

Regular Meeting
CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES

33122 Valle Road
San Juan Capistrano, CA 92675

June 15, 2010

7:00 p.m.

I. PRELIMINARY

Meeting was called to order by _____

Pledge of Allegiance to the Flag

Board consideration and adoption of the agenda.

Motion by _____ Seconded by _____

ROLL CALL:	Present	Absent
Anna Bryson, President	_____	_____
Ken Lopez-Maddox, Vice President	_____	_____
Jack Brick, Clerk	_____	_____
Ellen M. Addonizio, Member	_____	_____
Larry Christensen, Member	_____	_____
Sue Palazzo, Member	_____	_____
Mike Winsten, Member	_____	_____
Saam Alikhani, Student Advisor	_____	_____

CLOSED SESSION COMMENTS

CLOSED SESSION
5:30 p.m.

REPORT ON CLOSED SESSION ACTION

SPECIAL RECOGNITIONS
Greg Nestor, Initiative and Innovation
Kayla Redivo, Internship at Saddleback Memorial Hospital

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: Agenda Item #25– School Facility Needs Analysis-Adopting Alternative School Facility Fees for New Developments.

PUBLIC HEARING: Agenda Item #26– Community Facilities Districts (CFD) 2005-1 Whispering Hills (continued).

RECORDING OF SCHOOL BOARD MEETINGS

In accordance with Board Policy 9324, Board Minutes, all Regular School Board Meetings will be audio recorded.

For information regarding Capistrano Unified School District, please visit our website:

www.capousd.org

II. 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 Section 35146 and Government Code Section 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.

III. 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 staff recommend approval of all Consent Calendar items.

GENERAL FUNCTIONS

PAGE #

1. SCHOOL BOARD MINUTES: Approval, minutes of the May 3, 2010, Special Board Meeting, May 11, 2010, Regular Board Meeting, and May 19, 2010, Special Board Meeting.
(Supporting Information)
Contact: Jane Boos, Manager, Board Office Operations 1

CURRICULUM & INSTRUCTION

2. SPECIAL EDUCATION: Approval, nonpublic school and agency contracts.
(Supporting Information)
Contact: Candy Miller, Special Education Consultant 15
3. EXPUNGING EXPULSION RECORD: Approval expunging of expulsion record.
(Supporting Information)
Contact: Julie Hatchel Assistant Superintendent, Education 19
4. EXPULSION READMISSIONS: Approval, readmission of students from expulsion.
(Supporting Information)
Contact: Julie Hatchel Assistant Superintendent, Education 21
5. CALIFORNIA HIGH SCHOOL EXIT EXAM: Approval, petition to waive California Ed Code §60851(c)/Board Policy 6162.52—California High School Exit Exam: Case #0910-070 (ANHS) through 0910-076 (THS)
(Supporting Information)
Contact: Julie Hatchel Assistant Superintendent, Education 23
6. JOINT POWERS AGREEMENT: Approval, Joint Powers Agreement for Supplemental Law Enforcement Services.
(Supporting Information)
Contact: Julie Hatchel Assistant Superintendent, Education 25
7. JOURNEY CHARTER SCHOOL: Approval, Special Education Memorandum of Understanding (MOU) for Journey Charter School.
(Supporting Information)
Contact: Julie Hatchel Assistant Superintendent, Education 39
8. CALIFORNIA INTERSCHOLASTIC FEDERATION (CIF): Approval, 2010-2011 CIF representatives.
(Supporting Information)
Contact: Julie Hatchel Assistant Superintendent, Education 53

BUSINESS & SUPPORT SERVICES

9. PURCHASE ORDERS/WARRANTS/CONSULTING AGREEMENTS: Approval, Purchase Orders/Warrants/Consultant Agreements.
(Supporting Information)
Contact: Ron Lebs, Deputy Superintendent, Business & Support Services 57

