

BOARD OF TRUSTEES
Regular Meeting

October 26, 2011

Closed Session 5:30 p.m.
Open Session 7:00 p.m.

AGENDA

CLOSED SESSION AT 5:30 P.M.

1. **CALL TO ORDER**
2. **CLOSED SESSION COMMENTS**
3. **CLOSED SESSION** (as authorized by law)
 - A. **PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE**
Employee #11097; #10661; #16248; #14645
(Pursuant to Government Code §54957)
 - B. **CONFERENCE WITH LABOR NEGOTIATORS**
Joseph M. Farley/Jodee Brentlinger/Ron Lebs/Julie Hatchel/Sara Jocham/Jeff Bristow
Employee Organizations:
 - 1) Capistrano Unified Education Association (CUEA)
 - 2) California School Employees Association (CSEA)
 - 3) Teamsters
 - 4) Unrepresented Employees (CUMA)
(Pursuant to Government Code §54957.6)

OPEN SESSION AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

ADOPTION OF THE AGENDA – ROLL CALL

REPORT ON CLOSED SESSION ACTION

SPECIAL RECOGNITIONS

Student Body President's Report – Aliso Niguel High School

BOARD AND SUPERINTENDENT COMMENTS

ORAL COMMUNICATIONS (Non-Agenda Items)

Oral Communications will occur immediately following Board and Superintendent Comments. The total time for Oral Communications shall be twenty (20) minutes. Individual presentations are limited to a maximum of three (3) minutes per individual.

PUBLIC HEARING: Agenda Item #1–Statement of Assurance of Instructional Materials Funding Realignment Fund

RECORDING OF SCHOOL BOARD MEETINGS

In accordance with Board Policy 9324, Board Minutes, all Regular School Board Meetings will be audio recorded.

PUBLIC HEARING

1. RESOLUTION NO. 1112-23 – STATEMENT OF ASSURANCE FOR INSTRUCTIONAL MATERIALS REALIGNMENT FUND, FISCAL YEAR 2011-2012:

DISCUSSION/
ACTION
Page 1
EXHIBIT 1

California Education Code §60119 specifies that a public hearing shall be held in order to be compliant with the Pupil Textbook and/or Instructional Materials Realignment Program and encourages participation by parents, teachers, members of the community, and bargaining unit leaders. Education Code §60252 specifies that all purchases of instructional materials made from the State Instructional Materials Fund shall conform to law and the applicable rules and regulations. The Board of Trustees shall make a determination through a resolution as to whether each pupil in each school in the District has sufficient textbooks and/or instructional materials in each of the following subject areas: English/Language Arts, History/Social Science, Health, Mathematics, Science, World Languages, and science laboratory equipment. There is no financial impact.

CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment

Contact: Julie Hatchel, Assistant Superintendent, Education Services

Staff Recommendation

It is recommended the Board President recognize Julie Hatchel, Assistant Superintendent, Education Services, to present this item.

Following discussion, it is recommended the Board of Trustees adopt Resolution No.1112-23, Statement of Assurance for Instructional Materials Realignment Fund, Fiscal Year 2011-2012.

Motion by _____

Seconded by _____

ROLL CALL:

Student Advisor Ryan Pallas _____

Trustee Addonizio _____

Trustee Alpay _____

Trustee Bryson _____

Trustee Hatton _____

Trustee Palazzo _____

Trustee Pritchard _____

Trustee Brick _____

DISCUSSION/ACTION ITEMS

2. CAPISTRANO UNIFIED SCHOOL DISTRICT GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NO. 45 ACTUARIAL VALUATION REPORT FOR OTHER POST-EMPLOYMENT BENEFITS:

DISCUSSION/
ACTION
Page 27
EXHIBIT 2

Governmental Accounting Standards Board (GASB) establishes generally accepted accounting principles for state and local agencies. GASB 45 provides that agencies account for Other Post-Employment Benefits (OPEBs), or benefits other than pensions, in their financial statements, and that an actuarial study be performed every two years to determine the value of this liability. The actuarial study discloses the accrual basis, the annual required contribution, the unfunded actuarial liability, and the net OPEB obligation.

CUSD Strategic Plan Pillar 5: Effective Operations

Contact: Ron Lebs, Deputy Superintendent, Business & Support Services

Staff Recommendation

It is recommended the Board President recognize Ron Lebs, Deputy Superintendent, Business and Support Services, who will present this item.

