

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES – REGULAR MEETING
OCTOBER 12, 2010
EDUCATION CENTER – BOARD ROOM

President Bryson called the meeting to order at 5:30 p.m. The Board recessed to closed session to: confer with Legal Counsel regarding Existing Litigation (two cases); discuss student expulsions (two cases); discuss CSEA/CUEA/Teamster negotiations; discuss Public Employee Discipline/Dismissal/Release; and discuss Public Employee Appointment/Employment.

The regular meeting of the Board reconvened to open session and was called to order by President Bryson at 7:00 p.m.

The Pledge of Allegiance was led by Trustee Brick.

Present: Trustees Addonizio, Brick, Bryson, Christensen, Lopez-Maddox, Palazzo, Winsten, 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**

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

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

Agenda Item #31 A-1 – Conference with Legal Counsel – Existing Litigation: Whispering Hills LLC v. Capistrano Unified School District. No action was taken.

Agenda Item #31 A-2 - Conference with Legal Counsel – Existing Litigation: CUEA v. CUSD. No action was taken.

Agenda Item #31 B-1 through B-2 – Student Expulsions: The Board voted by a 7-0 vote to expel the following students by stipulated agreement: Case #2011-001 and #2011-006.

AYES: Trustees Addonizio, Brick, Bryson, Christensen, Lopez-Maddox, Palazzo, and Winsten

NOES: None

Agenda Item 31 C – CSEA/CUEA/Teamsters Negotiations: No action was taken.

Agenda Item 31 D – Public Employee Discipline/Dismissal/Release: No action was taken.

Agenda Item 31 E – Public Employee Appointment/Employment— Administrative Assignment:

The Board voted by a 7-0 vote to approve the appointment of Jeff Jones, Principal, Newhart Middle School.

AYES: Trustees Addonizio, Brick, Bryson, Christensen, Lopez-Maddox, Palazzo, and Winsten

NOES: None

The following schools received special District recognition:

**Special
Recognition**

R. H. Dana Elementary for being named a National Blue Ribbon School. Serra High School, Tesoro High School, Marco Forster Middle School, and San Juan Elementary School for growth in their API scores.

Student Body President Larson Ishii from Capistrano Valley High School presented a report on activities taking place at the high school.

**Student Body
Report**

Trustee Palazzo reported that she is happy that former teacher Bob McCarroll will be substituting in the San Clemente High School Auto Academy class until a permanent teacher is hired. Trustee Palazzo shared that she had attended the October 8th GRIP meeting, organized by Mike Beekman, and was very impressed by the program and proud of Principals Sylvia Pule, Eric Gruenewald, Peggy Baerst, and Carrie Bertini who spoke before distinguished guests from the District Attorney's office and law enforcement. Trustee Palazzo commented that she attended Serra High School's Back-to-School night and the classrooms were very warm due to the lack of air conditioning in the school. Trustee Palazzo stated she had asked for and received a report from Dr. Farley showing which classrooms need air conditioning. Trustee Palazzo requested that staff redo a report, previously given to Trustees following the June 29, 2010, Board meeting, reflecting the adjustments to the ACE times at Kinoshita, R. H. Dana, and San Juan elementary schools but missing the start and dismissal time attachment mentioned in the report. She also requested that staff answer her question regarding if schools can decrease instructional time without Board approval.

**Board and
Superintendent
Comments**

President Bryson commented that she is continuing her tour of schools and meeting one on one with principals. President Bryson remarked that she had recently toured Marco Foster Middle School with Principal Carrie Bertini. President Bryson praised Principal Bertini for her quick decision-making ability demonstrated when she observed an incident on the playground while talking with President Bryson.

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:

- *Jeanie McLean and W. J. McLean requested that the Board remove a teacher at Don Juan Avila Elementary School from the classroom based on information in the letters from parents given to Trustees by Mrs. McLean.*
- *Kris Vroom shared information regarding the \$250,000 grant from the Pepsi Refresh Project for technology that Dana Hills High School is competing for and asked Trustees to participate by voting daily online during the month of October.*

Trustee Winsten responded to the speakers on the teacher issue that he was concerned about what he was reading in the letters and directed Dr. Farley to follow up with the parents.

President Bryson asked Trustees for items they wished to pull from the Consent Calendar. Trustee Palazzo pulled Agenda Items #2, #3, #4, #5, #9, #17, and #19.

