

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

**REVISED**

BOARD OF TRUSTEES  
Regular Meeting

March 8, 2017

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

**AGENDA**

**CLOSED SESSION AT 5:00 P.M.**

- 1. CALL TO ORDER**
- 2. CLOSED SESSION COMMENTS**
- 3. CLOSED SESSION** (as authorized by law)

**A. LIABILITY CLAIM:**

Clark Hampton  
Significant Exposure to Litigation - One Case  
Rejection of Government Claim: No. LBI 1603243 MH  
(Pursuant to Subdivision (d) of Government Code § 54956.9, Paragraph (2) or(3))

**EXHIBIT A-1**

**B. STUDENT EXPULSIONS**

Mike Beekman  
One Case  
Case Number 2017-028

**EXHIBIT B-1**

**C. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE**

Gordon Amerson  
Five Cases  
(Pursuant to Government Code § 54957)

**EXHIBIT C-1**  
**EXHIBIT C-2**  
**EXHIBIT C-3**  
**EXHIBIT C-4**  
**EXHIBIT C-5**

**D. CONFERENCE WITH LABOR NEGOTIATORS**

District Negotiators: Kirsten M. Vital/Gordon Amerson/Clark Hampton  
Employee Organizations:  
1) Capistrano Unified Education Association (CUEA)  
2) California School Employees Association (CSEA)  
3) Teamsters  
(Pursuant to Government Code § 54957.6)

**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.**

**CALL TO ORDER – ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**ADOPTION OF THE AGENDA**

**REPORT ON CLOSED SESSION ACTION**

**SPECIAL RECOGNITIONS**

Extra Miler

Jacqui Neuharth and Marti Bruno for their dedication in maintaining the “Gerhard Garden” used to extend the educational opportunities and benefits for the students at John S. Malcom Elementary School.

Associated Student Body

Adult Transition Program

*Clint Collins*, Principal

*Lori Kunze-Thibeau*, Teacher

*Devon Lara*, Student Speaker

**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.

**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.

**BUSINESS AND SUPPORT SERVICES**

**1. DONATION OF FUNDS AND EQUIPMENT:**

Approval of donations of funds and equipment. A number of gifts have been donated to the District, including \$90,503.95 in cash. These funds will be deposited in the appropriate school accounts. Items other than cash have no financial impact on the budget. The District does not guarantee maintenance of items or the expenditure of any District funds for continued use.

*Contact: Clark Hampton, Deputy Superintendent Business and Support Services*

Page 1

**EXHIBIT 1**

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

Approval of purchase orders (Attachment 1) and commercial warrants (Attachment 2). The expenditures related to the listed purchase orders and commercial warrants included in this item were previously authorized as part of the District’s budget approval process. The purchase orders total \$1,967,113.03 and the commercial warrants total \$3,988,317.22. Attachment 3 is a list of previously Board-approved bids and contracts to assist in the review of the purchase order and commercial warrant listings. Attachment 4 is a list of previously Board-approved warrants, by vendor, exceeding \$250,000.

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**EXHIBIT 2**

*Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*

3. **INDEPENDENT CONTRACTOR, PROFESSIONAL SERVICES, FIELD SERVICE AND MASTER CONTRACT AGREEMENTS:** Page 33  
**EXHIBIT 3**

Approval of the District standardized Independent Contractor, Professional Services, Master Contract and Field Service agreements. The expenditures related to the listed agreements were previously authorized as part of the District's budget approval process. The exhibit shows four new agreements totaling \$790,450 and one amendment to existing agreements at no cost. Due to the size of the contract documents, the General Conditions for each type of agreement are posted online on the District's Board Agendas and Supporting Documentation page.

*Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*

4. **AWARD BID NO. 1617-16, MARBLEHEAD ELEMENTARY SCHOOL OUTDOOR CLASSROOM - R. JENSEN CO., INC.:** Page 91  
**EXHIBIT 4**

Approval of the Award of Bid No. 1617-16, Marblehead Elementary School Outdoor Classroom to R. Jensen Co., Inc. The two bids received and opened on December 21, 2016 are listed in Exhibit A. The bidder offering the lowest base price plus all alternatives was used to determine the lowest responsive bidder. At the January 25, 2017 Board meeting, So Cal Seven, Inc. dba Prunin Arboriculture & Landscape Maintenance was identified as the lowest responsible bidder and awarded the contract. Subsequently, So Cal Seven, Inc. dba Prunin Arboriculture & Landscape Maintenance has provided information that they cannot comply with the necessary bid requirements and has now been deemed non-responsive. R. Jensen Co., Inc. is now the lowest responsive, responsible bidder at \$102,050. This project will be funded by the general fund.

*Contact: Clark Hampton, Deputy Superintendent Business and Support Services*

## **CURRICULUM & INSTRUCTION**

5. **BOARD POLICY 5111, ADMISSION:** Page 121  
**EXHIBIT 5**

Approval of the ratification of the proposed revision to Board Policy 5111, *Admission*, adds language to define eligibility for students who are enrolled in transitional kindergarten, and accredited kindergarten and first grade programs that are outside of the District offered programs but do not meet age requirements for enrollment when transferring into the District. Additional revisions requested by Trustees during the first reading of this item have been made. Changes are underlined; deletions are struck through.

*Contact: Susan Holliday, Associate Superintendent, Education Services*

6. **BOARD POLICY 5111.1, DISTRICT RESIDENCY:** Page 125  
**EXHIBIT 6**

Approval of the ratification of this proposed revision of Board Policy 5111.1, *District Residency*, updates this policy and incorporates the policy language as recommended by legal counsel. The revision includes specific procedures related to the proof of residency. This proposed policy is in alignment with Education Code § 35351, Assignment of Students to Particular Schools. Changes are underlined; deletions are struck through.

*Contact: Susan Holliday, Associate Superintendent, Education Services*

7. **BOARD POLICY 6171, TITLE I PROGRAMS:** Page 129  
**EXHIBIT 7**

Approval of the ratification of the proposed revisions to Board Policy 6171, *Title I Programs*, adds language to define the Title I Public School Choice program. Under No Child Left Behind (NCLB), Title I Public School Choice was mandated, however, under the Every Student Succeeds Act (ESSA), districts have the option to implement the program. Non-Regulatory Guidance recommends that students who previously transferred to another school under NCLB be allowed to remain at the school through the highest grade at that school. This recommendation has been included in the

proposed policy. The approximate \$300,000 fiscal impact is expected to decrease over time, funded by Title I funds. Requested revisions have been made. Changes are underlined; deletions are struck through.

*Contact: Susan Holliday, Associate Superintendent, Education Services*

## **HUMAN RESOURCE SERVICES**

8. **QUARTERLY REPORT – WILLIAMS SETTLEMENT LEGISLATION UNIFORM COMPLAINT:** Page 133  
**EXHIBIT 8**  
Acceptance of Williams Settlement Legislation Uniform Complaint Second Quarter Report. Board Policy 1312.4 mandates school districts establish policies and procedures to resolve deficiencies related to textbooks and instructional materials, teacher vacancies or misassignments, facility conditions posing a threat to student/staff health or safety, and instruction and services for the California High School Exit Examination. Furthermore, Education Code § 35186 requires any deficiencies or complaints be reported to the Board of Trustees at a regularly scheduled public meeting each quarter. During the second quarter, the District received zero complaints.  
*Contact: Gordon Amerson, Associate Superintendent, Human Resource Services*
9. **ORANGE COUNTY DEPARTMENT OF EDUCATION SECOND QUARTER REPORT – WILLIAMS SETTLEMENT LEGISLATION:** Page 134  
**EXHIBIT 9**  
Acceptance of Williams Settlement Legislation Orange County Department of Education (OCDE) Second Quarter Report. Education Code § 1240 requires OCDE to report visits and reviews of District schools conducted by OCDE, if any. Furthermore, the law requires the report be provided to the Board of Trustees at a regularly scheduled public meeting each quarter.  
*Contact: Gordon Amerson, Associate Superintendent, Human Resource Services*
10. **RESIGNATIONS/RETIREMENTS/EMPLOYMENT – CLASSIFIED EMPLOYEES:** Page 135  
**EXHIBIT 10**  
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.  
*Contact: Gordon Amerson, Associate Superintendent, Human Resource Services*
11. **RESIGNATIONS/RETIREMENTS/EMPLOYMENT – CERTIFICATED EMPLOYEES:** Page 145  
**EXHIBIT 11**  
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.  
*Contact: Gordon Amerson, Associate Superintendent, Human Resource Services*