10. DONATIONS: Approval, donations of funds/equipment. 117
(Supporting Information)
Contact: Ron Lebs, Deputy Superintendent, Business & Support Services
11. XEROX CORPORATION CONTRACT: Approval, authorization to utilize Contract No. 121
3-01-36-0030A, purchase and warranty of hardware and software, installation,
maintenance, software maintenance, license and training on Xerox products, State
of California Multiple Award Schedule (CMAS)-Xerox Corporation.
(Supporting Information)
Contact: Ron Lebs, Deputy Superintendent, Business & Support Services
12. OBSOLETE MATERIALS: Approval, authorization to sell obsolete and unusable 123
district materials.
(Supporting Information)
Contact: Ron Lebs, Deputy Superintendent, Business & Support Services
13. ABSENCE WAIVER: Approval, request of allowance of attendance due to rain related 125
absences during the week of January 19, 2010.
(Supporting Information)
Contact: Ron Lebs, Deputy Superintendent, Business & Support Services
14. BID REJECTION: Approval, reject all bids for Bid No. 1011-03, General Contractor. 133
(Supporting Information)
Contact: Ron Lebs, Deputy Superintendent, Business & Support Services
15. VEHICLE MAINTENANCE/DRIVER TRAINING SERVICES: Approval, to extend 135
vehicle maintenance and driver training services for Santa Margarita Catholic High
School.
(Supporting Information)
Contact: Ron Lebs, Deputy Superintendent, Business & Support Services
16. LEGAL SERVICES: Approval, addition to legal services bench and extension of 147
consultant agreement No. C0809161, Bowie, Arneson, Wiles, and Giannone.
(Supporting Information)
Contact: Ron Lebs, Deputy Superintendent, Business & Support Services
17. LAGUNA NIGUEL ELEMENTARY SCHOOL: Approval, YMCA placement of two 153
portable classrooms at Laguna Niguel Elementary School.
(Supporting Information)
Contact: Ron Lebs, Deputy Superintendent, Business & Support Services
18. MEDI-CAL BILLING SERVICES: Approval, award of REP No. 6-0910, Medi-Cal 163
Billing Services, Paradigm Health Care Services.
(Supporting Information)
Contact: Ron Lebs, Deputy Superintendent, Business & Support Services
19. PAVING: Approval, award of Bid No. 1011-01, Asphalt Paving, Sealcoating, and Repair, 167
Ben's Asphalt, Inc.
(Supporting Information)
Contact: Ron Lebs, Deputy Superintendent, Business & Support Services
20. FROZEN FOOD: Approval, award of Bid No. 1011-05, Frozen Food Products, Gold Star 171
Foods, Inc.
(Supporting Information)
Contact: Ron Lebs, Deputy Superintendent, Business & Support Services

PERSONNEL SERVICES

- 21. RESIGNATIONS/RETIREMENTS/EMPLOYMENT: Approval, classified personnel. (Supporting Information) 183
Contact: Jodee Brentlinger, Assistant Superintendent, Personnel

- 22. RESIGNATIONS/RETIREMENTS/EMPLOYMENT: Approval, certificated personnel. (Supporting Information) 189
Contact: Jodee Brentlinger, Assistant Superintendent, Personnel

- 23. WILLIAMS SETTLEMENT: Approval and acceptance of the Third Quarter Williams Settlement Legislation, Inspection Report. (Supporting Information) 195
Contact: Jeff Bristow, Executive Director, Risk Management/Compliance

- 24. TEACHER PREPARATION PIPELINE GRANT: Approval, payment to master teachers who served as mentors for teaching assistants from Saddleback College. (Supporting Information) 197
Contact: Jodee Brentlinger, Assistant Superintendent, Personnel

Motion by _____ Seconded by _____

ROLL CALL:

	Student Advisor Saam Alikhani _____
Trustee Addonizio _____	Trustee Palazzo _____
Trustee Brick _____	Trustee Lopez-Maddox _____
Trustee Christensen _____	Trustee Winsten _____
	Trustee Bryson _____

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.

