

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES – REGULAR MEETING
NOVEMBER 30, 2011
EDUCATION CENTER – BOARD ROOM

President Brick called the meeting to order at 6:30 p.m. The Board recessed to closed session to 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 7:00 p.m.

The Pledge of Allegiance was led by President Brick.

Present: Trustees Addonizio, Alpay, Brick, Bryson, Hatton, Palazzo, and Pritchard

Absent: 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

It was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried unanimously to adopt the Board agenda.

Adoption of the Board Agenda

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

NOES: None

ABSENT: Student Advisor Ryan Pallas

ABSTAIN: None

President Brick asked Trustee Pritchard to facilitate the meeting.

President's Announcement

Trustee 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: No action was taken.

Trustee Addonizio stated that on October 28 Trustees were made aware stipends were paid for extra-curricular and coaching positions without Board approval and requested staff agenda for the December 12, 2011, Board meeting a separate item regarding all stipends and unauthorized payments to coaches and all other personnel for the period July 1, 2011, to the present.

Board and Superintendent Comments

Trustee Palazzo asked staff to provide Trustees with the current status of all joint use agreements and to re-examine the San Juan Capistrano land swap recording issue.

Trustee Bryson shared she was thankful for the District's caring parents, teachers, and administrators.

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:

- *Paul Baker invited Trustees to attend the Adult Transition Program's annual Christmas boutique on December 2 and December 6.*
- *Valinda Accetta, Debbie Lackie, Linda Shepard spoke in regards to safety and other issues of concern for Barcelona Hills Elementary School students sharing the campus with Oxford Preparatory Academy students.*
- *Vicki Soderberg expressed her thanks to the District's Insurance Department for offering informational meetings to assist teachers with their decision to change from a POS plan to a HMO plan during the open enrollment period.*
- *Pam Palka and Mark Klein voiced their concerns regarding the investigation of Eric Patton.*

PUBLIC HEARING

Trustee Pritchard announced the Public Hearing open at 7:26 p.m. regarding the approval of Resolution No. 1112-26, Initial/Mitigated Negative Declaration for the Compressed Natural Gas Dispenser at the Aliso Viejo Transportation Center. There being no speakers to address the Board, Trustee Pritchard declared the Public Hearing closed at 7:27 p.m.

**Initial Study/
Mitigated Negative
Declaration for the
CNG Dispenser
Agenda Item 1**

DISCUSSION/ACTION

Deputy Superintendent Ron Lebs, Executive Director Randy Rowles, and Director Cary Brockman provided a brief update on the status of the CNG facility. Mr. Brockman explained due to the change in its location at the transportation center, a revised Initial Study/Mitigation Negative Declaration was prepared and distributed in accordance with environmental review requirements. Mr. Brockman explained with the Board's adoption of Resolution 1112-26 certifying the Initial Study/Mitigation Negative Declaration as complete, the District can move forward in pursuing city approval of the Conditional Use Permit.

**Initial Study/
Mitigated Negative
Declaration for the
CNG Dispenser
Agenda Item 2**

Following discussion it was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried unanimously to approve Resolution No. 1112-26, Initial/Mitigated Negative Declaration for the Compressed Natural Gas Dispenser at the Aliso Viejo Transportation Center.

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

It was moved by Trustee Pritchard, seconded by Trustee Bryson, and motion carried by a 6-1 vote to approve the appointments of Trustees Alpay and Brick to serve as Capistrano-Laguna Beach Regional Occupational Board members for 2012. Trustee Bryson will serve as the alternate.

**Selection of
ROP Board
Representatives
Agenda Item 3**

AYES: Trustees Addonizio, Alpay, Brick, Bryson, Hatton, and Pritchard
NOES: Trustee Palazzo
ABSENT: Student Advisor Ryan Pallas

Assistant Superintendent Julie Hatchel stated on April 11, 2011, the Board of Trustees approved the implementation of an independent study high school. A general update was presented to the Board of Trustees on August 24, 2011, with the understanding that a more detailed report and strategic plan be presented in November. Ms. Hatchel introduced Principal Rob Nye who presented a PowerPoint update and the Strategic Plan for the California Preparatory Academy.

**California
Preparatory
Update
Agenda Item 4**

Following the presentation Trustee Addonizio requested staff provide data regarding on-line student SAT scores; Trustee Palazzo stated staff needed to make changes to the California Preparatory Academy link on the District's website and to specify it is an on-line academy; Trustee Bryson asked staff to provide additional information on how the academy may use the facility located in the Mission Viejo mall; Trustee Hatton requested a report on the academy's pilot program; several Trustees expressed concerns regarding the logo and made suggestions for changes; and Trustee Pritchard suggested staff refine the PowerPoint presentation prior to meeting with interested parent groups.

