

CAPISTRANO UNIFIED SCHOOL DISTRICT  
BOARD OF TRUSTEES  
MINUTES – REGULAR MEETING  
JUNE 27, 2012  
EDUCATION CENTER – BOARD ROOM

President Pritchard called the meeting to order at 5:30 p.m. Trustee Palazzo announced Trustees did not receive any written material for agenda item 3A, number 4. The Board recessed to closed session to discuss CSEA/CUEA/CUMA/Teamsters negotiations and Student Expulsions.

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 Bryson.

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

**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](http://www.capousd.org)**

**Permanent Record**

Prior to the adoption of the Board agenda Trustee Alpay announced Raad Ghantous was not able to attend this meeting as agenda item but will attend the July 9 Board meeting to receive special recognition.

**Adoption of the Board Agenda**

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

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

**Agenda Item #3 B1 – Student Expulsion:**

The Board voted 7-0 to expel the following student with staff recommendations: Case #2012-080.

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

**Agenda Item #3 B2 and B6 – Student Expulsions:**

The Board voted 7-0 to expel the following students by stipulated agreement: Case #2012-079, #2012-081, #2012-082, #2012-085, and #2012-088.

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

Brooke Soto and Ramin Talebi were recognized for achieving perfect attendance in kindergarten through 12<sup>th</sup> grade. **Special Recognition**

Ross Chun and Dr. Mo Entezampour were recognized for their partnerships with the District's Science, Technology, Engineering, Arts and Math Initiative.

Trustee Bryson announced that former student advisor Ryan Pallas and Aliza Braunstein were of the students named by the Orange County Register as *Ten Graduates Who will Change the World*. Ramin Talebi received honorable mention. **Board and Superintendent Comments**

Trustee Alpay requested staff agendaize for future meetings: Trustees Addonizio's and Palazzo's request for separate legal representation; discussion regarding potential violations of Board Policies 9323 and 9271 made by two Trustees; and reorganization of the dais seating arrange.

There were no speakers. **Oral Communications**

### DISCUSSION/ACTION

Assistant Superintendent Jodee Brentlinger stated the purpose of this agenda item is to seek approval of the tentative agreement between the District and the Capistrano Unified Education Association (CUEA). In summary, the agreement with CUEA includes: more consistent kindergarten schedules Districtwide; the ability to increase class size by 1.5 students without incurring substitute release time when class size overages occur; freezing the salary schedule for half a year; reducing the school year by 5 days; and contingency language if the governor's tax initiative fails of ten (10) additional furlough days and a 1.5 percent salary rollback. The agreement with CUEA contributes approximately \$30.2 million toward \$51 million in reductions needed for the 2012-2013 fiscal year. **CUEA Tentative Agreement Agenda Item 1**

The following speaker addressed the Board:

- *Jennifer Beall stated she was disappointed students will lose 15 days of instruction due to furlough days and that there are no real salary cuts until after the November election.*

It was moved by Trustee Alpay, seconded by Trustee Hatton, and motion carried by a 4-3 vote to approve closing the debate.

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

It was moved by Trustee Hatton, seconded by Trustee Brick, and motion carried by a 4-3 vote to approve the tentative agreement with CUEA for July 1, 2012, through June 30, 2013.

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

Assistant Superintendent Jodee Brentlinger stated the purpose of this agenda item is to seek approval of the tentative agreement between the District and the California School Employees Association Chapter 224 (CSEA). In summary, the agreement with CSEA includes: contract language changes to the current collective bargaining agreement surrounding terms of the Agreement, Grievance Procedures, Leaves, Layoff and Reemployment, Wages and Hours of Employment – Work Year Reductions; a full year salary advancement freeze; eight (8) furlough days including three (3) non-instructional/five (5) instructional aligned to the school calendar; and language if the governor’s tax initiative fails of ten (10) additional furlough days and a 1.6 percent salary rollback. In addition, the parties agreed to a one year Memorandum of Understanding regarding Transfers and Promotions and the commitment to resume negotiations surrounding unfinished interests of both parties. The agreement with CSEA contributes approximately \$7.9 million toward \$51 million in reductions needed for the 2012-2013 fiscal year.

