

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

BOARD OF TRUSTEES
Regular Meeting

April 27, 2011

Closed Session 6:00 p.m.
Open Session 7:00 p.m.

AGENDA

CLOSED SESSION AT 6:00 P.M.

1. CALL TO ORDER

2. CLOSED SESSION COMMENTS

3. CLOSED SESSION (as authorized by law)

A. CONFERENCE WITH LEGAL COUNSEL– EXISTING LITIGATION [EXHIBIT 3A]

Number of Cases - Three
(Pursuant to Government Code §54956.9(a))

Case No. 1
Superior Court of the State of California
County of Orange – Central Justice Center
Case No. 30-2010-0036735
Travelers Casualty & Surety Co. of America v. CUSD

Case No. 2
Superior Court of the State of California
County of Orange – Central Justice Center
Case No. 30-2011-00455685
Pave West v. GC Builders, CUSD, Travelers Insurance, and American Contractors Indem. Co.

Case No. 3
Superior Court of the State of California
County of Orange
Case No. 00300788
Whispering Hills LLC v. Capistrano Unified School District

B. PUBLIC EMPLOYEE EMPLOYMENT/PERFORMANCE [EXHIBIT 3B]

Deputy Superintendent, Business & Support Services
(Pursuant to Government Code §54957)

C. PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT

Principal
(Pursuant to Government Code §54957)

D. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

(Pursuant to Government Code §54957)

E. CONFERENCE WITH LABOR NEGOTIATORS

Dr. Joseph M. Farley/Jodee Brentlinger/Ron Lebs
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)

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.

- 1. PLEDGE OF ALLEGIANCE
- 2. ADOPTION OF THE AGENDA – ROLL CALL
- 3. REPORT ON CLOSED SESSION ACTION
- 4. BOARD AND SUPERINTENDENT COMMENTS
- 5. 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 HEARINGS

- 6. PUBLIC HEARING AND ADOPTION OF CLASS SIZE WAIVER REQUEST [EXHIBIT A]

In order to maintain maximum flexibility in providing options to balance the budget in the 2011-2012 and 2012-2013 fiscal years, the District is seeking the ability to increase the districtwide average number of pupils from the current maximum of 29.9 per FTE to 33 per FTE in grades four through eight. Board approval is required to send the General Waiver Request to the State Board of Education for consideration.

Contact: Ron Lebs, Deputy Superintendent, Business & Support Services

Staff Recommendation:

Following the public hearing, it is recommended the Board of Trustees approve the class size penalty General Waiver Request for the 2011-2012 and 2012-2013 school years, and authorize the superintendent/designee to submit the necessary documents to the state.

Motion by _____ Seconded by _____

ROLL CALL:

Student Advisor Larson Ishii _____

Trustee Addonizio _____

Trustee Alpay _____

Trustee Bryson _____

Trustee Hatton _____

Trustee Palazzo _____

Trustee Pritchard _____

Trustee Brick _____

DISCUSSION/
ACTION

Vote _____

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DISCUSSION/ACTION ITEMS

- 7. ROLE OF BOARD: POWERS AND RESPONSIBILITIES: [EXHIBIT B]

At the March 23, 2011, Board meeting, Trustees reviewed a previously adopted resolution on the role, powers, and responsibilities of the Board. The Board suggested numerous revisions and changes in the previous resolution that were incorporated and presented at the April 11, 2011, Board meeting. Additional changes were made by the Board and Trustees voted to continue the item to the April 27 meeting for adoption.

Contact: Joseph M. Farley, Superintendent

Staff Recommendation:

Following Trustee review of the changes to this resolution, it is requested the Board adopt Resolution No. 1011-48, Role of the Board: Powers and Responsibilities, reaffirming the statement regarding the general powers and responsibilities of the Board.

DISCUSSION/
ACTION

Vote _____

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Motion by _____ Seconded by _____

ROLL CALL:

Student Advisor Larson Ishii _____

Trustee Addonizio _____

Trustee Alpay _____

Trustee Bryson _____

Trustee Hatton _____

Trustee Palazzo _____

Trustee Pritchard _____

Trustee Brick _____

8. CLASSIFIED LAYOFF, MANAGEMENT AND NON-MANAGEMENT EMPLOYEES: [EXHIBIT C]

DISCUSSION/
ACTION

Vote _____
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In accordance with Education Code §45117, classified employees may be laid off due to a bona fide reduction, elimination of a service being performed, or lack of funds. The process considers length of service (e.g., seniority) and any other higher classifications, with no skipping permitted for special expertise.

Classified employees must be given a forty-five (45) day notice prior to the effective date of any layoff. Individuals laid off shall be eligible for reemployment for a period of 39 months pursuant to Education Code §45298.

This agenda item proposes the reduction or elimination of positions due to a lack of funds. These positions are funded through categorical sources, gift money, or grants. At this time funding for the 2011-2012 school year is not secure. The elimination of these positions does not impact the general fund.