Following discussion, it is recommended the Board of Trustees approve and accept the Capistrano Unified School District GASB 45 Actuarial Valuation Report for OBEDs.

Motion by _____ Seconded by _____

3. **ELECTIVE COURSE PILOT – MIDDLE SCHOOL DANCE:**

DISCUSSION/
ACTION
Page 53
EXHIBIT 3

This item seeks approval to pilot a dance course as part of middle school elective course offerings. The course is designed to give students the opportunity to learn the basic skills of modern, ballet, jazz, and world dance while improving technique, poise, self-confidence, and creative ability. Students will choreograph and present in-class performances. Through dance compositions and expressions, students will explore the creative process and translate ideas, thoughts, and emotions into original pieces or choreography. In addition, students will study dance forms from various cultures and time periods in both cultural and historical contexts. Over time, students will develop the skills needed for making aesthetic judgments and engaging in thoughtful discussions of the dance art form. Upon completion of the pilot, the course would again be returned to the Board for consideration as a finalized course offering for District middle schools. There is no financial impact associated with this item as this course will be added to the elective wheel for middle school students and will utilize existing staff.

CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment

Contact: Julie Hatchel, Assistant Superintendent, Education Services

Staff Recommendation

It is recommended that the Board President recognize Julie Hatchel, Assistant Superintendent, Education Services, who will present this item.

Following discussion, it is recommended the Board of Trustees approve a dance pilot course as an additional course offering for District middle schools for 2011-2012.

Motion by _____ Seconded by _____

4. **ELECTIVE COURSE PILOT – MIDDLE SCHOOL FORENSIC SCIENCE:**

DISCUSSION/
ACTION
Page 57
EXHIBIT 4

This item seeks approval to pilot a forensic science course as part of the middle school elective course offerings. This laboratory-based course is designed to further prepare middle school students for college preparatory high school science. In addition, the course will introduce students to various career paths and opportunities, strengthen reading and writing skills as related to science curricula, and demonstrate real-life applications for science. The course will involve hands-on, inquiry-based learning activities designed to reinforce and further explore grades 7 and 8 science standards. Course topics will include: data collection and analysis, hypotheses testing, DNA fingerprinting, evidence analysis, mock crime scene investigation, chromatography, pattern injury recognition, chemical reactions, human body organs and systems, rates of tissue decay, and skeletal identification. Upon completion of the pilot, the course would again be returned to the Board for consideration as a finalized course offering for District middle schools. There is no financial impact associated with this item as this course will be added to the elective wheel for middle school students and will utilize existing staff.

CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment

Contact: Julie Hatchel, Assistant Superintendent, Education Services

Staff Recommendation

It is recommended that the Board President recognize Julie Hatchel, Assistant Superintendent, Education Services, who will present this item.

Following discussion, it is recommended the Board of Trustees approve a forensic science pilot course as an additional course offering for District middle schools for 2011-2012.

Motion by _____ Seconded by _____

5. **FIRST READING – REVISIONS TO BOARD POLICY 5165, HEALTH EXAMINATIONS:**

Board Policy 5165, *Health Examinations*, is the governing policy outlining vision and hearing, scoliosis, and sports examination requirements. The policy was adopted in 1997 and has not been revised since. Minor language edits are periodically needed to keep this policy current. The recommended changes will clarify the language and will comply with current law. Proposed additions to the Board policy are underlined; deletions are struck through.

CUSD Strategic Plan Pillar 2: Safe and Healthy Schools

Contact: Julie Hatchel, Assistant Superintendent, Education Services

Staff Recommendation

It is recommended the Board President recognize Julie Hatchel, Assistant Superintendent, Education Services, who will present the revision to Board Policy 5165, *Health Examinations* and answer any questions Trustees may have.

INFORMATION/
DISCUSSION
Page 59
EXHIBIT 5

CONSENT CALENDAR

All matters listed under the Consent Calendar are considered by the Board to be routine and will be enacted by the Board in one motion in the form listed below. There will be no discussion of these items prior to the time the Board votes on the motion unless members of the Board, staff, or the public request specific items to be discussed and/or removed from the Consent Calendar. The Superintendent and the staff recommend approval of all consent Calendar items.

GENERAL FUNCTIONS

6. **SCHOOL BOARD MINUTES:**

Approval of the minutes of the October 10, 2011, regular Board meeting.