This item was pulled on November 28, 2011, and will be brought back to the December 12, 2011, Board meeting.

Saddleback MOU
Agenda Item 5

It was moved by Trustee Addonizio, seconded by Trustee Alpay, and motion carried unanimously to approve revisions to Board Policy 5111, *Student Admission*.

Board Policy
Revisions
Agenda Item 6

Assistant Superintendent Julie Hatchel stated changes for Board Policy 5119, *Open Enrollment*, are being recommended mainly to facilitate an early open enrollment window the first week of December for the Mandarin Immersion Program (MIP). Mrs. Hatchel explained for this year there would be a benefit to opening the open enrollment window in December to allow those who want to enroll in MIP the opportunity to know they are in the program so they can begin fundraising and supporting the establishment of the program.

Board Policy
Revisions
Agenda Item 7

It was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried unanimously to approve revisions to Board Policy 5119, *Open Enrollment*.

Assistant Superintendent Julie Hatchel stated this is the third reading of Board Policy 5165, *Health Examinations*, and no changes have been made since the first reading at the October 26, 2011, Board meeting.

Board Policy
Revisions
Agenda Item 8

The following speaker addressed the Board:

- Beth Grivett stated legislation was passed allowing physician assistants to perform physical examinations without restrictions and requested this policy be changed to allow physician assistants the ability to perform District health examinations without the requirement of a medical doctor's signature.

Following discussion it was moved by Trustee Alpay, seconded by Trustee Addonizio, and motion carried by a 6-1 vote to approve revisions to Board Policy 5165, *Health Examinations* with the following amendment:

On page 2 of 3 of Board Policy 5165, under the heading Interscholastic Athletic Competition, strike "performed by a Doctor of Medicine (M.D.), Doctor of Osteopathic Medicine, or a physician's assistant with their supervising M.D.'s signature of approval" and replace with "performed by a physician, surgeon, or physician assistant practicing in compliance with Chapter 7.7 (commencing with Section 3500) of Division 2 of the Business and Professions Code."

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

NOES: Trustee Bryson

ABSENT: Student Advisor Ryan Pallas

Trustee Pritchard asked Trustees for items they wished to pull from the Consent Calendar. Agenda items 23 and 24 were pulled. Trustee Hatton stated she was abstain from voting on the November 14, 2011, Board minutes as she absent from the meeting.

Items Pulled from
the Consent
Calendar

CONSENT CALENDAR

It was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried by a 7-0 vote to approve the following Consent Calendar items:

Minutes of the November 14, 2011, regular Board meeting.	Minutes Agenda Item 9
Donations of funds and equipment.	Donations Agenda Item 10
Increase in session rate, Let's Talk Speech & Language Therapy.	Independent Contractor Agreement Amendment Agenda Item 11
Independent educational evaluations for neuropsychological and psychoeducational assessments, Dr. Rienzi Haytasingh, LLC.	Independent Contractor Agreement Agenda Item 12
Speech language pathology services, Progressus Therapy, LLC.	Independent Contractor Agreement Agenda Item 13
Services related to development, training, and deployment of SharePoint software, AlpenSpruce, LLC.	Independent Contractor Agreement Agenda Item 14
Community-based instruction for the Adult Transitions Program, Tiwahe Technology, LLC.	Independent Contractor Agreement Agenda Item 15
Counseling services, Tricia Elizabeth Krantz.	Independent Contractor Agreement Agenda Item 16
Counseling services, Brenda Crary.	Independent Contractor Agreement Agenda Item 17
Counseling services, Irma Garcia.	Independent Contractor Agreement Agenda Item 18
Preparation of annual and five-year report for developer fees, Dolinka Group, LLC.	Independent Contractor Agreement Agenda Item 19

