

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES – REGULAR MEETING
JUNE 11, 2012
EDUCATION CENTER – BOARD ROOM

President Pritchard called the meeting to order at 5:30 p.m. and announced Attorney Jon Pearl would be participating in the closed session discussion of agenda item 3A, negotiations. The Board recessed to closed session to: discuss CSEA/CUEA/CUMA/ Teamsters negotiations; discuss Student Expulsions; discuss Public Employee Appointment/Employment; and discuss Public Employee Discipline/Dismissal/Release.

Trustee Bryson left closed session at 6:55 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 John Alpay.

Present: Trustees Addonizio, Alpay, Brick, Hatton, Palazzo, and Pritchard

Absent: Trustee Bryson

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 6-0 vote to adopt the Board agenda.

Adoption of the Board Agenda

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

President Pritchard reported the following action taken during closed session:

President's Report From Closed Session Meeting

Agenda Item #3 B3 and B4 – Student Expulsions:

The Board voted 7-0 to expel the following students by stipulated agreement: Case #2012-075 and #2012-076.

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

Trustee Palazzo requested staff provide actual District and agency costs on joint use and master agreements.

Board and Superintendent Comments

Trustee Hatton stated this is the time of the year for celebrating students and shared she attended the Capistrano Valley High School and Tesoro High School senior award ceremonies and the Adult Transition graduation.

Don Juan Avila Middle School student Julia Moss was recognized for her "Let the Beat Go On" community service project. Julia collected and donated musical instruments for the District's music programs.

Special Recognition

Jesse Altamirano, Charlene Huber, Sonia LeTourneau, Karen Pedroza, Jane Peterson, and Susan Whitten were recognized as the 2012 Classified Employees of the Year. Each Classified Employee of the Year received a plaque from the District.

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:

- *Pam Palka addressed the Board regarding the athletic coaches' investigation and stated the Board should have waited for the sheriff's department investigation report before taking action against the coaches.*
- *Eric Hansen spoke regarding the Dana Hills High School audit and investigation of faculty purchases of spirit apparel.*
- *Aliso Niguel High School student Gabriela Soto stated she was receiving extra credit for addressing the Board and asked Trustees to add extra credit classes, such as community service, to assist students with making up credits.*
- *Marco Forster Middle School student Sophia Rea shared education and safety concerns should the Board lay off teachers, supervisors, and shortens the school year.*

PUBLIC HEARINGS

President Pritchard announced the Public Hearing open at 7:26 p.m. regarding Resolution No. 1112-50, Adoption of the 2012-2013 Use of Categorical Flexibility Funds.

**Public Hearing:
Use of Categorical
Flexibility Funds
Agenda Item 1**

The following speaker addressed the Board:

- *Jim Reardon spoke in regards to the deficit and using categorical funds to operate the general fund next year. Mr. Reardon told the Board to realize the ongoing labor negotiations need to address the budget issue before payroll expenditures cause the District to run out of cash.*

President Pritchard declared the Public Hearing closed at 7:29 p.m.

Deputy Superintendent Clark Hampton stated the Education Finance Trailer Bill (SBX3 4) gives districts the authority to use categorical Tier III funds for any educational purpose. Approval of this resolution will authorize the District to transfer approximately \$21.3 million from restricted funds to the unrestricted general fund.

**Use of Categorical
Flexibility Funds
Agenda Item 2**

It was moved by Trustee Alpay, seconded by Trustee Hatton, and motion carried by a 4-2 vote to approve Resolution No. 1112-50, Adoption of the 2012-2013 Use of Categorical Flexibility Funds.

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

President Pritchard announced the Public Hearing open at 7:40 p.m. regarding the approval of the Special Education Local Plan Agency 2012-2013 Annual Service Plan and Budget Plan. There being no speakers to address the Board, President Pritchard declared the Public Hearing closed at 7:41 p.m.