**CSEA Tentative Agreement  
Agenda Item 2**

It was moved by Trustee Hatton, seconded by Trustee Alpay, and motion carried by a 4-3 vote to approve the tentative agreement with CSEA for July 1, 2012, through June 30, 2013.

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

Assistant Superintendent Jodee Brentlinger stated the purpose of this agenda item is to seek approval of the tentative agreement between the District and Teamsters. In summary, the agreement with Teamsters includes: one (1) additional furlough day aligned with the student calendar reduction, and in the event the governor’s tax initiative fails, nine (9) additional furlough days and a half year salary schedule freeze. The agreement with Teamsters contributes approximately \$540,000 toward the \$51 million in reductions needed for the 2012-2013 fiscal year.

**Teamsters Tentative Agreement  
Agenda Item 3**

It was moved by Trustee Hatton, seconded by Trustee Pritchard, and motion carried unanimously to approve the tentative agreement with Teamsters Local 952 for July 1, 2012, through June 30, 2013.

President Pritchard announced the Public Hearing open at 7:35 p.m. regarding the 2012-2013 Budget adoption.

**Public Hearing:  
2012-2013 Budget Adoption  
Agenda Item 4**

The following speakers addressed the Board:

- *Jim Reardon stated the budget contains numerous cuts and program reductions impacting teachers and students but no programmatic reform and nothing was done to reduce per-pupil cost to operate the District.*
- *Bill Perkins asked the Board where the District's contingency plan is and what are working parents to do for childcare on furlough days.*
- *Linda Defonce and Julie Collier asked the Board to make students and student achievement a top priority and not to cut 15 days of instruction.*

President Pritchard declared the Public Hearing closed at 7:43 p.m.

Deputy Superintendent Clark Hampton presented a PowerPoint of the 2012-2013 Budget Adoption beginning with a summary of the latest information on the state budget. (The PowerPoint is available for viewing on the District website at [www.capousd.org](http://www.capousd.org)).

**2012-2013 Budget Adoption  
Agenda Item 5**

It was moved by Trustee Alpay, seconded by Trustee Pritchard, to approve the 2012-2013 Budget Adoption with the following amendment: for the fiscal year 2012-2013, Trustee compensation shall be reduced from its current level by an amount consistent with the percentage of cuts taken by teachers. To the extent teachers take additional cuts in compensation during the fiscal year, Trustee compensation shall be reduced by an equal percentage, and to the extent teachers receive any restoration, Trustees shall also be beneficiaries by an equal percentage. At the end of the fiscal year, Trustee compensation shall be restored to the level set forth in BP 9250(a) at which time the Board shall revisit the level of compensation to decide what additional cuts, if not complete elimination, may be appropriate. For purposes of this motion, in calculating salary cuts of teachers, it shall include the following: straight salary reduction; furlough days; and delayed salary schedule advancement.

Trustees continued discussion before voting on this motion.

Following discussion, it was moved by Trustee Alpay, seconded by Trustee Brick, and motion carried by a 4-3 vote to approve closing the debate.

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

Trustee Alpay's motion, seconded by Trustee Pritchard, carried by a 4-3 vote to approve the 2012-2013 Budget Adoption as amended.

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

Assistant Superintendent Julie Hatchel stated this past semester, San Juan Hills High School and Saddleback College worked in partnership to implement a comprehensive pilot program to enhance student preparedness and success at Saddleback College. Both Saddleback College and the District found the pilot to be successful and recommend expanding the partnership to other high school campuses.

**MOU with  
Saddleback College  
Agenda Item 6**

It was moved by Trustee Hatton, seconded by Trustee Alpay, and motion carried unanimously to approve the Memorandum of Understanding with Saddleback College.

Trustee Brick stated this item is requesting the Board reconsider the decision made at the December 12, 2011, Board meeting concerning the scheduling of fall parent/teacher conferences. Trustee Brick stated waiting until December to conduct parent/teacher conferences hurts teachers and there are concerns over the possibility of a loss of ADA by holding conferences right before Winter Recess.