## **GENERAL FUNCTIONS**

12. **SCHOOL BOARD MINUTES:** Page 155  
**EXHIBIT 12**  
Approval of the October 26, 2016 Regular Board Meeting minutes.  
*Contact: Nicole Perez, Executive Secretary, Board Operations*
13. **SCHOOL BOARD MINUTES:** Page 164  
**EXHIBIT 13**  
Approval of the November 16, 2016 Regular Board Meeting minutes.  
*Contact: Nicole Perez, Executive Secretary, Board Operations*
14. **SCHOOL BOARD MINUTES:** Page 174  
**EXHIBIT 14**  
Approval of the December 14, 2016 Regular Board Meeting minutes.  
*Contact: Nicole Perez, Executive Secretary, Board Operations*

15. **SCHOOL BOARD MINUTES:**  
Approval of the January 18, 2017 Board Workshop minutes.  
*Contact: Nicole Perez, Executive Secretary, Board Operations*

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**EXHIBIT 15**

**DISCUSSION/ACTION ITEMS**

16. **FIRST READING - BOARD BYLAW 9311, BOARD POLICIES:**  
The proposed revisions to Board Policy 9311, *Board Policies*, adds language to allow the Board to waive the second reading with a vote of two thirds of the total Board, as opposed to the previous language of a unanimous vote. Changes are underlined; deletions are struck through.  
***CUSD WIG 2: Communications – Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions.***  
***Contact: Kirsten Vital, Superintendent***

DISCUSSION/  
ACTION  
Page 189  
**EXHIBIT 16**

Staff Recommendation

It is recommended the Board President recognize Kirsten Vital, Superintendent, to present this item.

Following discussion, it is recommended the board of trustees approve Board Bylaw 9311, *Board Policies*.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

17. **CERTIFICATION OF THE 2016-2017 SECOND INTERIM REPORT AND ADOPTION OF RESOLUTION NO. 1617-57, 2016-2017 REVENUE AND EXPENDITURE INCREASES/DECREASES:**  
In accordance with Education Code § 42130, school districts are required to prepare and submit Interim Financial Reports to the governing board. Resolution No. 1617-57 adjusts the various fund budgets to reflect the Second Interim Report. The purpose of these reports is to satisfy State and County Office of Education officials as to whether or not the District will be able to meet its financial obligations for the remainder of the fiscal year. Additionally, as required by AB 2756, districts must certify that minimum reserve levels are projected to be met in the two subsequent fiscal years.  
***CUSD WIG 2: Communications – Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions.***  
***Contact: Clark Hampton, Deputy Superintendent Business and Support Services***

DISCUSSION/  
ACTION  
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**EXHIBIT 17**

It is recommended the Board President recognize Clark Hampton, Deputy Superintendent to present this item.

Following discussion, it is recommended the Board of Trustees approve the Certification of the 2016-2017 Second Interim Report and Adoption of Resolution No. 1617-57, 2016-2017 Revenue and Expenditure Increases/Decreases.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

18. ~~**FIRST READING – BOARD POLICY 0420.4, CHARTER SCHOOL AUTHORIZATION:**~~  
~~Approval of the proposed revision to Board Policy 0420.4, *Charter School Authorization*, updates and aligns the policy to Board Policy 0420.41, *Charter School Oversight*. The policy was updated to add language to require charter school board meetings take place within District boundaries. The District can require a charter school to hold board meetings within District boundaries. Government Code § 54953 does permit meetings to take place outside of a school district’s boundaries if the~~

INFORMATION/  
DISCUSSION  
Page 339  
**EXHIBIT 18**

requirements for teleconferencing are satisfied. Per Trustee feedback, at the October 12, 2016 Board meeting, staff added language to the policy to require charter petitions to comply with the Brown Act and California Public Records Act. Changes are underlined; deletions are struck through.

