

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES – REGULAR MEETING
JANUARY 7, 2013
EDUCATION CENTER – BOARD ROOM

President Alpay called the meeting to order at 6:00 p.m. The Board recessed to closed session to confer with Legal Counsel regarding Existing Litigation and to discuss Student Expulsions.

Closed session recessed at 6:53 p.m.

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

The Pledge of Allegiance was led by San Clemente High School Principal George Duarte.

Present: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton, Pritchard, Reardon, and Student Advisor Madison Wolfert

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 Bryson, seconded by Trustee Hatton, and motion carried by a 7-0 vote to adopt the Board agenda.

Adoption of the Board Agenda

ROLL CALL: AYES: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton, Pritchard, Reardon, and Student Advisor Madison Wolfert
NOES: None
ABSENT: None
ABSTAIN: None

President Alpay 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:

No action was taken.

Agenda Item #3 B1 – Student Expulsion:

The Board voted 7-0 to expel the following student: Case #2013-029.

AYES: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton, Pritchard, and Reardon
NOES: None

Agenda Item #3 B2 through B3 – Student Expulsions:

The Board voted 7-0 to expel the following students by stipulated agreement: Case #2013-026 and #2013-027.

AYES: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton, Pritchard, and Reardon
NOES: None

Student Body President Isabelle White from San Clemente High School presented a report on activities taking place at the high school.

Student Body Report

There were no comments.

Board and Superintendent Comments

There were no speakers.

Oral Communications

DISCUSSION/ACTION

President Alpay announced the Public Hearing open at 7:09 p.m. regarding the Open Enrollment Act Waiver Request for Clarence Lobo, Crown Valley, Kinoshita, Marblehead, R.H. Dana, San Juan, and Viejo elementary schools for 2013-2014. There being no speakers to address the Board, President Alpay declared the Public Hearing closed at 7:10 p.m.

Public Hearing: Open Enrollment Act Waiver Request Agenda Item 1

Assistant Superintendent Julie Hatchel stated the District is requesting an Open Enrollment Act Waiver Request for Clarence Lobo, Crown Valley, Kinoshita, Marblehead, R.H. Dana, San Juan, and Viejo elementary schools identified on the 2013-2014 list based on their 2012 Academic Performance Index (API) score. Senate Bill SBX5-4 requires the State Superintendent of Public Instruction to compile a list of California’s 1,000 “low achieving” schools according to API scores. In constructing the list of 1,000 schools, no local educational agency can have more than ten percent of its schools deemed as open enrollment/low achieving schools; therefore, schools with an API close to, or more than, 800 are included on the list. The District is seeking a General Waiver Request of Education Code §48352 to remove Clarence Lobo, Crown Valley, Kinoshita, Marblehead, R.H. Dana, San Juan, and Viejo elementary schools from the Open Enrollment Act list.

Pupil-to-Teacher Open Enrollment Act Waiver Request Agenda Item 2

Following discussion, it was moved by Trustee Addonizio, seconded by Trustee Bryson, and motion carried by a 7-0 vote to approve the Open Enrollment Act Waiver Request for Clarence Lobo, Crown Valley, Kinoshita, Marblehead, R.H. Dana, San Juan, and Viejo elementary schools for 2013-2014.

ROLL CALL: AYES: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton, Pritchard, Reardon and Student Advisor Madison Wolfert
NOES: None
ABSENT: None
ABSTAIN: None

It was moved by Trustee Bryson, seconded by Trustee Hatton, and motion carried unanimously to approve the revised January through June 2013 School Board Meeting Schedule.

Revised Board Meeting Schedule Agenda Item 3

Superintendent Farley stated the District has concluded the investigation of allegations of testing improprieties at Oxford Preparatory Academy and the findings determined that there was no misconduct. Dr. Farley stated it is appropriate for the District to officially apologize for any animosity or concern this investigation raised for Oxford Preparatory Academy but the District would do the same investigation of allegations for any District school. Dr. Farley acknowledged Oxford Preparatory Academy’s strong instructional program and high API score it earned.

Charter School Investigation Report Agenda Item 3.1

The following speakers addressed the Board:

- Bob Kuhnert thanked Dr. Farley for releasing a statement exonerating Oxford Preparatory Academy of the allegations of testing misconduct and requested the Board direct staff to provide a copy of the final investigation report to Oxford.
- Robert Reidel and Erika Schulte thanked Dr. Farley for the public apology and requested both sides move forward with cooperation and respect.