**Reconsideration of  
Action by the  
Board  
Agenda Item 7**

Trustee Addonizio and Palazzo stated the Board needed to support the decision of the Calendar Committee, which consisted of Trustees, District staff, parents, and teachers, who met and worked for months to construct the calendar. Both Trustees stated if, after the November election, additional changes to the calendar are needed then reconsider this request at that time.

Following discussion, it was moved by Trustee Bryson, seconded by Trustee Alpay, and motion carried by a 4-3 vote to approve reconsidering the dates of parent/teacher conferences at the July 9, 2012, Board meeting.

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

Deputy Superintendent Clark Hampton stated the California Department of Education (CDE) requires every school district seeking educational technology and E-rate funding to have an updated technology plan containing specific requirements defined by the CDE. The current five-year plan will expire on July 1, 2012. A three-year technology plan is required before an E-rate applicant may start to receive discounted services. The primary purpose of a technology plan, in addition to meeting state and federal regulations to qualify for funding, is to provide direction for the use of technology within the curriculum to enhance and improve teaching and learning. Mr. Hampton introduced Executive Director Susan Holliday to present a PowerPoint overview of the District's Master Technology Plan. (The CDE-approved three-year Master Technology Plan can be found online at: [http://tis-capousd-ca.schoolloop.com/cms/page\\_view?d=x&piid=&vpid=1235193028623](http://tis-capousd-ca.schoolloop.com/cms/page_view?d=x&piid=&vpid=1235193028623))

**2012-2015 Master  
Technology Plan  
Agenda Item 8**

Trustee Addonizio requested staff research if CFD funds can be used for infrastructure improvements at sites. Trustee Bryson suggested staff submit the technology plan to the William Gate Foundation.

It was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried unanimously to approve the updated 2012-2015 Master Technology Plan to support District compliancy with state law and federal E-rate regulations to receive discounted services and potentially qualify for future funding.

Assistant Superintendent Jodee Brentlinger stated the Administrative Law Judge (ALJ) has provided the District with his proposed decision regarding the layoff hearings, which took place on June 6, 2012, at the District office. The proposed decision finds the District fulfilled all of its legal obligations to effectuate the release of the 398.9 full-time equivalent positions. Therefore, it is important to note the ALJ is not proposing that the District is not able to release the employees. What the ALJ is proposing, and what the District disagrees with, is that those employees hired, using the one time funding source of Federal Jobs Money, be laid off as probationary employees. Education Code 44949(c) (3) states "the governing board shall make the final determination as to the sufficiency of the cause and disposition," and "{n}one of the findings, recommendations, or determinations contained in the proposed decision prepared by the administrative law judge shall be binding on the governing board." When there are changes, which are common due to spelling, inaccuracies or errors of fact and law, the appropriate method of correcting any errors is by notation and explanation in the Board's final resolution. The resolution before the Board provides a full and complete explanation and record of the facts surrounding the release of the 398.9 FTE and therefore requests approval of Resolution 1112—53 the Reduction or Elimination of Certain Certificated Services.

**Reduction or  
Elimination of  
Certain  
Certificated  
Services  
Agenda Item 9**

It was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried by a 7-0 vote to approve Resolution No. 1112-53, Reduction or Elimination of Certain Certificated Services.

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

Assistant Superintendent Julie Hatchel stated Clarence Lobo Elementary School is requesting to pilot the Olweus Bullying Prevention Program (OBPP) beginning in the fall of 2012. The goal of OBPP is to reduce existing bullying problems among students, prevent the development of new problems, and achieve better peer relations at school. Additionally, data shows the program will provide an increase in students' test scores and a decrease in absenteeism and dropout rates. The OBPP will be grant funded through San Onofre/SONGS and the Bullying Prevention Initiative of California. There is no financial impact to the District.

**Bullying  
Prevention Pilot  
Program  
Agenda Item 10**

The following speaker addressed the Board:

Mary Fortmeier spoke in support of the Olweus Bullying Prevention Program stating the program has over 35 years of research, is taught in 8,000 schools in the United States, and is recognized by the Department of Education.

Following discussion, it was moved by Trustee Addonizio, seconded by Trustee Palazzo, and motion carried unanimously to approve the Olweus Bullying Prevention Pilot Program.