**Items Pulled from
the Consent
Calendar**

CONSENT CALENDAR

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

Minutes of the September 28, 2010, special Board meeting.	Minutes Agenda Item 1
Non-public school and agency contracts.	Special Education Agenda Item 6
Readmission of students from expulsion: Case #2009-048, #2009-064, #2009-073, #2009-114, #2009-127, #2009-134, #2009-135, #2009-149, #2010-031, and #2010-068.	Expulsion Readmissions Agenda Item 7
Petition to waive California Education Code Section 60851(a) and Board Policy 6162.52 – California High School Exit Examination: Case #1011-001 through #1011-007.	California High School Exit Exam Agenda Item 8
Donations of funds and equipment.	Donations Agenda Item 10
Authorization to utilize Contract No. 3-10-70-2039d, Cisco Auto Distribution, Internet Encryption and Firewall, LanWan Wireless Network, Network Component, State of California Multiple Award Schedule – Fusionstorm.	State of California Multiple Award Schedule Agenda Item 11
Denial of Breach of Contract claim.	Breach of Contract Agenda Item 12
Acceptance and Notice of Completion Bid No. 0607-11, Food Service Freezer – Financial Pacific Insurance Company.	Food Service Freezer Agenda Item 13
Agreement for audit services – Vavrinek, Trine, Day & Co., LLP.	Audit Services Agenda Item 14
Authorization to sell obsolete and unusable miscellaneous District materials.	Obsolete Materials Agenda Item 15
Resignations, retirements, and employment of classified personnel.	Resignations/ Retirements/ Employment (Classified Personnel) Agenda Item 16
Annual inspection report required by the Williams Settlement Legislation for the 2009-2010 school year.	Williams Settlement Legislation Agenda Item 18
Authorization of coaches to provide first semester physical education credit.	Coaches Agenda Item 20
<p>ROLL CALL: AYES: Trustees Addonizio, Brick, Bryson, Christensen, Lopez-Maddox, Palazzo, Winsten, and Student Advisor Ishii.</p> <p>NOES: None</p> <p>ABSENT: None</p> <p>ABSTAIN: None</p>	
President Bryson recognized Trustee Palazzo who stated she would address items #2, #3, #4, and #5 all at once. Trustee Palazzo is concerned that these items were signed by the Assistance League on August 26, 2010, but were just being brought forward for Board approval in October. Trustee Palazzo requested that staff develop a template to ensure that organizations such as the Assistance League were following the District’s Board Policy on volunteering and attach the completed form to future Board items.	Assistance League Contract Agenda Item 2

It was moved by Trustee Palazzo, seconded by Trustee Addonizio, and motion carried by a 7-0 vote to approve Resolution No. 1011-24, 2010-2011 Assistance League Contract for Operation School Bell.

ROLL CALL: AYES: Trustees Addonizio, Brick, Bryson, Christensen, Lopez-Maddox, Palazzo, Winsten, and Student Advisor Ishii.
NOES: None
ABSENT: None
ABSTAIN: None

It was moved by Trustee Palazzo, seconded by Trustee Addonizio, and motion carried by a 7-0 vote to approve Resolution No. 1011-25, 2010-2011 Assistance League Contract for Kids on the Block.

**Assistance League Contract
Agenda Item 3**

ROLL CALL: AYES: Trustees Addonizio, Brick, Bryson, Christensen, Lopez-Maddox, Palazzo, Winsten, and Student Advisor Ishii.
NOES: None
ABSENT: None
ABSTAIN: None

It was moved by Trustee Addonizio, seconded by Trustee Palazzo, and motion carried by a 7-0 vote to approve Resolution No. 1011-26, 2010-2011 Assistance League Contract for Hands on Literacy Program.

**Assistance League Contract
Agenda Item 4**

ROLL CALL: AYES: Trustees Addonizio, Brick, Bryson, Christensen, Lopez-Maddox, Palazzo, Winsten, and Student Advisor Ishii.
NOES: None
ABSENT: None
ABSTAIN: None

It was moved by Trustee Addonizio, seconded by Trustee Palazzo, and motion carried by a 7-0 vote to approve Resolution No. 1011-27, 2010-2011 Assistance League Contract for Links to Learning.

