumbing Agenda Item 19
Advertise Bid No. 1213-02 for weed abatement service.	Weed Abatement Agenda Item 20
Ratification of change order #2 related to the stadium at San Juan Hills High School.	Change Order #2 SJHHS Stadium Agenda Item 21
Ratification of change order #6 related to the theater at Capistrano Valley High School.	Change Order #6 CVHS Theater Agenda Item 22
Utilization of the Los Angeles Unified School District Bid No. IFB C-1030 for the purchase of swimming pool chemicals from Waterline Technologies, Incorporated, as needed, under the same terms and conditions as that public agency's contract.	Piggyback Bid – Swimming Pool Chemicals Agenda Item 23
Utilization of the State of Minnesota, Department of Administration, National Association of State Procurement Officials, and Western States Contracting Alliance Contract No. B27161 awarded to EMC Corporation, and approved for usage in the State of California pursuant to the California Participating Addendum, for the purchase of computer equipment, peripherals, and related services.	Piggyback Bid – Computer Service/ Equipment Agenda Item 24
Resignations, retirements, and employment of classified personnel.	Resignations/ Retirements/ Employment (Classified Personnel) Agenda Item 26

Resignations, retirements, and employment of certificated personnel.

**Resignations/
Retirements/
Employment
(Certificated
Personnel)**
Agenda Item 27

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

Dr. Farley stated he pulled the employment contract for Dr. John W. Pappalardo, Deputy Superintendent, Business and Support Services, from the agenda to announce Dr. Pappalardo has decided to decline the offer.

**Employment
Contract**
Agenda Item 10

Trustee Palazzo stated she would vote no on this retainer agreement as the not-to-exceed amount of \$5,000 written in the descriptive paragraph for the item was not added as an addendum to the agreement. Interim Deputy Superintendent Robyn Phillips responded she would notify OCDE the District will participate up to \$5,000 and any amount over that would require bringing the item back to the Board for authorization.

**General Retainer
Agreement**
Agenda Item 25


It was moved by Trustee Alpay, seconded by Trustee Pritchard, and motion carried by a 5-2 vote to approve the general retainer agreement with Olson, Hagel & Fishburn, LLP to provide legal services related to the reallocation of property tax revenues by Orange County.


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

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

Adjournment

President Pritchard announced the meeting adjourned at 8:37 p.m.



Board Clerk


Secretary, Board of Trustees

Minutes submitted by Jane Boos, Manager, Board Office Operations