**Public Hearing:
SELPA Annual
Service Plan and
Budget Plan
Agenda Item 3**

Assistant Superintendent Sara Jocham stated each Special Education Local Plan Area is required by the California Department of Education to submit an Annual Service Plan and Budget Plan. The Annual Service Plan must identify the Individualized Education Program services and adoption of the California State Management Information System number codes to represent services. The Annual Budget Plan is required to identify expenditures in specific categories.

**SELPA Annual Service Plan and Budget Plan
Agenda Item 4**

It was moved by Trustee Alpay, seconded by Trustee Brick, and motion carried by a 6-0 vote to approve the 2012-2013 Annual Service Plan and Budget Plan.

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

President Pritchard announced the Public Hearing open at 7:44 p.m. regarding the approval of the Opportunities for Learning Charter School petition renewal.

**Public Hearing:
Opportunities for Learning Petition Renewal
Agenda Item 5**

The following speakers addressed the Board:

- *John Wolf, Dakota Casteel, and Bill Toomey spoke in support of approving the Opportunities for Learning renewal petition and the benefits of its partnership with the District.*

President Pritchard declared the Public Hearing closed at 7:51 p.m.

Assistant Superintendent Julie Hatchel explained this item seeks approval of the Opportunities for Learning (OFL) Charter School petition renewal. Dr. Hatchel stated the District has a good relationship with OFL and staff has reviewed the petition and finds it to be in accordance with requirements for renewal.

**Opportunities for Learning Petition Renewal
Agenda Item 6**

It was moved by Trustee Addonizio, seconded by Trustee Hatton, and motion carried by a 6-0 vote to approve a five-year renewal of the Opportunities for Learning Charter School petition.

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

DISCUSSION/ACTION

Deputy Superintendent Clark Hampton provided a 2012-2013 Budget Preview PowerPoint presentation beginning with a summary of the latest information on California state budget. Mr. Hampton ended his presentation stating staff is currently developing the final budget, which will be presented to the Board for consideration at the June 27, 2012, regular Board meeting. (The PowerPoint is available for viewing on the District website at www.capousd.org).

**2012-2013 Fiscal Year Budget Update
Agenda Item 7**

Trustee Palazzo requested staff research if this is the first time the District has received a deferral waiver.

The following speakers addressed the Board:

- *Robert Reidel stated CUSD is an underfunded District and the Board needs to go to Sacramento and demand its fair share of funding.*
- *Julie Collier told Trustees student needs and best interests should be the Board's highest priority and they need to make tough decisions in negotiations.*

It was moved by Trustee Alpay, seconded by Trustee Addonizio, and motion carried by a 6-0 vote to waive Board Policy 9323 and allow a speaker to address the Board who submitted a Request to Address the Board of Trustees card after the item was opened for public comment.

- *Bill Perkins told the Board they need to make decisions, not excuses, act appropriately, and call their state assemblyman or senator.*

Dr. Farley clarified the District is taking a multi-prong approach regarding negotiations which consists of salary reductions, layoffs, coverage changes to health and welfare benefits, salary freezes, furlough days, and class size increases. All are on the table and the District will need most, if not all, to acquire the \$50 million required in the worst case scenario.

Trustee Addonizio requested staff provide Trustees with more detail on the final budget with regards to categorical flexibility and class size increases as early as possible before the next Board meeting.

Deputy Superintendent Clark Hampton stated this item allows the District to temporarily transfer money held in any fund to another fund for cash flow purposes. These cash transfers will be paid back once the money becomes available from the state.

**Temporary
Interfund
Transfers
Agenda Item 8**

It was moved by Trustee Hatton, seconded by Trustee Alpay, and motion carried by a 5-1 vote to approve Resolution No. 1112-49, Authorization of Temporary Interfund Transfers.

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

Assistant Superintendent Julie Hatchel presented for first reading Board Policy 5122, *Promotion/Acceleration/Retention*, and explained it is the governing policy outlining the promotion, acceleration, or retention of students. The recommended changes will clarify the language and will comply with the law.