Contact: Jane Boos, Manager, Board Office Operations

Page 63
EXHIBIT 6

BUSINESS & SUPPORT SERVICES

7. **DONATIONS OF FUNDS AND EQUIPMENT:**

A number of gifts have been donated to the District, including \$248,960.27 in cash. These funds will be deposited in the appropriate school accounts. Items other than cash gifts have no financial impact on the budget. The District does not guarantee maintenance of those items or the expenditure of any District funds for their continued use.

CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment

Contact: Ron Lebs, Deputy Superintendent, Business & Support Services

Page 67
EXHIBIT 7

8. **JOINT FACILITY USE AGREEMENT BETWEEN CAPISTRANO UNIFIED SCHOOL DISTRICT AND THE CITY OF SAN JUAN CAPISTRANO AT MARCO FORSTER MIDDLE SCHOOL:**

Approval of the Joint Facility Use Agreement between the District and the City of San Juan Capistrano. In 1999, the District and the City of San Juan Capistrano executed a Joint Facility Use Agreement for the construction and maintenance of an outdoor roller hockey facility on the campus of Marco Forster Middle School. At that time, the city requested the agreement to fulfill a need for this type of community recreation, and the unused tennis court area of the school provided that opportunity. Conditions of the agreement included the city constructing and maintaining the facility, and obtaining the scheduling rights of use outside of regular school hours for a ten-year term. The city invested approximately \$200,000 in improvements. In return, the school's students were allowed priority use of the improved facility during school hours.

Page 69
EXHIBIT 8

The original agreement has expired, and the city is requesting a new ten-year agreement with no changes to the original agreement, with the exception of the stipulated use of the facility. Since roller hockey is no longer as popular in the community, the city desires to change the designated use as roller hockey/multi-purpose. The agreement was approved by the San Juan Capistrano City Council on September 19, 2011.

CUSD Strategic Plan Pillar 5: Effective Operations

Contact: Ron Lebs, Deputy Superintendent, Business & Support Services

9. LIMITED USE LICENSE AGREEMENT BETWEEN THE DISTRICT AND SAMLARC FOR USE OF ARROYO VISTA PARK:

Page 81
EXHIBIT 9

Approval of the renewal of the Limited Use License Agreement between the District and Rancho Santa Margarita Landscape and Recreation Corporation (SAMLARC) for student use of Arroyo Vista Park. Arroyo Vista School is located adjacent to Arroyo Vista Park in the City of Rancho Santa Margarita. The park is owned and maintained by SAMLARC, a non-profit homeowners association. Since the school opened in 1992, students from Arroyo Vista School have been using the adjacent park field for various activities, operating under a limited use license agreement. The additional field space provides students with greater recreational and physical education opportunities.

The Limited Use License Agreement was developed to provide general provisions defining each agency's responsibilities. Terms of the agreement include a defined amount of student use of the park for the current school year for a fee of \$5,000. SAMLARC will be responsible for all ongoing maintenance of the park fields. The original Limited Use License Agreement was reviewed and approved by District and SAMLARC legal counsels.

CUSD Strategic Plan Pillar 5: Effective Operations

Contact: Ron Lebs, Deputy Superintendent, Business & Support Services

10. MASTER CONTRACT – OAK GROVE SCHOOL, A NON-PUBLIC SCHOOL:

Page 97
EXHIBIT 10

Approval of a master contract for special education services to be provided by Oak Grove School, a non-public school. Tuition is \$85 a day and the cost for counseling and guidance services is \$120 a day for each individual student. These services are outlined in the agreement and will be paid out of special education funds. The total expenditures under this contract cannot be determined at this time, as it is unknown how many special education students would require the services provided by this vendor. The actual dollar amount and budget code will be determined by purchase order submitted for Board approval.

CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment

Contact: Ron Lebs, Deputy Superintendent, Business & Support Services

11. INDEPENDENT CONTRACTOR AGREEMENT – INDEPENDENT EDUCATIONAL EVALUATIONS FOR SPEECH AND LANGUAGE, JUDY SEGAL:

Page 131
EXHIBIT 11

Approval of an independent contractor agreement with Judy Segal to provide independent educational evaluations for speech and language evaluations to students as designated by the District. Judy Segal will provide services at the rates indicated on the fee schedule for the 2011-2012 school year, on an as-needed basis, paid out of special education funds. Scheduled services under this contract are estimated to be \$3,750.

CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment

Contact: Ron Lebs, Deputy Superintendent, Business & Support Services

12. EXTENSION OF AGREEMENTS FOR BID NO. 1011-07, CO-CURRICULAR BUS SERVICE – VARIOUS VENDORS:

Approval of the extension of the agreements for co-curricular bus service to be provided by Certified Transportation Services, Incorporated; Hot Dogger Tours, Incorporated dba Gold Coast Tours; JFK Transportation Co., Incorporated; Roadways International, Incorporated; CUSA PCSTC LLC dba Southern California Gray Line; and Transportation Charter Services, Incorporated.

All companies were sent a letter requesting reduced pricing for the 2011-2012 school year. Certified Transportation Service, Incorporated; Hot Dogger Tours, Incorporated dba Gold Coast Tours; Roadways International, Incorporated; and Transportation Charter Services, Incorporated, rates remain the same; JFK Transportation Co., Incorporated, has reduced rates on selected items; CUSA PCSTC, LLC dba Southern California Gray Line hourly rates remain the same, but has offered reduced pricing for all mountain camp transfers.

This contract provides competitive, hourly rates for the transportation of students to and from co-curricular activities as required by the District. Estimated expenditures for the 2011-2012 fiscal year utilizing this contract are approximately \$400,000, funded from the appropriate accounts, including the general fund, Associated Student Body, and parent support groups.

Due to the size of the contract and award, the documentation will be posted online on the District Board Agendas and Supporting Documentation page.

CUSD Strategic Plan Pillar 5: Effective Operations

Contact: Ron Lebs, Deputy Superintendent, Business & Support Services

13. STATE OF NEVADA, DIVISION OF PURCHASING, AND WESTERN STATES CONTRACTING ALLIANCE CONTRACT NO. 1862, AWARDED TO W. W. GRAINGER, INCORPORATED, CALIFORNIA PARTICIPATING ADDENDUM NO. 7-11-51-02:

Approval of authorization to utilize the State of Nevada, Division of Purchasing, and Western States Contracting Alliance Contract No. 1862 awarded to W. W. Grainger, Incorporated. Approved for usage in the State of California pursuant to the California Participating Addendum No. 7-11-51-02 for the purchase of lighting products, facilities maintenance, and industrial supplies and tools under the same terms and conditions of the public agency's contract. The District can utilize such contracts pursuant to California Public Contract Code §10298, §10299 and §12100 et. seq. without going to bid.

District staff has determined the contract prices offered by W. W. Grainger, Incorporated, are fair, reasonable, and competitive, and it is in the best interest of the District to utilize the contract awarded to W. W. Grainger, Incorporated. Anticipated expenditures utilizing this contract are approximately \$350,000, funded out of the general fund.

Due to the size of the contract and award, the documentation will be posted online on the District Board Agendas and Supporting Documentation page.

CUSD Strategic Plan Pillar 5: Effective Operations

Contact: Ron Lebs, Deputy Superintendent, Business & Support Services

14. AWARD BID NO. 1112-11 CONCRETE MAINTENANCE AND REPAIR, ABOVE ALL NAMES CONSTRUCTION SERVICES, INCORPORATED:

Approval of the award of Bid No. 1112-11 Concrete Maintenance and Repair to Above All Names Construction Services, Incorporated. The initial base contract is from October 27, 2011, through October 26, 2012. The contract may be extended by mutual agreement, and upon Board approval, for a renewal term not to exceed two additional one-year periods. This contract provides set pricing for routine, competitive, and recurring concrete maintenance and repair work for all sites within the District. The total expenditures under this contract are estimated to be \$80,000, which will be funded from the deferred maintenance and the routine restricted maintenance accounts.

CUSD Strategic Plan Pillar 5: Effective Operations

Contact: Ron Lebs, Deputy Superintendent, Business & Support Services

PERSONNEL SERVICES

15. QUARTERLY REPORT – WILLIAMS SETTLEMENT UNIFORM COMPLAINT:

Approval of Williams Settlement First Quarter Report. As a result of the Williams Settlement, Education Code §35186 mandates school districts establish policies and procedures to resolve deficiencies related to textbooks and instructional materials, teacher vacancies or misassignments, facility conditions posing a threat to student/staff health or safety, and instruction and services for the California High School Exit Examination.

On August 1, 2011, a Moulton Elementary School teacher filed a Williams Uniform Complaint alleging toxic mold was present in her classroom. On August 4, 2011, Executive Environmental Services tested the room and determined the school room was safe to occupy. The only recommendations were to clean existing air conditioning registers and the frame on the skylight in the teacher’s room. Findings were reported to the teacher and principal as required by law.

