

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES – REGULAR MEETING
MARCH 12, 2012
EDUCATION CENTER – BOARD ROOM

President Pritchard called the meeting to order at 5:30 p.m. The Board recessed to closed session to: confer with Legal Counsel regarding Existing Litigation; discuss CSEA/CUEA/CUMA/Teamsters negotiations; discuss Public Employee Appointment/Employment; discuss Student Expulsions; and discuss Public Employee Discipline/Dismissal/Release.

Closed session recessed at 6:42 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 Student Advisor Ryan Pallas

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

It was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried unanimously to adopt the Board agenda and to address agenda item 2 as the first item of the meeting.

Adoption of 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 – Conference with Legal Counsel – Existing Litigation:

California School Employees Association Chapter 224 v. Capistrano Unified School District. PERB Unfair Practice Change No. LA-CE-5721-E

No action was taken.

Agenda Item #3 B– CSEA/CUEA/CUMA/Teamsters Negotiations:

The Board gave direction to staff.

Agenda Item #3 C – Public Employee Appointment/Employment:

The Board voted 7-0 to approve the appointment of John Pappalardo, Deputy Superintendent, Business and Support Services, and authorize Dr. Farley to develop an employment agreement for subsequent ratification by the Board.

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

Agenda Item #3 D1 – Student Expulsion:

The Board voted 7-0 to expel the following student with staff recommendation: Case #2012-030.

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

Agenda Item #3 D2 through D6 – Student Expulsions:

The Board voted 7-0 to expel the following students by stipulated agreement: Case #2012-031, #2012-032, #2012-033, #2012-034, and #2012-036.

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

Agenda Item #3 E– Public Employee Discipline/Dismissal/Release:

The Board voted by a 7-0 roll call vote to approve Resolution No. 1112-38 issuing notices of release and non-reelection to certificated Employee Numbers 20326, 28353, 28364, 16709, 29084, 28367, 25164, 29134, 27932, 27496, 26677, 29113, and 27494 serving under temporary contracts, effective at the end of the 2011-2012 school year, and directed the Superintendent or designee to send out appropriate legal notes.

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

Students Verenice Carrillo and Abraham Hurtado from Junipero Serra High School presented a report on activities taking place at the high school.

Student Body Report

Trustee Bryson shared she attended the Mandarin Chinese fundraiser on March 3 and congratulated the organizing committee for the successful event. Trustee Bryson also commented that she, along with Trustees Brick, Pritchard, Palazzo, Dr. Farley, and other key District leaders surprised the District’s three Teachers of the Year finalists in their classrooms on Friday, March 9.

Board and Superintendent Comments

Student Advisor Ryan Pallas congratulated Tesoro High School teacher Jennifer Woodward for being selected as the top high school Teacher of the Year. Ryan shared that Ms. Woodward is his advanced placement psychology teacher.

Trustee Alpay reported he also attended the Mandarin Chinese fundraiser and this event raised in excess of \$40,000 to support the Mandarin Chinese Immersion Program (MIP). Trustee Alpay stated one of the dictates for Board approval of MIP was parents would be responsible for the \$15,000 incremental costs of setting up the program and with this one fundraiser MIP parents have met and exceeded their goal.

President Pritchard stated he attended the honor concerts on Saturday and that they were a testament of the outstanding music programs in the District. Dr. Pritchard added he watched the Aliso Niguel High School girls' soccer team win the 2012 CIF Southern California Regional Division I Champions and it was an exciting game.

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

**Oral
Communications**

The following speaker addressed the Board:

- *Moira Nannweiler is concerned because she has been a substitute in the District for four years and has applied for teaching positions but has never received an interview.*

DISCUSSION/ACTION

Trustee Palazzo stated she requested the Board discuss the reinstatement of audio recording of closed session because of the large number of staff present in closed session meetings. Trustee Palazzo also stated as Trustees enter into negotiations they need to be very clear on their instructions for the negotiating team. Recording closed session would be beneficial. President Pritchard called upon Attorney Dan Shinoff to present the pros and cons of recording closed session meetings.

