

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES – REGULAR MEETING
JANUARY 25, 2012
EDUCATION CENTER – BOARD ROOM

President Pritchard called the meeting to order at 6:00 p.m. The Board recessed to closed session to discuss CSEA/CUEA/CUMA/Teamsters negotiations.

Closed session recessed at 6:35 p.m.

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

The Pledge of Allegiance was led by Trustee Hatton.

Present: Trustees Addonizio, Alpay, Brick, Bryson, Hatton, Palazzo, Pritchard, and Student Advisor Ryan Pallas

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

Prior to the adoption of the agenda President Pritchard announced there would be a five-minute break following agenda item 5.

Adoption of the Board Agenda

It was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried by a 7-0 vote to adopt the Board agenda.

AYES: Trustees Addonizio, Alpay, Brick, Bryson, Hatton, Palazzo, Pritchard, and Student Advisor Ryan Pallas
NOES: None
ABSENT: None
ABSTAIN: None

President Pritchard reported the following action taken during closed session:

President's Report From Closed Session Meeting

Agenda Item #3 A– CSEA/CUEA/CUMA/Teamsters Negotiations: The Board gave direction to staff.

Superintendent Farley introduced Interim Deputy Superintendents Robyn Phillips and Tim Holcomb to the Board.

Board and Superintendent Comments

Trustee Hatton announced the latest District partnership is with Coast Keeper who will provide middle and high school students with hands-on learning experiences and fieldtrips relevant to the thematic focus of water.

Trustee Bryson shared she had attended the Superintendent's Community Forum at San Clemente High School and it was a wonderful gathering where a lot of questions were candidly answered by Dr. Farley.

Trustee Palazzo thanked all of the parents for their e-mails expressing their concerns, personal stories, and requests regarding Oxford Preparatory Academy.

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

Oral Communications

The following speakers addressed the Board:

- *Julie Collier, Vicki Hatz, Lanan Clark, and Anna Swartz announced they are each an Oxford Preparatory Academy's liaison to a Trustee area and support Trustees who support choice in education.*
- *David Marohnic spoke in support of Eric Patton and asked Trustees to resolve the issue.*

PUBLIC HEARING

President Pritchard announced the Public Hearing open at 7:15 p.m. regarding the Quality Education Investment Act Class Size Reduction Waiver Request. There being no speakers to address the Board, President Pritchard declared the Public Hearing closed at 7:16 p.m.

**Public Hearing:
QEIA Class Size
Reduction Waiver
Request
Agenda Item 1**

It was moved by Trustee Bryson, seconded by Trustee Brick, and motion carried unanimously to approve the Quality Education Investment Act Class Size Reduction Waiver Request.

**QEIA Class Size
Reduction Waiver
Request
Agenda Item 2**

DISCUSSION/ACTION

Superintendent Farley introduced Attorney Sarah Sutherland from Dannis Woliver Kelley to provide background on the obligations placed on districts under Proposition 39. Ms. Sutherland explained the rights granted to charter schools under Proposition 39 ensure that public school facilities be shared fairly among all public school students, including those attending charter schools.

**Charter School
Facility Rights,
Standards, and
District Housing
Obligations Under
Proposition 39
Agenda Item 3**

Attorney Sara Sutherland explained the Oxford Preparatory Academy (OPA) has submitted a request for a Material Revision to their existing charter. OPA is seeking to materially revise the OPA-OC charter to:

**OPA Material
Revision Request
Agenda Item 4**

1. Increase enrollment from 628 to 772 beginning with the 2012-2013 school year and continuing for each of the remaining school years in the current charter term
2. Provide that the CUSD representative to the charter board may serve as a voting member
3. Allow OPA-OC Board meetings to alternate among all campuses operated by OPA
4. Allow OPA-OC's Board to hold quarterly, instead of monthly meetings
5. Replace board position titles of "President" and "Vice President" with "Chairman" and "Vice Chairman" in the charter

Ms. Sutherland stated the purpose of this item is for the Board to either approve or deny all or part of the OPA Material Revision request. In order to deny any of the requested material revisions, the Board must adopt written factual findings specific to the material revision request as provided in the Staff Report. For the reasons set forth in the Staff Report, staff recommends the Board deny Oxford Preparatory Academy's Material Revision request in its entirety and to adopt the appropriate fiscal findings as outlined in the Staff Report.

Due to the number of requests to address the Board on this item, it was moved by Trustee Alpay, seconded by Trustee Addonizio, and motion carried unanimously to suspend the maximum time requirement of 20 minutes for speakers, reduce each speaker's time to 2 minutes, and allow all speakers to address the Board.

The following speakers addressed the Board:

- *Shelby Barone, Sean Bittner, Lauren Tran, Larry Belkin, Sue Roche, Rob Johnson, Wade Ison, and Madonna Marchese spoke in support of the Board adopting OPA's Material Revision request.*
- *Mike Nemic, Linda Shepard, Debbie Lackey, and Patrick Mallon requested Trustees deny OPA's request.*

During the discussion of this item between the Board and OPA's attorney it was discovered OPA's Material Revision request number 5 didn't need to be addressed as it is already in the approved charter.

