

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES – REGULAR MEETING
JANUARY 11, 2011
EDUCATION CENTER – BOARD ROOM

President Brick called the meeting to order at 6:00 p.m. and recognized Ronda Walen to address the Board. Mrs. Walen presented Trustees with copies of an Unfair Labor Practice charge CSEA intends to file in regards to item #12, the reduction of hours for certain employees, in the CSEA tentative agreement. Mrs. Walen stated that the union disagrees with the District's opinion that they have already met their obligation to bargain.

The Board recessed to closed session at 6:05 p.m. to: confer with Legal Counsel regarding Existing Litigation (two cases); discuss Student Expulsions (5 cases); confer with Real Property Negotiators; and discuss CSEA/CUEA/CUMA/Teamsters negotiations.

The regular meeting of the Board reconvened to open session and was called to order by President Brick at 7:05 p.m.

The Pledge of Allegiance was led by Trustee Bryson.

Present: Trustees Addonizio, Alpay, Brick, Bryson, Hatton, Palazzo, Pritchard, and Student Advisor Larson Ishii

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**

President Brick announced that agenda items #36, #37, and #38 were being pulled from the agenda. **Announcement**

It was moved by Trustee Addonizio, seconded by Trustee Alpay, and carried by a 7-0 vote to adopt the Board agenda as amended. **Adoption of the Board Agenda**

President Brick reported the following action taken during closed session: **President's Report From Closed Session Meeting**

Agenda Item #41 A-1 – Conference with Legal Counsel – Existing Litigation: Whispering Hills LLC v. Capistrano Unified School District. No action was taken.

Agenda Item #41 A-2 – Conference with Legal Counsel – Existing Litigation: Gary Campbell v. Capistrano Unified School District. No action was taken.

Agenda Item #41 B-1 through B-5 – Student Expulsions: The Board voted by a 7-0 vote to expel the following students by stipulated agreement: Case #2011-018, #2011-026, #2011-029, #2011-030, and #2011-031.

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

Jimmy Muessner and the ANHS Basketball Team were recognized for their Socks for Jocks project. **Special Recognition**

Student Body President Kyle Murphy from San Clemente High School presented a report on activities taking place at the high school.

Student Body Report

Assistant Superintendent Jodee Brentlinger introduced the following management personnel who were recently hired or promoted:

Special Introductions

Brad Baker, Assistant Principal, Marco Forster Middle School
Jaime Garman, Activities Director, San Clemente High School
Jennifer Garrett-Smalley, Principal, Aliso Viejo Middle School
Jeff Jones, Principal, Newhart Middle School
Amy Kernan, Assistant Principal, Newhart Middle School
Jill O'Connell-Bogle, Principal, Oak Grove Elementary School
Randall Rowles, Executive Director, Facilities & Plant Operations
Marcus Walton, Chief Communications Officer

Trustee Bryson commented that she attended a luncheon event to present Governor Volunteer Award certificates to 20 CUSD students for volunteering more than 50 hours of community service. Trustee Bryson added that there were approximately 40 more students who qualified but were not available to attend the luncheon. She will be presenting awards to those students in the near future. Trustee Bryson also thanked Deputy Superintendent Ron Lebs for his informative e-mails over the holidays on the storm damage to District schools.

Board and Superintendent Comments

Trustee Palazzo remarked that she had reminded Ron Lebs to check the State Controller's list of Unclaimed Property and that Mr. Lebs had stated that he had recently checked and was in the process of applying for District funds he found listed. Trustee Palazzo encouraged District staff and schools to check for unclaimed money. Trustee Palazzo asked Dr. Farley if the District had received information from the Registrar's office regarding redrawing Trustee boundaries. Dr. Farley replied that no information has been received and staff was researching this issue.

Trustee Alpay shared that he and Trustee Pritchard had visited San Juan Elementary School over the holidays to see the flood damage. Trustee Alpay acknowledged and thanked Ron Lebs, John Forney, Al Becerra, and their crews for their hard work and the excellent job they did cleaning up the damage caused by the storms.

Trustee Pritchard also thanked Jeff Bristow for contacting insurance adjusters and all the crews that assisted with the clean up over the holiday break.

Trustee Hatton commented that she had attended the induction of the National Honor Society at Aliso Niguel High School and commended the students for their commitment, hard work, and positive representation of the District.

As specified in Board Bylaw 9323 for Oral Communications, each speaker was allowed three (3) minutes to speak.