Contact: Jodee Brentlinger, Assistant Superintendent, Personnel Services

Staff Recommendation:

It is recommended the Board President recognize Jodee Brentlinger, Assistant Superintendent, Personnel Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve Resolution 1011-49 Classified Layoff, Management and Non-management Employees, in the designated classifications.

Motion by _____ Seconded by _____

ROLL CALL:

Student Advisor Larson Ishii _____

Trustee Addonizio _____

Trustee Alpay _____

Trustee Bryson _____

Trustee Hatton _____

Trustee Palazzo _____

Trustee Pritchard _____

Trustee Brick _____

9. FIRST READING - REVISIONS TO BOARD POLICY 6111: [EXHIBIT D]

INFORMATION/
DISCUSSION

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Board Policy 6111, *School Calendar*, outlines the duties and responsibilities of the District and Board relative to the establishment of a calendar for each school site. Each school calendar shall show the beginning and ending school dates, legal and local holidays, minimum days, vacation periods, and other pertinent dates. Additionally, the policy states that opening and closing hours of the school day shall be approved by the Board on an annual basis. School sites have had considerable autonomy in establishing and altering site calendars. At times, these changes have posed challenges due to inconsistency in scheduling across the District, including transportation accommodations. Proposed revisions to Board Policy 6111 are recommended to provide consistency and accountability with scheduling. Proposed additions to the Board policy are underlined; deletions are struck through.

Contact: Julie Hatchel, Assistant Superintendent, Education Services

Staff Recommendation:

It is recommended the Board President recognize Julie Hatchel, Assistant Superintendent, Education Services, to present for first reading the proposed revisions to Board Policy 6111, *School Calendar*.

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.

GENERAL FUNCTIONS

Page #

- 10. SCHOOL BOARD MINUTES: [EXHIBIT E]** 23
Minutes of the April 11, 2011, regular Board meeting.
Contact: Jane Boos, Manager, Board Office Operations

CURRICULUM & INSTRUCTION

- 11. JOINT POWERS AGREEMENT FOR SUPPLEMENTAL LAW ENFORCEMENT SERVICES: [EXHIBIT F]** 35
The Orange County Sheriff's Department has played a vital role in assisting with school safety throughout the District. For many years, the Orange County Sheriff's Department has provided security for District extracurricular events during the school year and high schools are requesting that this service be continued for the 2011-2012 school year. The idea behind having law enforcement services on duty at events is to be proactive rather than reactive in addressing potentially dangerous situations. The cost of the deputy positions are covered by the high school Associated Student Body groups.
Contact: Julie Hatchel, Assistant Superintendent, Education Services

BUSINESS & SUPPORT SERVICES

- 12. DONATIONS OF FUNDS AND EQUIPMENT: [EXHIBIT G]** 47
A number of gifts have been donated to the District, including \$39,341.10 in cash. These funds will be deposited in the appropriate school accounts. Items other than cash gifts have no financial impact on the budget. The District does not guarantee maintenance of those items or the expenditure of any District funds for their continued use. A list of the donations appears in the attachment.
Contact: Ron Lebs, Deputy Superintendent, Business & Support Services
- 13. MASTER CONTRACT - WERTHEIMER-GALE AND ASSOCIATES, NON-PUBLIC AGENCY: [EXHIBIT H]** 49
This agenda item recommends approval of a master contract for special education services to be provided by Wertheimer-Gale and Associates, a non-public agency. As indicated on the rate sheet, the cost for occupational therapy and physical therapy per individual service agreement and individual student IEP for the 2011-2012 school year will be \$78 per hour on an as-needed basis, which would be paid out of Special Education funds. The total expenditures under this contract cannot be determined at this time, as it is unknown how many special education students would require the therapy services provided by this vendor. The actual dollar amount and budget code will be determined by purchase orders submitted for Board approval.
Contact: Ron Lebs, Deputy Superintendent, Business & Support Services

14. MASTER CONTRACT - ABBY ROZENBERG, NON-PUBLIC AGENCY:

[EXHIBIT I]

This agenda item recommends approval of a master contract for special education services to be provided by Abby Rozenberg, a non-public agency. As indicated on the rate sheet, the cost for speech and language therapy per individual student is \$125 per hour on an as-needed basis, which would be paid out of Special Education funds. The total expenditures under this contract cannot be determined at this time, as it is unknown how many special education students would require the therapy services provided by this vendor. The actual dollar amount and budget code will be determined by purchase orders submitted for Board approval.

Contact: Ron Lebs, Deputy Superintendent, Business & Support Services

Motion by _____ Seconded by _____

ROLL CALL:

Student Advisor Larson Ishii _____

Trustee Addonizio _____

Trustee Alpay _____

Trustee Bryson _____

Trustee Hatton _____

Trustee Palazzo _____

Trustee Pritchard _____

Trustee Brick _____

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.

ADJOURNMENT

Motion by _____ Seconded by _____

THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS MONDAY, MAY 9, 2011, 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

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.