IV. DISCUSSION/ACTION

- 25. **SCHOOL FACILITY NEEDS ANALYSIS, ADOPTING ALTERNATIVE SCHOOL FACILITY FEES FOR NEW DEVELOPMENT – PUBLIC HEARING:** Consideration and Approval, Resolution No. 0910-74, School Facility Needs Analysis, Adopting Alternative School Facility Fees for New Development. (Supporting Information) DISCUSSION/
ACTION
Vote ____
Page 199
Contact: Ron Lebs, Deputy Superintendent, Business & Support Services

Motion by _____ Seconded by _____

ROLL CALL:

	Student Advisor Saam Alikhani _____
Trustee Addonizio _____	Trustee Palazzo _____
Trustee Brick _____	Trustee Lopez-Maddox _____
Trustee Christensen _____	Trustee Winsten _____
	Trustee Bryson _____

26. **COMMUNITY FACILITIES DISTRICT 2005-1 (WHISPERING HILLS) – PUBLIC HEARING CONTINUED:** Consideration and Approval, reducing special taxes of Community Facilities District (CFD) 2005-1 (Whispering Hills) or other action in regard thereto. Resolution No. 0910-73.
(Supporting Information)
Contact: Ron Lebs, Deputy Superintendent, Business & Support Services

DISCUSSION/
ACTION
Vote ____
Page 211

Motion by _____ Seconded by _____

ROLL CALL:

	Student Advisor Saam Alikhani _____
Trustee Addonizio _____	Trustee Palazzo _____
Trustee Brick _____	Trustee Lopez-Maddox _____
Trustee Christensen _____	Trustee Winsten _____
	Trustee Bryson _____

27. **THIRD INTERIM REPORT:** Consideration and approval, financial documents related to the Third Interim report.
(Supporting Information)
Contact: Ron Lebs, Deputy Superintendent, Business & Support Services

DISCUSSION/
ACTION
Vote ____
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Motion by _____ Seconded by _____

28. **TENTATIVE BUDGET:** Review of 2010-2011 fiscal year tentative budget.
(Supporting Information)
Contact: Ron Lebs, Deputy Superintendent, Business & Support Services

INFORMATION/
DISCUSSION
Page 251

29. **EMPLOYEE COMPENSATION REDUCTIONS:** Consideration and approval, Resolution No. 0910-75, reserving the right to make 2010-11 employee compensation reductions.
(Supporting Information)
Contact: Jodee Brentlinger, Assistant Superintendent, Personnel

DISCUSSION/
ACTION
Vote ____
Page 253

Motion by _____ Seconded by _____

ROLL CALL:

	Student Advisor Saam Alikhani _____
Trustee Addonizio _____	Trustee Palazzo _____
Trustee Brick _____	Trustee Lopez-Maddox _____
Trustee Christensen _____	Trustee Winsten _____
	Trustee Bryson _____

30. **CLASSIFIED LAYOFF-NON-MANAGEMENT EMPLOYEES:** Consideration and approval, Resolution No. 0910-76, classified layoffs of non-management employees.
(Supporting Information)
Contact: Jodee Brentlinger, Assistant Superintendent, Personnel

DISCUSSION/
ACTION
Vote ____
Page 261

Motion by _____ Seconded by _____

ROLL CALL:

	Student Advisor Saam Alikhani _____
Trustee Addonizio _____	Trustee Palazzo _____
Trustee Brick _____	Trustee Lopez-Maddox _____
Trustee Christensen _____	Trustee Winsten _____
	Trustee Bryson _____