**Assistance League Contract
Agenda Item 5**

ROLL CALL: AYES: Trustees Addonizio, Brick, Bryson, Christensen, Lopez-Maddox, Palazzo, Winsten, and Student Advisor Ishii.
NOES: None
ABSENT: None
ABSTAIN: None

President Bryson recognized Trustee Palazzo who asked staff to provide Trustees with backup information on the \$170 paid to C.A.S.H., \$639 paid to The Capistrano Dispatch, and \$896 paid to Handwriting Without Tears. Trustee Palazzo directed staff to provide a report to answer the following questions regarding the Handwriting Without Tears program:

**Purchase Orders/
Warrants/
Consulting
Agreements
Agenda Item 9**

1. When did the Board vote to cut this program from the budget?
2. Which schools are still using this program and how much money has been spent on this program since it was discontinued?
3. Why is the District still paying for a program that the Board approved to be eliminated?

It was moved by Trustee Palazzo, seconded by Trustee Addonizio, and motion carried by a 7-0 vote to approve Purchase Orders, Warrants, and Consulting Agreements as listed.

President Bryson recognized Trustee Palazzo who requested staff provide information concerning 6/5th positions this year in comparison to 6/5th positions last year.

**Resignations/
Retirements/
Employment
(Certificated
Personnel)
Agenda Item 17**

It was moved by Trustee Palazzo, seconded by Trustee Addonizio, and motion carried by a 7-0 vote to approve resignations, retirements, and employment of certificated personnel.

President Bryson recognized Trustee Palazzo who questioned staff why this agreement was signed on July 1, 2010, but did not come before the Board for approval until the October meeting.

**Student Teaching
Agreement
Agenda Item 19**

It was moved by Trustee Palazzo, seconded by Trustee Addonizio, and motion carried by a 7-0 vote to approve the student teaching agreement with California State University, Fullerton.

DISCUSSION/ACTION

President Bryson recognized Principal Beverly deNicola, who in turn introduced Brooke Beahm, Coordinator of Community Education to present this item. Mrs. deNicola and Mrs. Beahm provided Trustees with an update on the classes and programs offered through Community Education. Mrs. Beahm shared that Community Education was a profitable, self-supporting, fee-based program in its 7th year of providing enrichment classes to more than 18,000 students. Mrs. deNicola shared that Community Education provides approximately \$300,000 to \$400,000 to the general fund per year.

**Community
Education
Agenda Item 21**

President Bryson announced the Public Hearing open at 7:58 p.m. regarding the approval of Resolution No. 1011-23, 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." There being no speakers to address the Board, President Bryson recognized Deputy Superintendent Ron Lebs who asked the Board to continue this Public Hearing to the December 7, 2010, Board meeting.

**Public Hearing:
CFD 2005-1
Agenda Item 22**

It was moved by Trustee Brick, seconded by Trustee Addonizio, and motion carried by a 6-0 vote to approve Resolution No. 1011-23, 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." (Trustee Lopez-Maddox was away from the dais when the vote was taken.)

ROLL CALL AYES: Trustees Addonizio, Brick, Bryson, Christensen, Palazzo,
Winsten, and Student Advisor Ishii
NOES: None
ABSENT: Trustee Lopez-Maddox
ABSTAIN: None

President Bryson announced the Public Hearing open at 8:01 p.m. regarding the approval of Resolution No. 1011-22, adopting a Mitigated Negative Declaration/Initial Study for the Dana Hills High School Performing Arts Facility.

**DHHS Performing
Arts Facility
Agenda Item 23**

President Bryson recognized the following speakers to address the Board:

- *Alan Wickstrom spoke in support of the Dana Hills High School Performing Arts Facility.*
- *Kyle Butterwick spoke on behalf of the City of Dana Point and stated the city had concerns they would like resolved before Trustees approve adopting the Mitigated Negative Declaration/Initial Study for the Dana Hills High School Performing Arts Facility.*
- *Martha McNicholas thanked staff for the community meetings on this project and encouraged Trustees to support the Dana Hills High School Performing Arts Facility.*

President Bryson declared the Public Hearing closed at 8:07 p.m.

Following discussion, it was moved by Trustee Winsten, seconded by Trustee Lopez-Maddox, and motion carried by a 4-3 vote to approve continuing discussion of Resolution No. 1011-22, adopting a Mitigated Negative Declaration/Initial Study for the Dana Hills High School Performing Arts Facility to the November 9, 2010, regular Board meeting.