**Audio Recording
Closed Session
Agenda Item 2**

Following discussion, it was moved by Trustee Palazzo, seconded by Trustee Addonizio, and motion failed by a 2-5 vote to revise Board Bylaw 9324 by removing the word "not" from "Closed Session recordings are not required" currently in the bylaw.

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

Interim Deputy Superintendent Robyn Phillips provided a PowerPoint presentation highlighting key elements of the Second Interim Report. Dr. Phillips began by stating the two actions the Board is required to perform is to (1) certify it has reviewed the report and determine whether the District will be able to meet its fiscal obligations for the current and two subsequent years, and (2) authorize budget adjustments contained within the interim report. Dr. Phillips concluded the presentation by stating this report presents a self-qualified certification of the Second Interim Financial Report for 2011-2012, indicating the District may not meet its financial obligations for the current and two subsequent fiscal years. (*The PowerPoint is posted on the District website: www.capousd.org in Budget News.*)

**Certification of
Second Interim
Report
Agenda Item 1**

Following discussion, it was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried by a 5-0 vote to approve the Certification of the 2011-2012 Second Interim Report and Adoption of Resolution No. 1112-37, 2011-2012 Revenue and Expenditure Increases/Decreases.

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

Assistant Superintendent Julie Hatchel stated the Capistrano Home School program is seeking to pilot virtual program course materials for kindergarten through eighth grade students for the 2012-2013 school year. Ms. Hatchel reported the online program was tested this semester utilizing the proposed course material and staff received positive feedback from parents and students.

**Capistrano Home
School
Agenda Item 3**

The following speaker addressed the Board:

- *Julie Erban spoke in support of the online option for parents who choose to home school their children.*

Following discussion, it was moved by Trustee Addonizio, seconded by Trustee Bryson, and motion carried unanimously to approve the implementation of an online instructional option for kindergarten through eighth grade students in Capistrano Home School for the 2012-2013 school year.

Assistant Superintendent Jodee Brentlinger explained the October 2011 tentative agreement between the Capistrano Unified Education Association (CUEA) and the District included a provision that the parties would continue to meet until an equitable resolution was reached regarding the kindergarten instructional minutes discrepancy that exists. Currently kindergarten teachers provide 303 instructional minutes allowing the District to participate and receive Class Size Reduction (CSR) Option II funding. The revised Memorandum of Understanding (MOU) replaces the existing MOU by reverting back to the 291 instructional minutes outlined under Article 5.3.1 and compensating kindergarten teachers for the 12 minute daily difference. The revised MOU is effective for the 2011-2012 school year and unless negotiated differently, the parties will revert back to Article 5.3.1 for the 2012-2013 school year.

**MOU with CUEA
Agenda Item 4**

It was moved by Trustee Hatton, seconded by Trustee Pritchard, and motion carried by a 5-2 vote to approve the Memorandum of Understanding between the Capistrano Unified Education Association and the District resolving the kindergarten minutes discrepancy.

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

It was moved by Trustee Alpay, seconded by Trustee Hatton, and motion carried unanimously to approve the District's reopener proposal with CUEA for the 2012-2013 school year.

**CUEA Contract
Reopener Proposal
Agenda Item 5**

It was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried unanimously to approve the District's reopener proposal with CSEA for the 2012-2013 school year.

**CSEA Contract
Reopener Proposal
Agenda Item 6**

It was moved by Trustee Alpay, seconded by Trustee Addonizio, and motion carried unanimously to approve the District's reopener proposal with Teamsters for the 2012-2013 school year.

**Teamster Contract
Reopener Proposal
Agenda Item 7**

It was moved by Trustee Alpay, seconded by Trustee Brick, and motion carried unanimously to approve revisions to Board Policy 3315, *Relations with Vendors*.

**Board Policy
Revision
Agenda Item 8**

Interim Deputy Superintendent Tim Holcomb stated two projects have been closed with certification by the Division of State Architect since last month's update.