It was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried unanimously to approve the revisions to Board Policy 5122, *Promotion/Acceleration/Retention*.

President Pritchard asked Trustees for items they wished to pull from the Consent Calendar. Agenda items 13, 34, and 41 were pulled.

### **CONSENT CALENDAR**

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

Minutes of the June 11, 2012, regular Board meeting.

Readmission of students from expulsion: Case #2011-007, #2011-051, #2012-005, and #2012-016.

Expunging a student record: Case #2011-083.

Approval of the School Mobile Assessment Resource Team (SMART) Memorandum of Understanding for the 2012-2013 school year.

Purchase orders, warrants, and previously Board-approved bids and contracts as listed.

Donation of funds and equipment.

Ratification of special education Informal Dispute Resolution agreement for IDR case #24812.

Amendment to a special education Informal Dispute Resolution agreement case #7712.

Administrative Encroachment Permit Agreement to allow placement of school banners on existing city light poles adjacent to San Clemente High School.

**Board Policy  
Revision  
Agenda Item 11**

**Items Pulled from  
the Consent  
Calendar**

**Minutes  
Agenda Item 12**

**Expulsion  
Readmissions  
Agenda Item 14**

**Expunging of  
Expulsion Record  
Agenda Item 15**

**SMART MOU  
Agenda Item 16**

**Purchase  
Orders/Warrants  
Agenda Item 17**

**Donations  
Agenda Item 18**

**Informal Dispute  
Resolution  
Agreement  
Agenda Item 19**

**Amendment to  
Informal Dispute  
Resolution  
Agreement  
Agenda Item 20**

**Administrative  
Encroachment  
Permit Agreement  
Agenda Item 21**

Memorandum of Understanding (MOU) between the District and the Capistrano-Laguna Beach Regional Occupation Program (ROP) for technical services.	<b>ROP MOU Agenda Item 22</b>
Master Contract No. 1213068 for special education services to be provided by T.E.R.I. Incorporated & The Country School, a non-public school.	<b>Master Contract Agenda Item 23</b>
Ratification of District standardized Independent Contractor, Master Contract, and Professional Services Agreements.	<b>Professional Services Agreements Agenda Item 24</b>
Ratification of Income Agreement No. 38258 with the Orange County Superintendent of Schools to provide Introduction to Google Docs for Education training for District staff.	<b>Income Agreement Agenda Item 25</b>
Ratification of Income Agreement No. 38259 with the Orange County Superintendent of Schools to provide Basics of the Learning Management System Haiku training for District staff.	<b>Income Agreement Agenda Item 26</b>
Income Agreement No. 38052 with the Orange County Superintendent of Schools to provide the services of Jane Vogel for functional vision assessments and consultation for District students.	<b>Income Agreement Agenda Item 27</b>
Medi-Cal Administrative Activities (MAA) Participation Agreement No. 38233 with the Orange County Superintendent of Schools to provide administrative services related to Medi-Cal reimbursement.	<b>Medi-Cal Administrative Services Agreement Agenda Item 28</b>
Agreement for Special Services with School Services of California, Incorporated to provide fiscal and mandated information services.	<b>Special Services with School Services of California Agenda Item 29</b>
Amendment to School Bus Service Agreement No. 10910045 for school bus inspections, servicing, maintenance, repair, parking, and school bus driver training services, as required by Santa Margarita Catholic High School, to be provided by the District.	<b>Amendment to School Bus Service Agreement Agenda Item 30</b>
Resolution No. 1112-52 to establish updated signature authorizations.	<b>Signature Authorizations Agenda Item 31</b>
Independent Contractor Agreement with Corvel Enterprise Comp, Incorporated to provide workers' compensation third party administration services that includes an integrated claims administration cost containment program, with online services.	<b>Independent Contractor Agreement Agenda Item 32</b>
Extension of Rental Service Agreement No. 1112046 with Capo Beach Calvary to provide designated parking at the District's bus facility for Capo Beach Calvary to use, as needed, for a fee of \$75.00 per bus per month.	<b>Extension of Rental Service Agreement Agenda Item 33</b>
Extension of Bid No. 1112-03 for bakery products to be provided by Gold Star Foods	<b>Extension of Bid Bakery Products Agenda Item 35</b>