ROLL CALL AYES: Trustees Bryson, Christensen, Lopez- Maddox, Winsten, and Student Advisor Ishii
 NOES: Trustees Addonizio, Brick, and Palazzo
 ABSENT: None
 ABSTAIN: None

President Bryson recognized the following speaker to address the Board:

- *Gail Benda shared her concerns regarding releasing the charter school from the CUSD SELPA because of possible liability issues.*

**Capistrano
Connections
Academy Charter
School
Agenda Item 24**

Trustee Winsten asked Assistant Superintendent Julie Hatchel her opinion regarding the risks to the District. Mrs. Hatchel explained that releasing Capistrano Connections Academy from CUSD SELPA is beneficial for the District. Mrs. Hatchel added that upon Board approval, official separation of the Capistrano Connections Academy Charter School from CUSD SELPA occurs when final notification is received from CDE to accept the changes in the Capistrano Connections Academy SELPA designation and funding is redirected to Tulare County SELPA.

It was moved by Trustee Addonizio, seconded by Trustee Lopez-Maddox, and carried unanimously to approve the release of Capistrano Connections Academy Charter School from CUSD SELPA as a school for the District for special education.

President Bryson announced the Public Hearing open at 9:07 p.m. regarding the approval of Resolution No. 1011-28, Statement of Assurance for the Instructional Materials Funding Realignment Program. There being no speakers to address the Board, President Bryson declared the Public Hearing closed at 9:08 p.m.

**Instructional
Materials Funding
Realignment
Program
Agenda Item 25**

It was moved by Trustee Addonizio, seconded by Trustee Palazzo, and motion carried by a 7-0 vote to approve Resolution No. 1011-28, Statement of Assurance for the Instructional Materials Funding Realignment Program.

ROLL CALL AYES: Trustees Addonizio, Brick, Bryson, Christensen, Lopez-Maddox, Palazzo, Winsten, and Student Advisor Ishii
 NOES: None
 ABSENT: None
 ABSTAIN: None

Trustee Palazzo requested that this item be brought back to the November 9, 2010, regular Board meeting.

**Annual Progress
Report
Agenda Item 26**

President Bryson recognized Assistant Superintendent Julie Hatchel who explained that this San Clemente High School pilot course would be a new physical education elective called Skateboarding. The City of San Clemente, in partnership with the school, has worked to provide the off-campus skateboarding facility. If approved, Mrs. Hatchel stated she will provide Trustees with a course progress update two months after the program starts and bring the course back to the Board for consideration at the end of the school year.

**High School Pilot
Course
Agenda Item 27**

Trustee Palazzo requested staff provide Trustees with written information from ASCIP concerning the skateboard class and Trustee Bryson asked staff to provide a report on the amount of money the District has spent on repairing damage at school sites caused by skateboarders.

Following discussion, it was moved by Trustee Winsten, seconded by Trustee Christensen, and motion carried by a 4-3 vote to approve piloting the Skateboarding course during the 2010-2011 school year at San Clemente High School.

AYES: Trustees Brick, Bryson, Christensen, Winsten, and Student Advisor Ishii
NOES: Trustees Addonizio, Lopez-Maddox, and Palazzo

President Bryson recognized Assistant Superintendent Jodee Brentlinger who stated that this item seeks Trustee consideration to revise the management policy concerning management/supervisory and confidential service days to align with the new current practice.

**Board Policy
Revision
Agenda Item 28**

It was moved by Trustee Palazzo, seconded by Trustee Addonizio, and carried unanimously to approve Board Policy 4313, *Management/Supervisory and Confidential Service Days*.

It was moved by Trustee Lopez-Maddox, seconded by Trustee Addonizio, and carried unanimously to approve Board Policy 6161.2, *Damaged or Lost Instructional Materials*.

**Board Policy
Revision
Agenda Item 29**

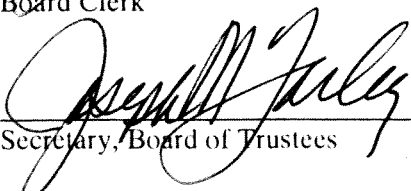
President Bryson recognized Deputy Superintendent Ron Lebs who, along with John Forney, Director, Construction, provided updates of the progress of the Division of State Architect project listing, work schedule, and priorities. Mr. Forney remarked that two projects have been closed with certification since the last meeting and that the Dana Hills High School gymnasium project is complete.

**Division of State
Architect (DSA)
Agenda Item 30**

President Bryson adjourned the meeting at 9:29 p.m.



Board Clerk



Secretary, Board of Trustees