Oral Communications

The following people addressed the Board:

- *Kim Anderson updated Trustees on the activities of the CUCPTSA Legislative Team and shared the Legislative Team's 2010-2011 Legislative Agenda which forms the basis of their advocacy efforts and is given to legislators, elected officials, and key education experts when they meet with them.*
- *Vicki Soderberg addressed the Board on behalf of the teachers to thank the District for their quick response to the storm damage and the dedication of M&O and CSEA crews who worked during the holiday break to assist in putting the rain-affected classrooms back in order before schools reopened on January 3.*

President Brick asked Trustees for items they wished to pull from the Consent Calendar. Agenda items #1, #2, #4, #8, #9, #10, #11, #12, #13, #14, #15, and #21 were pulled.

**Items Pulled from
the Consent
Calendar**

CONSENT CALENDAR

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

Addendum to the Local Educational Agency (LEA) Plan.

**LEA Addendum
Agenda Item 3**

Readmission of students from expulsion: Case #2009-103 and 2010-072.

**Expulsion
Readmissions
Agenda Item 5**

Purchase Orders and Warrants as listed.

**Purchase Orders/
Warrants
Agenda Item 6**

Donations of funds and equipment.

**Donations
Agenda Item 7**

Award of Request for Qualifications No. 4-1011, DSA approved Inspector of Record to Consulting & Inspection Services and Knowland Construction Services.

**Inspector of
Record
Agenda Item 16**

Award of Request for Qualifications No. 5-1011, Special Inspections and Materials Testing to MTGL, Inc., Ninyo & Moore, and Twining, Inc.

**Special Inspection
and Materials
Testing
Agenda Item 17**

Final acceptance and Notice of Completion of Bid No. 0809-13, Dana Hills High School Gymnasium Modernization, Gymnasium Floor and Bleacher Replacement, Paul C. Miller Construction Company Inc.

**DHHS Gymnasium
Completion Notice
Agenda Item 18**

Award of Request for Income Agreement, leadership and library media support services, Orange County Department of Education.

**Income Agreement
Agenda Item 19**

Resolution No. 1011-35, annual and five-year reports of Developer Fees received in fiscal year 2009-2010.

**Developer Fees
Agenda Item 20**

Authorization to advertise Bid No. 1011-10, Roofing Repairs and Maintenance Districtwide.

**Roofing Repairs
Agenda Item 22**

Authorization to sell obsolete and unusable miscellaneous District materials.

**Obsolete Materials
Agenda Item 23**

Resignations, retirements, and employment of classified personnel.

**Resignations/
Retirements/
Employment
(Classified
Personnel)
Agenda Item 24**

Resignations, retirements, and employment of certificated personnel.

**Resignations/
Retirements/
Employment
(Certificated
Personnel)
Agenda Item 25**

Denial of Government Claim No. 10-89155 DP.

**Government Claim
Denial
Agenda Item 26**

Williams Settlement Uniform Complaint quarterly report.

**Williams
Settlement
Agenda Item 27**

Student Teaching agreement with the University of Redlands

**Student Teaching
Agreement
Agenda Item 28**

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

Trustee Palazzo stated that she had concerns that the minutes were not accurate and requested that staff review the audio of the meeting, amend the minutes, and bring them back to the next regular Board meeting for approval.

**Minutes
Agenda Item 1**

Following discussion, it was moved by Trustee Palazzo, seconded by Trustee Alpay, and carried unanimously to direct staff to review and amend the minutes of the December 7, 2010, regular Board meeting and bring them back to the February 8 meeting.

The minutes for the December 13, 2010, special Board meeting will also be brought back to the February 8 meeting for action.

Trustee Palazzo asked staff, on behalf of a constituent, why Title III funds were used to promote broad involvement of the parents of EL students ages birth through 22 years. Dr. Farley explained that this refers to non-diploma program students for whom the District is responsible for through their 22nd birthday. These are special education students who have various handicaps that keep them from getting a diploma.

**LEA Plan Revision
Agenda Item 2**

Trustee Hatton stated that this plan is extremely comprehensive and that she would like the plan brought back and discussed in detail at a special Board meeting. Trustee Palazzo also requested that staff bring this item back as a discussion item.

It was moved by Trustee Palazzo, seconded by Trustee Hatton, and carried unanimously to approve revisions to the Local Educational Agency (LEA) Plan.

Trustee Addonizio expressed her concern regarding restoring the furlough days without a state budget and Trustee Palazzo stated that she too was concerned due to the ACLU settlement and other issues that will impact the budget. Dr. Farley stated the furlough days had already been restored and this item was only to officially reinstate the two instructional days on the 2010-2011 School Calendar.

**Revised 2010-2011
School Calendar
Agenda Item 4**

Following discussion, it was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried by a 5-0 vote to approve revisions to the 2010-2011 School Calendar restoring two instructional days.

AYES: Trustees Alpay, Brick, Bryson, Hatton, Pritchard, and Student
Advisor Larson Ishii
NOES: Trustees Addonizio and Palazzo

Trustee Bryson explained that she had pulled items #8 through #15 because they were consulting agreements and it has been her policy to request that all continuing consulting agreements reduce their fees by 10 percent. Mr. Lebs responded that these consulting agreements were all initial agreements with these vendors.