Extension of Bid No. 1011-05 for frozen food products to be provided by Gold Star Foods.	<b>Extension of Bid Frozen Food Products Agenda Item 36</b>
Ratification of change order #4 related to the stadium at San Juan Hills High School.	<b>Change Order #4 SJHHS Stadium Agenda Item 37</b>
Award of RFQ No. 2-1213, E-rate consultant, to NvLS Professional Services, LLC.	<b>Bid Award E-Rate Consultant Agenda Item 38</b>
Utilization of the Palo Verde Unified School District Bid No. 111201 HVAC Filters and Installation for the purchase of filters, from PacWest Air Filter, under the same terms and conditions of the public agency's contract.	<b>Piggyback Bid – HVAC Filters and Installation Agenda Item 39</b>
Utilization of the State of Minnesota, Department of Administration, National Association of State Procurement Officials, and Western States Contracting Alliance Contract No. B27160 awarded to Dell Marketing L.P., and approved for usage in the State of California pursuant to the California Participating Addendum, for the purchase of computer equipment, peripherals, and related services.	<b>Piggyback Bid – Computer Equipment and Related Services Agenda Item 40</b>
Resignations, retirements, and employment of certificated personnel.	<b>Resignations/ Retirements/ Employment (Certificated Personnel) Agenda Item 42</b>
<p>ROLL CALL: AYES: Trustees Addonizio, Alpay, Brick, Bryson, Hatton, Palazzo, and Pritchard</p> <p>NOES: None</p> <p>ABSENT: None</p> <p>ABSTAIN: None</p>	
Trustee Alpay stated he had listened to the recording of the June 15 special Board meeting and the vote for adjournment of meeting should be recorded as 6-1 with Trustee Addonizio voting nay.	<b>Minutes Agenda Item 13</b>
It was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried by a 5-2 vote to approve the minutes of the June 15, 2012, special Board meeting as amended.	
<p>AYES: Trustees Alpay, Brick, Bryson, Hatton, and Pritchard</p> <p>NOES: Trustees Addonizio and Palazzo</p>	
Trustee Palazzo asked staff why the not-to-exceed amount of \$250,000 listed in the agenda was not included in the contract. Deputy Superintendent Clark Hampton responded that was due to the fact the amount of service is uncertain but staff monitors the amount internally through the purchase order process. If services go above the \$250,000, the item would be brought back to the Board for approval.	<b>Extension of Consultant Agreement Agenda Item 34</b>
It was moved by Trustee Palazzo, seconded by Trustee Addonizio, and motion carried by a 7-0 vote to approve the extension of Consultant Agreement No. C1011052 with Atkinson, Andelson, Loya, Ruud & Romo to provide legal services, as required by the District, as amended with the inclusion of a not-to-exceed \$250,000 amount written into the contract.	



Trustee Palazzo pulled this item because it lists the dedicated classified employees such as bilingual aides, campus supervisors, and librarians the District is laying off. Trustee Palazzo stated the Board hasn't discussed the impact of these layoffs on students or how, operationally, the District will cover these important jobs.

**Resignations/  
Retirements/  
Employment  
(Classified  
Personnel)  
Agenda Item 41**

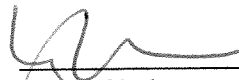
It was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried by a 4-3 vote to approve the resignations, retirements, and employment of classified personnel.

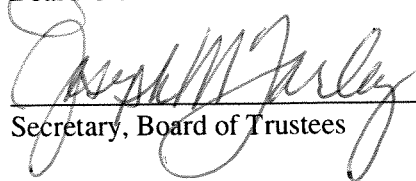
AYES: Trustees Alpay, Brick, Bryson, and Pritchard  
NOES: Trustees Addonizio, Hatton, and Palazzo

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

**Adjournment**

President Pritchard announced the meeting adjourned at 9:05 p.m.

  
\_\_\_\_\_  
Board Clerk

  
\_\_\_\_\_  
Secretary, Board of Trustees

*Minutes submitted by Jane Boos, Manager, Board Office Operations*