CUSD Strategic Plan Pillar 5: Effective Operations

Contact: Jodee Brentlinger, Assistant Superintendent, Personnel Services

Motion by _____ Seconded by _____

ROLL CALL:

Student Advisor Ryan Pallas _____

Trustee Addonizio _____

Trustee Alpay _____

Trustee Bryson _____

Trustee Hatton _____

Trustee Palazzo _____

Trustee Pritchard _____

Trustee Brick _____

NOTE: BY USING A ROLL CALL VOTE FOR THE CONSENT CALENDAR, IT WILL MEET THE NEED FOR ACTION ITEMS WHICH REQUIRE A SIMPLE MOTION OR ROLL CALL VOTE.

ADJOURNMENT

Motion by _____ Seconded by _____

THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS MONDAY, NOVEMBER 14, 2011, 7:00 P.M. AT THE CAPISTRANO UNIFIED SCHOOL DISTRICT OFFICE BOARD ROOM, 33122 VALLE ROAD, SAN JUAN CAPISTRANO, CALIFORNIA

For information regarding Capistrano Unified School District, please visit our website:

www.capousd.org

INSTRUCTIONS FOR PRESENTATIONS TO THE BOARD BY PARENTS AND CITIZENS PRESENT AT THIS MEETING

We are pleased you can be with us at this meeting, and we hope you will return often. Your visit assures us of continuing community interest in our schools.

The members of the Board of Trustees of this District are locally elected state officials, who serve four-year terms of office, and who are responsible for the educational program of our community from grades kindergarten through twelve. They are required to conduct programs of the schools in accordance with the State of California Constitution, the State Education Code, and other laws relating to schools enacted by the Legislature, and policies and procedures which this Board adopts.

The Board is a policy-making body whose actions are guided by the school district's Mission and Goals. Administration of the District is delegated to a professional administrative staff headed by the Superintendent.

The agenda and its extensive background material are studied by each member of the Board for at least two days preceding the meeting. Board Members can call the administrative staff for clarification on any item, and many of the items on the agenda were discussed by the Board during previous meetings. These procedures enable the Board to act more effectively on agenda items than would otherwise be possible.

WHAT TO DO IF YOU WISH TO ADDRESS THE BOARD OF TRUSTEES

ITEMS ON THE AGENDA. Any person may address the Board concerning any item on the agenda and may, at the discretion of the Board, be granted three (3) minutes to make a presentation to the Board at the time a specific item is under discussion. However, the time assigned for individual presentations could be fewer than three (3) minutes depending upon the total number of speakers who wish to address a specific agenda topic. Prior to the opening of the meeting, a Request to Address the Board card (located in the foyer) should be completed and submitted to the Secretary of the Board. The total time devoted to presentations to the Board shall not exceed twenty (20) minutes, unless additional time is granted by the Board. All presentations shall be heard by the Board prior to the formal discussion of the agenda topic under consideration. Once an agenda item has been opened for public comment, no additional "Request to Address the Board of Trustees" cards shall be accepted for that topic.

ORAL COMMUNICATIONS (Non-Agenda Items). Citizens may address the Board on any item not appearing on the agenda. Individual presentations are limited to three (3) minutes per individual, with twenty (20) minutes in total being devoted for this purpose, but could be less if there are a large number of Oral Communication speakers. Legally, the Board may not take action on items raised by speakers under Oral Communications. However, at its discretion, the Board may refer items to the administration for follow-up or place topics on a future Board agenda.

PUBLIC HEARINGS. Anytime the Board schedules a separate public hearing on any given topic, it shall not hear speakers on that topic before the public hearing, except as to the scheduling of the hearing, nor shall it hear speakers after the hearing, except as to changes in the policy or recommended actions which are directed at the time of the hearing.

CLOSED SESSION. In accordance with Education Code §35146 and Government Code §54957, the Board may recess to Closed Session to discuss personnel matters which they consider inadvisable to take up in a public meeting.

REASONABLE ACCOMMODATION

In order to help ensure participation in the meeting of disabled individuals, appropriate disability-related accommodations or modifications shall be provided by the Board, upon request, in accordance with the Americans with Disabilities Act (ADA). Persons with a disability who require a disability-related accommodation or modification, including auxiliary aids and services in order to participate in a Board meeting, shall contact the Superintendent or designee in writing by noon on the Friday before the scheduled meeting. Such notification shall provide school district personnel time to make reasonable arrangements to assure accessibility to the meeting.