

Regular Meeting  
CAPISTRANO UNIFIED SCHOOL DISTRICT  
BOARD OF TRUSTEES

**REVISED**  
7-8-10

33122 Valle Road  
San Juan Capistrano, CA 92675

July 13, 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 \_\_\_\_\_

<b>ROLL CALL:</b>	<b>Present</b>	<b>Absent</b>
Anna Bryson, President	_____	_____
Ken Lopez-Maddox, Vice President	_____	_____
Jack Brick, Clerk	_____	_____
Ellen M. Addonizio, Member	_____	_____
Larry Christensen, Member	_____	_____
Sue Palazzo, Member	_____	_____
Mike Winsten, Member	_____	_____

**CLOSED SESSION COMMENTS**

**CLOSED SESSION**  
5:30 p.m.

**REPORT ON CLOSED SESSION ACTION**

**SPECIAL RECOGNITIONS**  
*Erin Davis, K-12 Perfect Attendance*

**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 #21– 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](http://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 June 29, 2010, Regular 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* 9
3. EXPUNGING EXPULSION RECORD: Approval expunging of student expulsion record.  
(Supporting Information)  
*Contact: Julie Hatchel Assistant Superintendent, Education* 11
4. SMART MOU: Approval, School Mobile Assessment Resource Team (SMART) Memorandum of Understanding.  
(Supporting Information)  
*Contact: Julie Hatchel Assistant Superintendent, Education* 15
5. REVISED 2010-11 SCHOOL CALENDAR: Approval, revisions to the 2010-11 School Calendar.  
(Supporting Information)  
*Contact: Julie Hatchel Assistant Superintendent, Education*  
*Michelle Benham, Executive Director, Assessment and Research* 45
6. PROPOSED 2011-12 SCHOOL CALENDAR: Approval, adoption of the proposed 2011-12 School Calendar.  
(Supporting Information)  
*Contact: Julie Hatchel Assistant Superintendent, Education*  
*Michelle Benham, Executive Director, Assessment and Research* 49

#### BUSINESS & SUPPORT SERVICES

7. PURCHASE ORDERS/WARRANTS/CONSULTING AGREEMENTS: Approval, Purchase Orders/Warrants/Consultant Agreements.  
(Supporting Information)  
*Contact: Ron Lebs, Deputy Superintendent, Business & Support Services* 53
8. DONATIONS: Approval, donations of funds/equipment.  
(Supporting Information)  
*Contact: Ron Lebs, Deputy Superintendent, Business & Support Services* 87
9. LISTING AGREEMENT: Approval, extension of listing agreement with Grubb & Ellis for lease of vacant office space in Building C of district office.  
(Supporting Information)  
*Contact: Ron Lebs, Deputy Superintendent, Business & Support Services* 91

10. OBSOLETE MATERIALS: Approval, authorization to sell obsolete and unusable district materials. 99  
 (Supporting Information)  
*Contact: Ron Lebs, Deputy Superintendent, Business & Support Services*
11. BUS SERVICE: Approval, advertise for Bid No. 1011-07, Co-Curricular Bus Service. 101  
 (Supporting Information)  
*Contact: Ron Lebs, Deputy Superintendent, Business & Support Services*
12. FUEL: Approval, Multi-District Cooperative Bid No. 114-10, Fuel (Gasoline and Diesel), IPC (USA), Inc. 103  
 (Supporting Information)  
*Contact: Ron Lebs, Deputy Superintendent, Business & Support Services*

**PERSONNEL SERVICES**

13. RESIGNATIONS/RETIREMENTS/EMPLOYMENT: Approval, classified personnel. 113  
 (Supporting Information)  
*Contact: Jodee Brentlinger, Assistant Superintendent, Personnel*
14. RESIGNATIONS/RETIREMENTS/EMPLOYMENT: Approval, certificated personnel. 119  
 (Supporting Information)  
*Contact: Jodee Brentlinger, Assistant Superintendent, Personnel*
15. WILLIAMS SETTLEMENT: Approval and acceptance of the fourth quarter Williams Uniform Complaints report. 127  
 (Supporting Information)  
*Contact: Jeff Bristow, Executive Director, Risk Management/Compliance*
16. QUALIFIED EDUCATORS DECLARATION: Approval, Declaration of Need for Fully Qualified Educators. 129  
 (Supporting Information)  
*Contact: Jodee Brentlinger, Assistant Superintendent, Personnel*
17. INTERN PROGRAM: Approval, intern program participation agreements. 117  
 (Supporting Information)  
*Contact: Jodee Brentlinger, Assistant Superintendent, Personnel*
18. STUDENT TEACHING AGREEMENT: Approval, student teacher agreement with Northern Arizona University. 136  
 (Supporting Information)  
*Contact: Jodee Brentlinger, Assistant Superintendent, Personnel*
19. STUDENT TEACHING AGREEMENT: Approval, student teacher agreement with the California State University, Long Beach. 142  
 (Supporting Information)  
*Contact: Jodee Brentlinger, Assistant Superintendent, Personnel*
20. EMPLOYMENT CONTRACT: Approval, employment contract, Executive Director, Secondary Schools, Adult & Alternative Education. 164  
 (Supporting Information)  
*Contact: Jodee Brentlinger, Assistant Superintendent, Personnel*