**Board Policy
Revision
Agenda Item 9**

Trustee Alpay requested staff clarify if the five criteria listed under the heading First Grade Acceleration are all required; if the reference to site team under the heading Retention K8 is SST; and to change the passive voice in the first sentence before the policy is brought back for second reading.

President Pritchard asked Trustees for items they wished to pull from the Consent Calendar. Agenda item 10 was pulled.

**Items Pulled from
the Consent
Calendar**

CONSENT CALENDAR

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

Petition to waive California Education Code §60851(a) and Board Policy 6162.52 – California High School Exit Examination: Case #1112-034 through #1112-039.

**CAHSEE Waiver
Agenda Item 11**

Expunging a student expulsion record.

**Expunging of
Expulsion Record
Agenda Item 12**

Adoption of <i>All the Pretty Horses</i> written by Cormac McCarthy and published by Vintage Books ©1993.	Instructional Materials Agenda Item 13
Adoption of <i>Statistical Reasoning in Sports</i> by Tabor & Franklin and published by Bedford, Freeman & Worth ©2013.	Instructional Materials Agenda Item 14
Adoption of <i>Into the Wild</i> written by Jon Krakauer and published by Anchor Books ©1996; Adoption of <i>The Left Hand of Darkness</i> written by Ursula K. LeGuin and published by Ace Books ©1969.	Instructional Materials Agenda Item 15
Adoption of the following titles for Reading & Phonics– Mandarin Chinese in grades K-1: <i>My First Chinese Word Series</i> published by Better Chinese ©2006; <i>My First Chinese Reader Series</i> published by Better Chinese ©2006; <i>Little Kangshun</i> published by Kangshun ©2011 and adoption of the following titles for Math – Mandarin Chinese in grades K-1 include: <i>Earlybird Kindergarten Mathematics</i> published by Singapore Math ©2007; <i>Primary Mathematics</i> published by Singapore Math ©2007.	Instructional Materials Agenda Item 16
Purchase orders, warrants, and previously Board-approved bids and contracts as listed.	Purchase Orders/Warrants Agenda Item 17
Donation of funds and equipment.	Donations Agenda Item 18
Ratification of special education Informal Dispute Resolution agreement for IDR case #57212.	Informal Dispute Resolution Agreement Agenda Item 19
Special education Informal Dispute Resolution agreement for IDR case #34912.	Informal Dispute Resolution Agreement Agenda Item 20
Agreement between the Orange County school districts to provide student-transportation services for special education, transfers, athletics, field trips, and special event activities during peak demand periods to avoid disruption of services.	Agreement for Student Transportation Services Agenda Item 21
Lease/rental agreement with the Orange County Fire Authority to provide the use of a District bus on a temporary basis for the transportation of fire explorers during intensive training in June and July.	Lease/Rental Agreement Agenda Item 22
Amendment No. 1 – Real Property Lease Agreement with Orange County Department of Education (OCDE) for the Special Education – Interagency Assessment Center at Crown Valley Elementary School.	Real Property Lease Agreement Agenda Item 23
Final acceptance and filing of the Notice of Completion for the construction of the 30-meter pool and support buildings at San Juan Hills High School.	SJHHS Pool Notice of Completion Agenda Item 24
Ratification of change order #18 related to the construction of the 30-meter pool and support buildings at San Juan Hills High School.	Change Order #18 SJHHS Pool Agenda Item 25