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| <p>31. STRATEGIC PLAN: Consideration and approval, Strategic Plan and Objectives for the 2010-11 school year.
(Supporting Information)
<i>Contact: Julie Hatchel, Assistant Superintendent, Education</i>
<i>Kim Bailey, Director, Instructional Support/ Staff Development</i></p> | <p>DISCUSSION/
ACTION
Vote ____
Page 263</p> |
| <p>Motion by _____ Seconded by _____</p> | |
| <p>32. ENGLISH LEARNER PROGRAM: Update and overview of English Learner Program changes.
(Supporting Information)
<i>Contact: Julie Hatchel, Assistant Superintendent, Education</i></p> | <p>INFORMATION/
DISCUSSION
Page 275</p> |
| <p>33. BOARD POLICY REVISION: Consideration and approval, first reading of revisions to Board Policy 1330, <i>Use of District Facilities</i>.
(Supporting Information)
<i>Contact: Ron Lebs, Deputy Superintendent, Business & Support Services</i></p> | <p>DISCUSSION/
ACTION
Vote ____
Page 279</p> |
| <p>Motion by _____ Seconded by _____</p> | |
| <p>34. BOARD POLICY REVISION: Consideration and approval, first reading of revisions to Board Policy 4112/4212, <i>Appointment and Conditions of Employment</i>.
(Supporting Information)
<i>Contact: Jodee Brentlinger, Assistant Superintendent, Personnel</i></p> | <p>DISCUSSION/
ACTION
Vote ____
Page 303</p> |
| <p>Motion by _____ Seconded by _____</p> | |
| <p>35. DIVISION OF STATE ARCHITECT: Update of progress of the Division of State Architect Project listing, work schedule and priorities.
(Supporting Information)
<i>Contact: Ron Lebs, Deputy Superintendent, Business & Support Services</i></p> | <p>INFORMATION/
DISCUSSION
Page 309</p> |
| <p>36. SUMMER PROJECT LIST: Review and consideration of Maintenance and Operations Summer Project List.
(Supporting Information)
<i>Contact: Ron Lebs, Deputy Superintendent, Business & Support Services</i></p> | <p>INFORMATION/
DISCUSSION
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V. ADJOURNMENT

**THE NEXT REGULAR MEETING OF THE GOVERNING BOARD WILL BE HELD ON
TUESDAY, JUNE 29, 2010, 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

VII. CLOSED SESSION

37. Closed Session (as authorized by law)

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant Exposure to Litigation – One Case
Pacifica San Juan Homeowners Association CFD 98-1A
(Pursuant to Government Code §54956.9{b}{1})

B. CONFERENCE WITH LEGAL COUNSEL–EXISTING LITIGATION

Number of cases: Four Cases
(Pursuant to Government Code §54956.9{a})

Case No. 1

Superior Court of the State of California
County of Orange

Case No. 00300788

Whispering Hills LLC v. Capistrano Unified School District

Case No. 2

Superior Court of California
County of Orange – Central Justice Center

Case No. 30 2009 00122265

A. Woodrow Carter v. Capistrano Unified School District

Case No. 3

Superior Court of the State of California
County of Orange – Central Justice Center

Case No. 00180049

Petition for Writ of Mandate Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, et seq. City of Mission Viejo, a municipal corporation v. CUSD

Case No. 4

Superior Court of the State of California
County of Orange – Central Justice Center

Case No. 00207543

Petition for Writ of Mandate Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, et seq. City of Rancho Santa Margarita, a municipal corporation, v. CUSD

C. PARENT APPEAL

Level 4 Complaint

D. STUDENT EXPULSIONS – Items D-1 through D-10

Deliberation of Administration Panel's
Findings of Fact and Recommendation.

(Pursuant to Education Code §48918(c) and §35145)

E. LIABILITY CLAIM

Claimant: Claim No. 10-83886DP

Agency Claimant Against: Capistrano Unified School District

(Pursuant to Government Code §54956.9{a})

F. CONFERENCE WITH CHIEF LABOR NEGOTIATOR

Agency designated representative:

Anthony DeMarco, Chief Labor Negotiator

Employee Organization:

1) Capistrano Unified Education Association (CUEA)

2) Capistrano School Employees Association (CSEA)

3) Unrepresented Employees (CUMA)

4) Teamsters

(Pursuant to Government Code §54957.6)

G. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

(Pursuant to Government Code §54957)