

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES – REGULAR MEETING
MARCH 27, 2013
EDUCATION CENTER – BOARD ROOM

President Alpay called the meeting to order at 6:30 p.m. The Board recessed to closed session to discuss Student Expulsions.

Closed session recessed at 6:32 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 Trustee Addonizio.

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 Addonizio, 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 A1 through A6 – Student Expulsions:

The Board voted 7-0 to expel the following students by stipulated agreement: Case #2013-045, #2013-047, #2013-049, #2013-050, #2013-052, and #2013-054.

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

Crime Prevention Specialist Janet Dunford and Chief of Police Services Lieutenant John Coppock from the O.C. Sheriff's Department recognized the District and San Clemente Family of PTAs for their support of San Clemente's KindnesSCounts and Blue Ribbon Week.

Special Recognitions

Dana Hills High School Teacher Randy Hudson introduced the varsity and junior varsity National Ocean Sciences Bowl teams who won the Grunion Bowl in San Diego and now will be representing Southern California at the National Ocean Sciences Bowl in Wisconsin later this month.

Trustee Bryson commented after reviewing the goals and objectives of the District she is looking forward to information and discussion on the addition of counselors at several District high schools, as her research indicates the intense need for counselors at that grade level.

Board and Superintendent Comments

There were no speakers.

**Oral
Communications**

It was moved by Trustee Reardon, seconded by Trustee Bryson, and motion carried unanimously to approve discussing Agenda Item #11 first to accommodate the large number of members in the audience for this item.

**Motion to Change
Order of Agenda
Items**

DISCUSSION/ACTION

President Alpay stated a member of the public requested this item for a resolution regarding the proposed restart of the defective San Onofre nuclear reactor be agendized. President Alpay suggested one representative from San Clemente Green and one representative from Southern California Edison (SCE) be allowed five minutes each for opening remarks. President Alpay stated there were 15 speakers who had submitted Requests to Address the Board of Trustees (blue cards).

**San Onofre
Nuclear Reactor
Proposed
Resolution
Agenda Item 11**

It was moved by Trustee Reardon, seconded by Trustee Bryson, and motion carried unanimously to waive the Board policy maximum time requirement of 20 minutes for speakers.

Grace Van Thillo spoke on behalf of San Clemente Green and urged the Board to approve a resolution demanding the Nuclear Regulatory Commission (NRC) conduct a full adjudicated license hearing regarding the replacement of the steam generators and hold public meetings before allowing SCE to restart nuclear reactors at San Onofre Nuclear Generating Station (SONGS). Viet Tran spoke on behalf of SCE and SONGS and stated the number one priority for SCE and SONGS is the health and safety of the public and its employees. SONGS operates in an open and transparent process overseen by the NRC, which is an independent third party. There are protocols in place for testing, inspecting, investigating, and corrective action. Mr. Tran stated several public meetings have been held and more are scheduled for public comments on this issue.

The following speakers addressed the Board:

- Cathy Iwane, Kevin Higgins, Kaila Higgins, Andie Harvey, Valerie Burchfield Rhodes, Jeff Steinmetz, Torgen Johnson, Deanna Polk, Yuji Kaneko, Beverly Findlay-Kaneko, Joe Holtzman, Patti Davis, Gary Headrick, Jenifer Massey, Roger Johnson, and Ted Stout spoke in support of the resolution requiring an adjudicated license hearing and shared their concerns regarding student safety and the lack of an adequate evacuation for students in the event of a SONGS radiation leak.
- Penny Maynard spoke on behalf of the San Juan Capistrano Chamber of Commerce, which supports the proposed restart plan for the SONGS Unit 2, pending the NRC’s determination that all safety concerns have been sufficiently addressed.

Following a lengthy discussion, it was moved by Trustee Hatton, seconded by Trustee Hanacek, to approve the proposed resolution.

Following further discussion, a substitute motion was made by Trustee Addonizio, seconded by Trustee Bryson, and motion carried by a 5-2 vote to table indefinitely proposed Resolution No. 1213-39.

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

At 9:00 p.m. it was moved by Trustee Addonizio, seconded by Trustee Reardon, and motion carried unanimously to recess the meeting for five minutes. The Board reconvened at 9:07 p.m.

Recess

Student Advisor Madison Wolfert left the meeting at 9 p.m.

It was moved by Trustee Hatton, seconded by Trustee Reardon, and motion carried unanimously to approve addressing items #3, #9, and #10 and then resuming the consecutive order. The motion was immediately amended to include agenda item #4.

Motion to Change Order of Agenda Items

President Alpay announced the Public Hearing open at 9:10 p.m. for a request to waive the penalty for class size increases in kindergarten through eighth grade.

Public Hearing: Class Size Waiver Request Agenda Item 3

The following speakers addressed the Board:

- Anna Swartz, Terri Mostert, Heather Brown, Dallas Bellantonio, Mark Earnest, Julie Collier, and Dawn Urbanek asked Trustees not to approve the waiver request and to return to mandated state class size limits.

President Alpay declared the Public Hearing closed at 9:24 p.m.