Trustee Addonizio requested staff provide Trustees with data on the District's instructional minutes.

It was moved by Trustee Addonizio, seconded by Trustee Palazzo, to approve the OPA Material Revision request in its entirety. Following discussion Trustee Addonizio amended her original motion.

It was moved by Trustee Addonizio, seconded by Trustee Brick, and motion carried by a 6-1 vote to approve the OPA Material Revision request as follows:

1. Increase enrollment from 628 to 772 beginning with the 2012-2013 school year and continuing for each of the remaining school years in the current charter term
2. Provide that the CUSD representative to the charter board may serve as a voting member
3. Allow OPA-OC Board meetings to alternate between CUSD and Chino
4. OPA-OC's Board to hold monthly meetings
5. Withdrawn by the petitioner

AYES: Trustees Addonizio, Alpay, Brick, Bryson, Palazzo, Pritchard, and Student Advisor Ryan Pallas.

NOES: Trustee Hatton

It was moved by Trustee Addonizio, seconded by Trustee Alpay, and motion carried by a 6-1 vote to rescind the previous motion.

AYES: Trustees Addonizio, Alpay, Brick, Bryson, Palazzo, Pritchard, and Student Advisor Ryan Pallas.

NOES: Trustee Hatton

It was moved by Trustee Alpay, seconded by Trustee Addonizio, and motion carried by a 6-1 vote to approve the OPA Material Revision request as follows:

1. Increase enrollment from 628 to 772 beginning with the 2012-2013 school year subject to the District addressing impacts and meeting its obligations to the City of Mission Viejo
2. Provide that the CUSD representative to the charter board may serve as a voting member
3. Adopt the finding of fact as set forth in the staff report
4. Adopt the finding of fact as set forth in the staff report
5. Moot

AYES: Trustees Addonizio, Alpay, Brick, Bryson, Palazzo, Pritchard, and Student Advisor Ryan Pallas.

NOES: Trustee Hatton

Assistant Superintendent Julie Hatchel stated this item presents the District's Proposition 39 Facilities Request to Oxford Preparatory Academy for the 2012-2013 school year. Mrs. Hatchel explained due to the increase in enrollment for OPA, the District is required to offer OPA 25 out of the 27 classrooms on the Barcelona Hills Elementary School campus. By approving the Proposition 39 request, the District will be required to move forward with adjusting boundaries in the Barcelona Hills Elementary School attendance area and to move current students attending Barcelona Hills to alternative District campuses.

**Prop. 39 Facilities Offer-OPA
Agenda Item 5**

The following speaker addressed the Board:

- *Adrian Montgomery stated she was extremely disappointed with the Board's decision to approve OPA's Material Revision request and praised Barcelona Hills Elementary School teachers.*

It was moved by Trustee Bryson, seconded by Trustee Palazzo, and motion carried unanimously to approve the provision of Proposition 39 facilities to Oxford Preparatory Academy for the 2012-2013 school year.

At 9:30 p.m. the Board took a break. The meeting reconvened at 9:40 p.m.

Recess

Student Advisor Ryan Pallas left the meeting at 9:30 p.m.

It was moved by Trustee Alpay, seconded by Trustee Addonizio, and motion carried unanimously to approve the request to extend the written Proposition 39 facilities preliminary proposal by one month to March 1, 2012, in order to provide staff and the charter school time to negotiate an agreement in lieu of a Proposition 39 facilities offer.

**Proposition 39
Facilities Offer-
Journey School
Agenda Item 6**

It was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried unanimously to approve the request to extend the written Proposition 39 facilities preliminary proposal by one month to March 1, 2012, in order to provide staff and the charter school time to negotiate an agreement in lieu of a Proposition 39 facilities offer.

**Proposition 39
Facilities Offer-
Community Roots
Academy
Agenda Item 7**

Assistant Superintendent Jodee Brentlinger stated current economic challenges facing the state and nation have significantly decreased natural attrition over the past four years. Recognizing budget reductions are necessary for the 2012-2013 year, a retirement plan has the potential to incentivize retirement for many senior veteran employees over and above natural attrition. Savings are achieved by replacing veteran senior employees with less senior employees who are lower on the salary schedule and certain positions may not be replaced further increasing savings to the general fund. The retirement plan is projected to generate a savings of \$600,000 in the first year. If the projected minimum savings is not met, the District has the option of withdrawing the plan. If Trustees approve this item, staff will initiate the plan and bring back affirmative data regarding participation and savings to a March Board meeting for Board consideration. PARS representative Dennis Vu was introduced to answer Trustee questions.

**Retirement Plan
for Certificated
Non-Management
Employees
Agenda Item 8**

Trustee Palazzo requested staff to provide a list of STRS requirements for retirement.