**Consulting
Agreement
Agenda Item 8**

It was moved by Trustee Bryson, seconded by Trustee Alpay, and carried unanimously to approve items #8 through #15 with one vote.

Instructional Science Program and Assemblies, Discovery Science Center.

Physical Therapy Assessment, Joy for Kids Physical Therapy, Inc.

**Consulting
Agreement
Agenda Item 9**

Nutrition Education and Physical Activity Demonstrations, S&L Enterprises.

**Consulting
Agreement
Agenda Item 10**

Healthy Cooking Demonstrations and Assemblies, Projects Unlimited, Inc.

**Consulting
Agreement
Agenda Item 11**

Speech Improvement Workshop, Jennifer Taps.

**Consulting
Agreement
Agenda Item 12**

Award of request for consulting agreement to MIND Music Keyboard and Music Instruction, Daneen Pysz.

**Consulting
Agreement
Agenda Item 13**

Architectural services, PJHM Architects, Inc.

**Consulting
Agreement
Agenda Item 14**

Surveying and construction engineering services, Britton Consulting.

**Consulting
Agreement
Agenda Item 15**

AYES: Trustees Addonizio, Alpay, Brick, Bryson, Hatton, Palazzo,
Pritchard, and Student Advisor Larson Ishii
NOES: None

Trustee Alpay requested background information on San Clemente High School's three Associated Student Body (ASB) bank accounts. Mr. Lebs shared that there was \$450K in a checking account and \$100K in two separate saving accounts. The two savings accounts had been established years ago for specific purposes. Trustee Alpay expressed his concerns regarding account balances exceeding the FDIC protection limit and Mr. Lebs responded the District establishes a collateral agreement with banking institutions for such cases. Trustee Alpay asked staff about the oversight of accounts, internal controls, and ownership of ASB accounts. Dr. Farley informed Trustees that districts all across the state recognize ASB accounts as an area of vulnerability. Dr. Farley stated that

**ASB Bank
Accounts
Agenda Item 21**

ASB accounting was an area where he increased rigorous supervision and auditing when he started in July. Dr. Farley added that the District has plans for training activities directors and principals.

Trustee Bryson requested that the District provide a certified cash handling training program for ASB personnel and Student Advisor Larson Ishii added that ASB presidents and/or ASB treasurers should be included in the training.

Trustee Alpay directed staff to develop a policy requiring all ASB accounts to be consolidated to one banking institution.

It was moved by Trustee Alpay, seconded by Trustee Bryson, and carried unanimously to approve the bank accounts for all Associated Student Body (ASB) organizations and direct San Clemente High School's ASB to transfer all accounts to one banking institution.

DISCUSSION/ACTION

Executive Director Mike Beekman presented a PowerPoint overview of the Gang Reduction and Intervention Partnership (GRIP). Mr. Beekman stated that GRIP is a partnership between the Orange County District Attorney's office, the Orange County Sheriff's Department, the District, and the cities of San Juan Capistrano and San Clemente. GRIP is currently utilized by five schools in San Juan Capistrano and four schools in San Clemente. Mr. Beekman reported that each school has seen a reduction in disciplinary issues and an improvement in attendance and academics since implementing the GRIP program.

**Gang Reduction
and Intervention
Partnership
Agenda Item 29**

Due to a scheduling problem with the auditor, this item was presented to Trustees at 8:50 p.m. following the DSA Update (Agenda Item 40).

**Fiscal Audit
Agenda Item 30**

President Brick announced the Public Hearing open at 8:23 p.m. regarding approval of the SARC Timeline Waiver Request. There being no speakers to address the Board, President Brick declared the Public Hearing closed at 8:24 p.m.

**Public Hearing:
SARC Timeline
Waiver Request
Agenda Item 31**

It was moved by Trustee Alpay, seconded by Trustee Addonizio, and carried unanimously to approve the SARC General Waiver Request for the 2010-2011 school year and authorize the superintendent/designee to sign the necessary documents.

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

This item was pulled prior to posting.

Agenda Item 32

Dr. Farley explained that the original contract for the intervention consultant was approved by the City of Dana Point and signed by Interim Superintendent Bobbi Mahler in early June of 2009 but was not taken to the Board for formal adoption. Dr. Farley stated he was asked to revise the contract, to change the title of the position from intervention specialist to consultant, and to reinforce that the position reports not only to city officials, but also to the school principal. The memorandum of understanding in this item reflects those changes.

**MOU With the
City of Dana Point
Agenda Item 33**

Following discussion, it was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried by a 6-1 vote to approve the memorandum of understanding between the City of Dana Point and Capistrano Unified School District for the Intervention Consultant at Dana Hills High School.