**Division of State
Architect Update
Agenda Item 9**

President Pritchard asked Trustees for items they wished to pull from the Consent Calendar. Agenda items 13, 17, and 18 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 February 27, 2012, special Board meeting and February 29, 2012, regular Board meeting.	Minutes Agenda Item 10
Petition to waive California Education Code §60851(a) and Board Policy 6162.52 – California High School Exit Examination: Case #1112-010 through #1112-016.	CAHSEE Agenda Item 11
Purchase orders, warrants, and previously Board-approved bids and contracts as listed.	Purchase Orders/Warrants Agenda Item 12
Ratification of special education settlement agreement #2011051170.	Settlement Agreement Agenda Item 14
Ratification of special education Informal Dispute Resolution Agreement case #14012 and #24512.	Informal Dispute Resolution Agreement Agenda Item 15
Denial of Government Claim No. 11-96716DP.	Government Claim Agenda Item 16
Ratification of change order #5, Bid No. 1011-11, related to the performing arts theater at Capistrano Valley High School.	CVHS Change Order Agenda Item 19
Independent Contractor Agreement with Sylvan Learning Center of Laguna Niguel, operated by Sayva Learning LLC to provide No Child Left Behind Supplemental Educational Services.	Independent Contractor Agreement Agenda Item 20
Independent Contractor Agreement with Ocean Institute to provide an instructional Visiting Classroom program to kindergarten and first grade students at Oso Grande Elementary School.	Independent Contractor Agreement Agenda Item 21
Independent Contractor Agreement with Discovery Science Center to provide instructional Science to Go classes for second grade students at Oso Grande Elementary School.	Independent Contractor Agreement Agenda Item 22
Revocable License Agreement between Highland Light Gate and Maintenance Association and the District for sidewalk improvements adjacent to Marblehead Elementary School.	License Agreement Agenda Item 23
Resignations, retirements, and employment of classified personnel.	Resignations/ Retirements/ Employment (Classified Personnel) Agenda Item 24
Resignations, retirements, and employment of certificated personnel.	Resignations/ Retirements/ Employment (Certificated Personnel) Agenda Item 25

Certification that all temporary athletic coaches have met the qualifications and competencies.

**Qualifications and
Competencies
Agenda Item 26**

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

Trustee Addonizio asked staff why the District would participate in this agreement since no action is being taken against it. Interim Deputy Superintendent Robyn Phillips responded it is uncertain at this time whether the State of California will name school districts in the lawsuit so districts are taking this step as a precautionary measure.

**General Retainer
Agreement
Agenda Item 13**

Trustee Alpay voiced his concerns regarding who would manage the relationship with so many clients and stated more detailed information is needed from staff before Trustees should consider approving this agreement.

Following discussion, it was moved by Trustee Alpay, seconded by Trustee Addonizio, and motion carried unanimously to continue this item for further reflection by staff.

Trustee Palazzo asked staff to clarify why the fiscal amount in the item's description is different than the amount in the agreement. Interim Deputy Superintendent Tim Holcomb responded the amount in the agenda item description is the discounted price the District will pay if Trustees approve the agreement and payment is made prior to March 30.

**Services/Support
Agreement
Agenda Item 17**

It was moved by Trustee Palazzo, seconded by Trustee Addonizio, and motion carried unanimously to ratify a services and support contract renewal agreement for 2012-2013 with Quintessential School Systems (QSS).

Trustee Bryson pulled this item to commend Dr. Farley and Walt Eden for monitoring the San Juan Hills High School pool project and saving the District money by making changes to the original plan.

**SHHS Change
Orders
Agenda Item 18**

It was moved by Trustee Bryson, seconded by Trustee Addonizio, and motion carried unanimously to ratify change orders #15 and #16, Bid No. 1011-09, related to the construction of the 30-meter pool and support buildings at San Juan Hills High School.

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

Adjournment

President Pritchard announced the meeting adjourned at 8:35 p.m.



Board Clerk


Secretary, Board of Trustees