Following discussion, it was moved by Trustee Alpay, seconded by Trustee Bryson, and motion called by a 5-2 vote to approve Resolution No. 1112-30 authorizing the implementation of the PARS fixed annuity plan commencing with the 2012-2013 school year.

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

Superintendent Farley introduced Dr. Alan Heslop and Dave Meyer of National Demographics Corporation (NDC) who provided a PowerPoint presentation. Dr. Heslop explained NDC had taken the direction Trustees provided the firm at the December 12, 2011, and the January 9, 2012, Board meetings and drafted three new plans. Dr. Heslop and Dave Meyer reviewed each Trustee area in Plans H, I, and J.

Draft Plans for Trustee Area Boundary Redistricting Agenda Item 9

The following speakers addressed the Board:

- *Martha McNicolas stated she supports Plan J.*
- *Barbara Casserly stated she supports Plan H.*

Following discussion, it was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried by a 4-3 vote to adopt Plan J.

AYES: Trustees Alpay, Brick, Bryson, and Pritchard
NOES: Trustees Addonizio, Hatton, and Palazzo

At 10:55 p.m., in compliance with Board Policy 9323, it was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried unanimously to suspend the time frame of the meeting.

Meeting Extended

Interim Deputy Superintendent Robin Phillips introduced Royce Townsend from Vavrinek, Tine, Day & Co., LLP to present a summary of the audit report for the year ending June 30, 2011.

Annual Financial Report Agenda Item 10

Trustee Bryson directed staff to correct the name of the contact administrator posted on the District website. Currently it says to contact Ron Lebs.

Following discussion, it was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried unanimously to receive the Annual Financial Report for the District for the fiscal year ending June 30, 2011.

Interim Deputy Superintendent Robyn Phillips, along with Executive Director David Carter, presented an overview of the Governor's January Budget Proposal for fiscal year 2012-2013. Dr. Phillips stated a more detailed analysis will be presented to the Board at the February 13 Board meeting incorporating both the mid-year cuts for the current year, as well as the Governor's budget proposal for 2012-2013. Information related to some options for addressing the budget shortfall under various scenarios will also be presented.

Governor's January Budget Proposal for Fiscal Year 2012-2013 Agenda Item 11

Trustee Addonizio requested staff provide a copy of Dr. Phillips' report to all Trustees.

Chief Communications Officer Marcus Walton presented, for first reading, revisions to Board Policy 1311, *Charitable Contributions, Soliciting from District Personnel*. Mr. Walton stated the revisions to Board Policy 1311 will ensure the policy meets practice. The proposed changes would allow the Superintendent or designee to authorize solicitation of employees for contributions to charitable organizations.

Board Policy Revision Agenda Item 12

Trustee Alpay requested staff include additional language stating superiors shall not solicit subordinates.

President Pritchard asked Trustees for items they wished to pull from the Consent Calendar. No items were pulled.

Items Pulled from the Consent Calendar

CONSENT CALENDAR

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

Minutes of the January 9, 2012, regular Board meeting.	Minutes Agenda Item 13
Donation of funds and equipment.	Donations Agenda Item 14
Auditory processing development evaluations, Providence Speech and Hearing Center.	Independent Contractor Agreement Agenda Item 15
Vision assessments, Dr. Kirschen.	Independent Contractor Agreement Agenda Item 16
Television broadcasting and consulting services, PBS SoCal Education.	Agreement for Television Broadcasting and Consultant Services Agenda Item 17
Amendment to School Bus Service Agreement No. 109100045, Santa Margarita Catholic High School.	Amendment to School Bus Service Agreement Agenda Item 18
Ratification of special education Informal Dispute Resolution agreements.	Informal Dispute Resolution Agreements Agenda Item 19
Master contract for special education services to be provided by Clarinda Academy, a non-public school.	Master Contract Agenda Item 20
Network for a Healthy California Coalition Program service agreement with the Orange County Superintendent of Schools.	Service Agreement Agenda Item 21
Placentia-Yorba Linda Unified School District Bid No. 211-12 Supplies, Southwest School and Office Supply.	Piggyback Bids Agenda Item 22
Resolution No. 1112-029, Signature Authorization.	Signature Authorization Agenda Item 22A
Resignations, retirements, and employment of classified personnel.	Resignations/ Retirements/ Employment (Classified Personnel) Agenda Item 23

Resignations, retirements, and employment of certificated personnel.

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

Acceptance of Williams Settlement Quarterly Report.

**Williams
Settlement
Agenda Item 25**

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

It was moved by Trustee Alpay, seconded by Trustee Hatton, and motion carried **Adjournment**
unanimously to adjourn the meeting.

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

President Pritchard announced the meeting adjourned at 11:28 p.m.



Board Clerk



Secretary, Board of Trustees

Minutes submitted by Jane Boos, Manager, Board Office Operations