AYES: Trustees Addonizio, Alpay, Brick, Bryson, Hatton, Pritchard,
and Student Advisor Larson Ishii
NOES: Trustee Palazzo

Chief Communications Officer Marcus Walton presented the proposed revisions to Board Policy 1113, *District Web and Social Media Sites*. Mr. Walton explained that several CUSD school sites and student organizations have a presence on Facebook and YouTube and currently the District has no policy governing the use of these technologies. Mr. Walton stated this item seeks Trustee consideration to revise the current Board policy to reflect the changes in technology, provide guidance to users, and define responsibility for content published with these technologies. This item will be brought back for a second reading at the February 8, 2011, Board meeting.

**Board Policy
Revision
Agenda Item 34**

Chief Communications Officer Marcus Walton presented proposed Board Policy 1114, *Image Management*. Mr. Walton explained that the District has no policy governing accepted use of the names, mascots, and logos of the District and its schools. With an increase in the desire to use District names, mascots, and logos, adoption of a Board policy to address this issue is warranted. Mr. Walton stated there is not financial impact to ascertaining a common law trademark for these items.

**Board Policy
Adoption
Agenda Item 35**

Trustee Addonizio asked staff to develop a procedure where the District trademarks are protected legally and include the information in this policy. Mr. Walton explained that the trademarks can be officially registered but that there is a financial consideration. Trustee Addonizio asked staff to research what the financial consequences are and include the information in this policy.

Trustee Alpay directed staff to prepare trademark use guidelines for this policy. Mr. Walton stated that it is his understanding that the Board first adopts the Board policy and then that information would be implemented in an Administration Regulation to support the Board policy. Trustee Alpay suggested staff develop a uniform policy on the use of District trademarks and added that more definition is needed on this policy as it is unclear as presented.

Trustee Bryson directed staff to inquire as to when the Tesoro High School registered trademark will be transferred to the school by the individual employee who registered it.

Trustee Palazzo requested that Board members see Administrative Regulations.

This agenda item will be brought back for a second reading at a subsequent Board meeting.

This item was pulled prior to the adoption of the agenda.

**Board Policy
Adoption
Agenda Item 36**

This item was pulled prior to the adoption of the agenda.

**Board Policy
Revision
Agenda Item 37**

This item was pulled prior to the adoption of the agenda.

**Board Policy
Revision
Agenda Item 38**

President Brick announced the Public Hearing open at 8:45 p.m. regarding the approval of Resolution No. 1011-36, consideration of reducing special taxes of Community Facilities District 2005-1, Whispering Hills or other action in regard thereto. There being no one to address the Board, President Brick recognized Deputy Superintendent Ron Lebs who asked the Board to continue this Public Hearing to the February 8, 2011, Board meeting.

**Public Hearing:
CFD 2005-1
Agenda Item 39**

It was moved by Trustee Addonizio, seconded by Trustee Alpay, and motion carried unanimously to continue the Public Hearing to February 8, 2011, by adopting Resolution No. 1011-36, entitled "Resolution of the Board of Trustees of the Capistrano Unified School District, Acting as the Legislative Body of Community Facilities District No. 2005-1 of the Capistrano Unified School District (Whispering Hills), Continuing Public Hearing for Consideration of Request to Alter the Rate and Method of Apportionment and Reduce the Levy of Special Taxes Within Community Facilities District No. 2005-1 of the Capistrano Unified School District."

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

Deputy Superintendent Ron Lebs stated that there was nothing new to report this month.

**Division of State
Architect (DSA)
Agenda Item 40**

Deputy Superintendent Ron Lebs who, along with Shilo Gorospe, a representative from the audit firm Vavrinek, Trine, Day & Co., LLP, presented a summary of the 2009-2010 audit report to the Board.

**Fiscal Audit
Agenda Item 30**

Following discussion, it was moved by Trustee Bryson, seconded by Trustee Alpay, and carried unanimously to acknowledge receipt of the fiscal and compliance audit for CUSD for the year ending June 30, 2010.

The Board recessed at 9:02 p.m. to continue discussion on the remaining closed session items.

The Board reconvened at 10:10 p.m. and President Brick reported the following action taken during closed session:

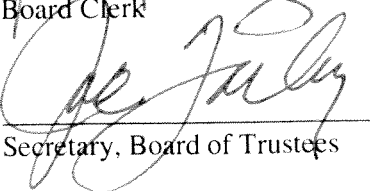
**President's Report
From Closed
Session Meeting**

Agenda Item #41 C – Conference with Real Property Negotiators: Transportation Center at Capistrano Beach. No action was taken.

Agenda Item #41 D – CSEA/CUEA/CUMA/Teamsters Negotiations: No action was taken.

President Brick adjourned the meeting at 10:11 p.m.


Board Clerk


Secretary, Board of Trustees