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

ROLL CALL:

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**

21. **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. 1011-02.  
(Supporting Information)  
*Contact: Ron Lebs, Deputy Superintendent, Business & Support Services*
- DISCUSSION/  
ACTION  
Vote \_\_\_\_\_  
Page 170

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

ROLL CALL:

Trustee Addonizio _____	Trustee Palazzo _____
Trustee Brick _____	Trustee Lopez-Maddox _____
Trustee Christensen _____	Trustee Winsten _____
	Trustee Bryson _____

22. **RECALL ELECTION:** Consideration and approval, Resolution No. 1011-01, Order Calling for a Recall Election date.  
(Supporting Information)  
*Contact: Joseph M. Farley, Superintendent*
- DISCUSSION/  
ACTION  
Vote \_\_\_\_\_  
Page 176

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

ROLL CALL:

Trustee Addonizio _____	Trustee Palazzo _____
Trustee Brick _____	Trustee Lopez-Maddox _____
Trustee Christensen _____	Trustee Winsten _____
	Trustee Bryson _____

- ~~23. **COMMUNITY ROOTS ACADEMY CHARTER SCHOOL:** Consideration and denial, Community Roots Academy Charter School Petition.  
(Supporting Information)  
*Contact: Julie Hatchel Assistant Superintendent, Education*~~
- ~~DISCUSSION/  
ACTION  
Vote \_\_\_\_\_  
Page 184~~

**PULLED 7/8/10**

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

24. **NEWHART MPR EXPANSION:** Consideration and approval, Newhart Middle School Multi-purpose Room Expansion.  
(Supporting Information)  
*Contact: Ron Lebs, Deputy Superintendent, Business & Support Services*
- DISCUSSION/  
ACTION  
Vote \_\_\_\_\_  
Page 204

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

25. **HIGH SCHOOL PILOT COURSE:** Consideration and approval, Biotechnology, high school pilot course for 2010-11 school year at Dana Hills High School.  
(Supporting Information)  
*Contact: Julie Hatchel Assistant Superintendent, Education*
- DISCUSSION/  
ACTION  
Vote \_\_\_\_\_  
Page 216

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

26. **BOARD POLICY REVISION:** Consideration and approval, first reading of revisions to Board Policy 6146.1, *High School Graduation Requirements*.  
(Supporting Information)  
*Contact: Julie Hatchel, Assistant Superintendent, Education*
- DISCUSSION/  
ACTION  
Vote \_\_\_\_\_  
Page 220

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

27. **BOARD POLICY REVISION:** Consideration and approval, first reading of revisions to Board Policy 4112-61; 4212.61; 4312.61, *Employment References*.  
(Supporting Information)  
*Contact: Jodee Brentlinger, Assistant Superintendent, Personnel*
- DISCUSSION/  
ACTION  
Vote \_\_\_\_\_  
Page 230

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

28. **DIVISION OF STATE ARCHITECT:** Update of progress of the Division of State Architect Project listing, work schedule and priorities.  
(Supporting Information)  
*Contact: Ron Lebs, Deputy Superintendent, Business & Support Services*
- INFORMATION/  
DISCUSSION  
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## V. ADJOURNMENT

**THE NEXT REGULAR MEETING OF THE GOVERNING BOARD WILL BE HELD ON  
TUESDAY, AUGUST 10, 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](http://www.capousd.org)

## VII. CLOSED SESSION

### 29. 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: Three 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 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. 3  
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 (3 cases)

#### D. STUDENT EXPULSIONS – Items D-1 through D-9

Deliberation of Administration Panel's  
Findings of Fact and Recommendation.  
(Pursuant to Education Code §48918(c) and §35145)

#### E. CONFERENCE WITH CHIEF LABOR NEGOTIATOR

Agency designated representative:  
Anthony DeMarco, Chief Labor Negotiator  
Employee Organization:  
Capistrano School Employees Association (CSEA)  
(Pursuant to Government Code §54957.6)

#### F. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

(Pursuant to Government Code §54957)

#### G. PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT

Chief Communication Officer  
(Pursuant to Government Code §54957)