Assistant Superintendent Julie Hatchel explained the District is requesting a California Department of Education waiver of penalties for increasing kindergarten through third grade individual class sizes, and for increasing kindergarten through eighth grade class size averages, in 2013-2014. This request is a renewal of the same waivers previously approved for 2012-2013 school years. The waivers would eliminate penalties for overall kindergarten class averages above 31, first through third grade class averages above 30, and fourth through eighth grade class averages above 29.9. The waiver would also eliminate the penalties for increasing the individual class size in kindergarten to above 33 and individual class size in first through third grade to above 32. The maximum individual class size in kindergarten through third grade would be 35 students. The maximum class average would be 33 students in kindergarten and 34 students in first through third grade. Approval of the waiver would also provide additional staffing and placement options that will reduce the number of combination classes at the elementary level.

Class Size Waiver Request Agenda Item 4

Following discussion, it was moved by Trustee Bryson, seconded by Trustee Hanacek, and motion carried by a 5-2 vote to approve the Kindergarten through Eighth Grade Class Size Penalty Waiver Requests.

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

Deputy Superintendent Clark Hampton stated on November 1, 2012, the District received Community Roots Academy's request for Proposition 39 facilities for the 2013-2014 school year. Community Roots Academy is currently chartered by the District and is leasing facility space at the Wood Canyon Elementary School campus. Community Roots Academy is in favor of this lease arrangement, would like to continue this arrangement in 2013-2014, and has opted to pursue the in-lieu agreement and withdraw its request for facilities under Proposition 39.

Community Roots Academy Agenda Item 9

**OPA Prop 39
Facilities Offer
Agenda Item 10**

Deputy Superintendent Clark Hampton stated on November 1, 2012, the District received Oxford Preparatory Academy's (OPA) request for Proposition 39 facilities for the 2013-2014 school year. Under Proposition 39, the District is obligated to provide certain facilities to charter schools to house in-district classroom students. On February 1, 2013, the District provided OPA with a preliminary proposal and on March 1, 2013, OPA responded to the preliminary offer. By April 1, 2013, the District is required to provide OPA with a final facilities offer for the 2013-2014 school year. Mr. Hampton stated the March 27, 2013, letter the Board received from the chairman of OPA's corporate board of directors is asking to extend the date of this offer but staff believes this offer is fully Proposition 39 compliant and any additional needs mentioned in the letter can be negotiated separately. This offer is separate from a Facilities Use Agreement, which is currently being negotiated between the District and OPA. Mr. Hampton introduced Attorney Clarissa Canady from Dannis, Woliver, and Kelly to answer questions relating to the Proposition 39 offer.

The following speakers addressed the Board:

- Robert Reidel, Julie Sherwood, Bob Kuhnert, and Julie Collier asked Trustees not to approve the final Proposition 39 offer, be equitable with OPA, and to negotiate in good faith.

Following discussion, it was moved by Trustee Bryson, seconded by Trustee Hanacek, and motion carried by a 6-1 vote to approve the provision of Proposition 39 facilities to Oxford Preparatory Academy for the 2013-2014 school year under the terms and conditions outlined in the exhibit.

AYES: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton,
and Pritchard
NOES: Trustee Reardon

At 10:54 p.m. it was moved by Trustee Bryson, seconded by Trustee Pritchard, and motion carried unanimously to extend the meeting by 20 minutes.

**Motion to Extend
Meeting**

President Alpay announced the Public Hearing open at 10:55 p.m. regarding the boundary adjustments for Viejo Elementary School study areas.

**Public Hearing:
Boundary
Adjustments for
Viejo ES Study
Areas
Agenda Item 1**

The following speaker addressed the Board:

- Dawn Urbanek commented there may be a legality issue of busing Title I students at Viejo Elementary School to another school in the District and stated more parents would have attended the meeting to speak on this item if they had been notified.

President Alpay declared the Public Hearing closed at 10:58 p.m.

Assistant Superintendent Julie Hatchel provided a PowerPoint presentation on the study area reassignment proposal for students who do not participate in the Two-Way Language Academy at Viejo Elementary School. Dr. Hatchel stated at the January 23, 2013, Board meeting, Trustees approved the conversion of Viejo Elementary School into a Two-Way Language Academy, phasing out the traditional English/Structured English Immersion classes for students. Staff recommends phasing out Viejo Elementary School's kindergarten through second grade English/Structured English Immersion classes in Fall 2013, assign Bathgate Elementary School as the primary receiving school for non-Two-Way Immersion students, and Bergeson Elementary School as a second receiving school for Viejo Elementary School students.

**Boundary
Adjustments for
Viejo ES Study
Areas
Agenda Item 2**

(The PowerPoint is posted on the District website.)

Trustee Hatton stated she wanted to go on record regarding the speaker's comment that parents were not notified the Board would be taking action regarding the reassignment of Viejo students not participating in the Two-Way Language Academy. Trustee Hatton stated it was very important to the Board to communicate this information and the District mailed letters to all community members living within the affected study areas. Trustee Hatton confirmed with Chief Communications Officer Marcus Walton letters were mailed and the District did reach out to the community.