~~*CUSD WIG 1: Teaching and Learning – Engage students in meaningful, challenging, and innovative educational experiences to increase post-secondary options for all students.*~~

~~*Contact: Susan Holliday, Associate Superintendent, Education Services*~~

Staff Recommendation

~~It is recommended the Board President recognize Susan Holliday, Associate Superintendent, Education Services, to present information on this item and answer any questions Trustees may have. This is an information item only and no Board action is necessary.~~

**19. SECOND READING – BOARD POLICY 5130, STUDENT RECORDS:**

Board Policy 5130, *Student Records*, has been revised to reflect changes in the fees for duplication of student records. Staff recommends the fees for duplicating student records be changed from 25 cents per page to 15 cents per page to reflect reasonable costs to reproduce student records. Additional changes have been proposed for the fees to reproduce an official student transcript. The fee would be changed from \$10 per transcript to \$5 per transcript. Revisions requested by Trustees during the first reading have been made, and legal counsel has reviewed the proposed policy. Changes are underlined; deletions are struck through.

*CUSD WIG 1: Teaching and Learning – Engage students in meaningful, challenging, and innovative educational experiences to increase post-secondary options for all students.*

*Contact: Susan Holliday, Associate Superintendent, Education Services*

Staff Recommendation

It is recommended the Board President recognize Susan Holliday, Associate Superintendent, Education Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve Board Policy 5130, *Student Records*.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

**20. THIRD READING – BOARD POLICY 5112, ABSENCES AND EXCUSES:**

Attendance is a critical component in student achievement. Recently an Attendance Taskforce was created to find ways of improving student attendance. The taskforce agreed that updating policy on attendance was a critical step in improving student attendance. Proposed revisions of Board Policy 5112, *Absences and Excuses*, updates the policy to current Education Code and incorporates language recommended by legal counsel. In addition it adds language suggested by the taskforce regarding the School Attendance Review Board process, chronic absenteeism and expectations that the District may conduct wellness checks for excessive absences. Additional revisions requested by Trustees during the second reading of this item have been made. Changes are underlined; deletions are struck through.

*CUSD WIG 1: Teaching and Learning – Engage students in meaningful, challenging, and innovative educational experiences to increase post-secondary options for all students.*

*Contact: Susan Holliday, Associate Superintendent, Education Services*

Staff Recommendation

It is recommended the Board President recognize Susan Holliday, Associate Superintendent, Education Services, to present this item.

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**EXHIBIT 19**

DISCUSSION/  
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**EXHIBIT 20**

Following discussion, it is recommended the Board of Trustees approve Board Policy 5112, *Absences and Excuses*.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

21. **RESOLUTION NO. 1617-61, REDUCTION OR ELIMINATION OF PARTICULAR KINDS OF SERVICES PERFORMED BY CERTIFICATED EMPLOYEES:** DISCUSSION/  
ACTION  
Page 376

Consideration and approval of Resolution No. 1617-61, Reduction or Elimination of Particular Kinds of Services Performed by Certificated Employees.

***CUSD WIG 2: Communications – Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions.***

***Contact: Gordon Amerson, Associate Superintendent, Human Resource Services***

Staff Recommendation

It is recommended the Board President recognize Gordon Amerson, Associate Superintendent, Human Resource Services, to present information on this item.

Following discussion, it is recommended the Board of Trustees adopt Resolution No. 1617-61, Reduction or Elimination of Particular Kinds of Services Performed by Certificated Employees.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

**ADJOURNMENT**

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS  
WEDNESDAY, MARCH 22, 2017, 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](http://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.*