Ratification of change order #8 related to the theater at Capistrano Valley High School.	Change Order #8 CVHS Theater Agenda Item 26
Ratification of District standardized Independent Contractor, Master Contract, and Professional Services Agreements.	Professional Services Agreements Agenda Item 27
Extension of Independent Contractor Agreement No. I1011014 for on-call California Environmental Quality Act Compliance services, as required by the District, provided by The Planning Center.	Extension of Independent Contractor Agreement Agenda Item 28
Extension of Independent Contractor Agreement No. I1011016 for on-call geotechnical services, as required by the District, provided by NMG Geotechnical, Incorporated.	Extension of Independent Contractor Agreement Agenda Item 29
Extension of Bid No. 1112-04 to outsource transportation services, as required by the District, provided by American Logistics Company, LLC.	Extension of Bid Outsource Transportation Services Agenda Item 30
Award of bid for refurbished computer equipment to CNB Computers, Incorporated.	Bid Award Computer Equipment Agenda Item 31
Advertise for bids for new baseball dugouts at San Juan Hills High School.	Advertise Bid SJHHS Dugouts Agenda Item 32
Denial of Claim 12-03484 DP filed against the District.	Government Claim Denial Agenda Item 33
Resignations, retirements, and employment of classified personnel.	Resignations/ Retirements/ Employment (Classified Personnel) Agenda Item 34
Resignations, retirements, and employment of certificated personnel.	Resignations/ Retirements/ Employment (Certificated Personnel) Agenda Item 35

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

Trustee Palazzo stated the May 23, 2012, minutes recorded Trustee Hatton had abstained from voting on the May 14 minutes but the vote for the Consent Calendar was recorded as unanimous. Trustee Palazzo requested the minutes be amended to reflect the vote was not unanimous as recorded. Trustee Palazzo stated she would like to bifurcate item 10 to abstain from voting on the May 23, 2012, minutes because she was absent from the meeting.

Minutes
Agenda Item 10

It was moved by Trustee Addonizio, seconded by Trustee Palazzo, and motion carried by a 6-0 vote to bifurcate item 10 into the May 9, 2012, and May 23, 2012, Board meeting minutes.

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

Trustees Alpay and Hatton announced they were abstaining from voting on the May 9, 2012, special Board meeting minutes because they did not attend the meeting.

It was moved by Trustee Addonizio, seconded by Trustee Palazzo, and motion carried by a 4-0-2 vote to approve the minutes of the May 9, 2012, special Board meeting.

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

It was moved by Trustee Alpay, seconded by Trustee Addonizio, and motion carried by a 5-0-1 vote to approve the minutes of the May 23, 2012, regular Board meeting.

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

The Board recessed to closed session at 8:36 p.m. to continue discussions on closed session items.

Recess

President Pritchard reconvened the meeting at 10:15 p.m. and reported the following action taken during closed session:

**President's Report
From Closed
Session Meeting**

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

The Board gave direction to staff.

Agenda Item #3 B1 – Student Expulsion:

The Board voted 6-0 to expel the following student with staff recommendations: Case #2012-072.

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

Agenda Item #3 B2 – Student Expulsions:

The Board voted 6-0 to expel the following student by stipulated agreement: Case #2012-073.

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

Agenda Item #3 C1 through C6 – Public Employee Appointment/Employment:

The Board voted 6-0 to approve the appointment of Heidi Harvey, Principal, Truman Benedict Elementary School.

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

The Board voted 6-0 to approve the appointment of Michelle Moore, Principal, Laguna Niguel Elementary School.

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

The Board voted 6-0 to approve the appointment of Philippa Geiger, Executive Director, Fiscal Services.

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

The Board voted 6-0 to approve the appointment of Leona Olson, Executive Director, Personnel Services/Compliance.

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

The Board voted 6-0 to approve the appointment of Steve Gelsinger, Director III, Psychological Services.

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

The Board voted 6-0 to approve the appointment of Sharon deArmas, Supervisor III, Transportation Safety and Training.

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

The Board voted 6-0 to approve the appointment of Tracy Christman-Sturm, Program Specialist.

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

Trustee Bryson returned to closed session at 9:04 p.m.

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

The Board voted 7-0 to approve Resolution 1112-51 authorizing the issuance of final release and reassignment notices to employee #11427, #12522, #18723, #14165, and #10833.

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

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

Adjournment

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

President Pritchard announced the meeting adjourned at 10:20 p.m.

Board Clerk

Secretary, Board of Trustees