Following Trustee discussion staff was directed to place an item on the January 23 Board meeting agenda for Board action regarding the release of the Oxford Preparatory Academy testing investigation report.

Dr. Stan Wasbin began his presentation on Senate Bill 48 (SB48) by stating his anger was directed only at state legislators for creating and passing this bill. Dr. Wasbin requested the Board reject SB48 in its entirety and not purchase new textbooks to force students to study non-academic material. Following Dr. Wasbin's presentation, Assistant Superintendent Julie Hatchel addressed how the bill is implemented in the District. Dr. Hatchel stated the District has complied by incorporating the lesbian, gay, bisexual, and transgender (LGBT) community into the District's nondiscrimination laws. Dr. Hatchel added, regarding curriculum, the District will not be adopting any materials until 2016. Materials would go through the same adoption cycle, which is governed by the Board and processed through the Instructional Materials Review Committee which oversees instructional materials adopted by the District. At this time nothing has been implemented in the curriculum to explicitly teach to the LGBT issues. Trustees questioned staff regarding the textbook adoption process, funding for new textbooks, testing, and application of the law. Dr. Farley informed the Board the law is vague and the administrative regulation accompanying the law gives the local board jurisdiction to make the determination as to grade level and adoption of materials. The state will tell publishers what the standards and content expectations are for textbooks and provides funding to districts. Dr. Farley stated there is more information to come on this topic.

**Citizen's Request
Regarding SB48
Agenda Item 4**

The following speakers addressed the Board:

- Christie Draper, Natalie Deleon, Bill Pisetsky, Mark Westling, Colin Alexander Gibson and Leticia Ortiz Benitez spoke in support of SB48 and implementing it into the District's curriculum.

President Alpay asked Trustees for items they wished to pull from the Consent Calendar. Item #5 was pulled.

**Items Pulled from
the Consent
Calendar**

CONSENT CALENDAR

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

Readmission of students from expulsion: Case #2012-051, Case #2012-54, Case #2012-65, and Case #2011-109.

**Expulsion
Readmissions
Agenda Item 6**

Memorandum of Understanding with K to College.

**K to College MOU
Agenda Item 7**

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

**Purchase
Orders/Warrants
Agenda Item 8**

Donation of equipment.	Donations Agenda Item 9
Ratification of District standardized Independent Contractor, Master Contract, and Professional Services Agreements.	Professional Services Agreements Agenda Item 10
Ratification of special education Informal Dispute Resolution agreement Case #112212 and Case #122412.	Informal Dispute Resolution Agreement Agenda Item 11
Ratification of special education settlement agreement #2012100276.	Special Education Settlement Agreement Agenda Item 12
Ratification of the modification to special education Informal Dispute Resolution Agreement Case #070212.	Modification to Special Education IDR Agreement Agenda Item 13
Advertise for Request for Qualifications (RFQ) for demographic consultant services as requested by the District.	RFQ Demographic Consultant Services Agenda Item 14
Resignations, retirements, and employment of classified personnel.	Resignations/Retirements/ Employment (Classified Personnel) Agenda Item 15
Resignations, retirements, and employment of certificated personnel.	Resignations/Retirements/ Employment (Certificated Personnel) Agenda Item 16
<p>ROLL CALL: AYES: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton, Pritchard, Reardon, and Student Advisor Madison Wolfert</p> <p>NOES: None</p> <p>ABSENT: None</p> <p>ABSTAIN: None</p>	
Trustee Reardon stated on page 15, fourth paragraph, second sentence, the word “District” should have been “distinct” and requested the minutes be amended to correct this error. Trustee Reardon also requested clarification that more than one Trustee will serve on the Budget Subcommittee.	Minutes Agenda Item 5

It was moved by Trustee Reardon, seconded by Trustee Addonizio, and motion carried unanimously to approve the minutes of the December 10, 2012, regular Board meeting as amended.

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

President Alpay announced the meeting adjourned at 8:14 p.m.



Board Clerk



Secretary, Board of Trustees

Minutes submitted by Jane Boos, Manager, Board Office Operations