Speech language pathology services, Educational Based Services.	Independent Contractor Agreement Agenda Item 20
Positive behavioral interventions and support consulting and training services, CALTAC, Incorporated.	Independent Contractor Agreement Agenda Item 21
Declaration of surplus items.	Surplus Items Agenda Item 22
Autism spectrum disorder consultation services, Orange County Superintendent of Schools.	Income Agreement Agenda Item 25
RFP No. 3-1011, Uniform Service, Cintas Corporation.	Extension of Agreement Agenda Item 26
Disposal of surplus property.	Continuous Public Notice Agenda Item 27
Newport-Mesa Unified School District Bid No. 105-12, School and Office Furniture, Culver-Newlin, Incorporated; Concepts School and Office Furnishings; and School Specialty, Incorporated.	Piggyback Bid Agenda Item 28
<p>ROLL CALL: AYES: Trustees Addonizio, Alpay, Brick, Bryson, Hatton, Palazzo, and Pritchard</p> <p>NOES: None</p> <p>ABSENT: Student Advisor Ryan Pallas</p> <p>ABSTAIN: None</p>	
<p>Trustee Addonizio stated the District has been using PJHM for many years and it is time to engage other architectural firms for projects. Deputy Superintendent Ron Lebs explained this agreement allows PJHM to complete existing projects currently in progress and not closed by Division of State Architect (DSA). Executive Director Randy Rowles added if this agreement is not approved, new architects would need to be hired, which would delay the projects and there would be additional costs for the District. PJHM is currently the architect on record with the DSA for Newhart Middle School's multipurpose room, San Juan Hills High School (SJHHS) pool, and the Compressed Natural Gas (CNG) facility. Trustee Palazzo asked if PJHM was under contract for these projects. Mr. Rowles confirmed the firm is under contract on these projects. Mr. Rowles remarked it is not the intent of the District to initiate new work with PJHM other than the DSA work needing to be closed out.</p>	Architectural Services Agreement Agenda Item 23
<p>Mr. Lebs reported there were three firms, including PJHM, selected to continue working with the District. Mr. Lebs reported the new agreement includes a unilateral termination clause which allows the District to terminate the contract without cause if the District is dissatisfied with the services the firm is providing. PJHM could be paid for its services up to that date, given a 30-days notice, and discharged. Mr. Lebs remarked this agreement is an overarching master agreement and staff would negotiate individual contracts with particular architect firms for various services.</p>	

Dr. Farley reported he discussed his concerns regarding the continuation of architectural contracts with staff when this item was agendaized. Dr. Farley stated from a cost perspective, given PJHM's knowledge and work already done on these projects, it makes sense to proceed with the firm at this juncture. Dr. Farley acknowledged Trustees have given staff clear direction and at the point the District initiates new construction additional bids would be solicited and brought back to the Board for consideration.

Trustee Palazzo questioned staff if the SJHHS pool was a new project and Mr. Lebs responded the pool was designed in conjunction with the high school and is a continuation of the high school which was originally designed by PJHM. Trustee Palazzo asked if the Newhart MPR was a new project or something added. Mr. Lebs stated it was initiated approximately a year ago. Trustee Palazzo inquired if the CNG project was new or old. Mr. Lebs stated it was a new project and PJHM was the original designer. Mr. Lebs added both WLC and PJHM quoted the Newhart MPR and CNG projects but PJHM offered a better bid and had more knowledge about the project.

Trustees also discussed the bidding process, hourly rates, maintenance of 2005 fees, and staff satisfaction with the firm.

It was moved by Trustee Bryson, seconded by Trustee Hatton, and motion carried by a 5-2 vote to approve an agreement for architectural services to PJHM Architects, Incorporated.

AYES: Trustees Alpay, Brick, Bryson, Hatton, and Pritchard
NOES: Trustees Addonizio and Palazzo
ABSENT: Student Advisor Ryan Pallas

Trustee Bryson asked staff how Apex was selected. Principal Rob Nye stated in 2008 the District saw a need for a credit recovery program for all comprehensive high schools. Several vendors provided presentations and Apex was selected. The District has been purchasing from Apex for years using the purchase order system but having a contract will allow the District to take advantage of cost savings on future software licensing. Dr. Nye added the program has been very successful at all District high schools.

**Client Agreement
Agenda Item 24**

It was moved by Trustee Bryson, seconded by Trustee Alpay, and motion carried unanimously to approve Apex Learning to provide digital curriculum solutions for credit recovery courses.

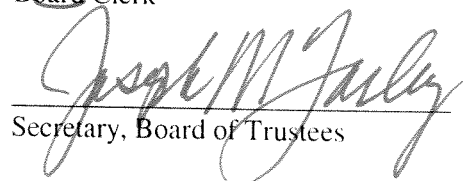
It was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried unanimously to adjourn the meeting.

Adjournment

Trustee Pritchard announced the meeting adjourned at 8:46 p.m.



Board Clerk



Secretary, Board of Trustees