It was moved by Trustee Reardon, seconded by Trustee Hatton, and motion carried by a 6-1 vote to approve the phase-out plan of the English/Structured English Immersion classes beginning with kindergarten through second grade classes in Fall 2013, with an additional grade level phased out each year thereafter, and reassign students who do not attend the Two-Way Language Academy to Bathgate Elementary School.

ROLL CALL: AYES: Trustees Alpay, Bryson, Hanacek, Hatton, Pritchard, and Reardon
NOES: Trustee Addonizio
ABSENT: None
ABSTAIN: None

Deputy Superintendent Clark Hampton stated at the Board meeting on March 13, 2013, Trustees continued this item regarding increasing level one fees on development in the School District to this meeting. The Board asked that the justification study for the developer fees be analyzed with consideration given to the Ranch development. Mr. Hampton introduced Larry Ferchaw, Senior Director of the Dolinka Group, to present an overview of developer fees, developer fee calculation, development projections, school facilities needs of non-mitigated units, and conclusions.

**Community
Facilities District
Rebalancing
Agenda Item 5**

Following discussion, it was moved by Trustee Pritchard, seconded by Trustee Hanacek, and motion carried by a 5-2 vote to approve Resolution No. 1213-37, An Increase in Statutory School Fees Imposed on New Residential and Commercial/Industrial Construction Pursuant to Education Code §17620 and Government Code §65995.

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

At 11:17 p.m. it was moved by Trustee Bryson, seconded by Trustee Hatton, and motion carried unanimously to approve continuing the meeting.

**Motion to Extend
Meeting**

It was moved by Trustee Reardon, seconded by Trustee Addonizio, and motion failed by a 2-5 vote to continue this item to the next meeting.

**Superintendent
Goals and
Objectives
Agenda Item 6**

AYES: Trustees Addonizio and Reardon
NOES: Trustees Alpay, Bryson, Hanacek, Hatton, and Pritchard

President Alpay stated the list of District goals and objectives, in the exhibit, are a compilation of the comments submitted by each Trustee. President Alpay stated on agenda page 14a, under Business, Facilities, Finance, and Operations New Goals, an item was inadvertently left off. Trustees were asked to add an Item 12 - Evaluate potential strengthening of neighborhood community school concepts starting with the 2013-2014 school year. Dr. Farley explained a number of the items on the list require formal action and will need to be brought back for Board approval.

Following discussion the consensus of the Board was to place this item on a future Board meeting agenda and schedule an earlier time for open session to allow additional time for Board discussion. Trustees also requested an updated list.

It was moved by Trustee Hatton, seconded by Trustee Bryson, and motion carried unanimously to approve the proposed January through June 2014 School Board Meeting Schedule.

**Board Meeting
Schedule January
through June
Agenda Item 7**

Assistant Superintendent Jodee Brentlinger stated Board Policy 1312.3, Uniform Complaint Procedures is being revised to meet the new legal compliance requirements due to ACLU fees. This item will be brought back to the next meeting for approval.

**Board Policy
Revision
Agenda Item 8**

President Alpay asked Trustees for items they wished to pull from the Consent Calendar. No items were pulled.

**Items Pulled from
the Consent
Calendar**

CONSENT CALENDAR

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

Petition to waive California Education Code §60851(a) and Board Policy 6162.52 – California High School Exit Examination: Case numbers 1213-006 through 1213-015.

**CAHSEE Waivers
Agenda Item 12**

Proposed 2013 Summer High School Credit Recovery Options.

**Summer School
Credit Recovery
Option
Agenda Item 13**

Agreement to Refer Students to Alternative Community and Correctional Schools and Services for July and August 2013.

**Agreement to
Refer Students
Agenda Item 14**

Food, Occupation, Clothing, Understanding, and Shelter (FOCUS) North America Shoe Distribution Agreement.

**FOCUS Agreement
Agenda Item 15**

Memorandum of Understanding (MOU) with Orange County Head Start, Incorporated.

**Head Start MOU
Agenda Item 16**

Second Amendment to Resolution No. 1213-01, 2012-2013 California State Funded Preschool Contract.

**Amendment to
State Funded
Preschool Contract
Agenda Item 17**

Student teaching agreement with University of Southern California.

**Student Teaching
Agreement
Agenda Item 18**

Student teaching agreement with University of Northern Iowa.

**Student Teaching
Agreement
Agenda Item 19**

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

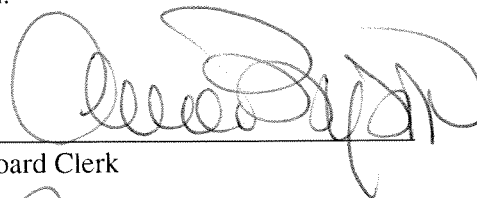
**Purchase
Orders/Warrants
Agenda Item 20**

Donation of Equipment.	Donations Agenda Item 21
Ratification of District standardized Independent Contractor, Master Contract, and Professional Services Agreements.	Professional Services Agreements Agenda Item 22
Ratification of special education Settlement Agreement #2013010586.	Special Ed Settlement Agreement Agenda Item 23
Independent Contractor Agreement, Request for Qualifications No. 6-1213, with DecisionInsite, LLC to provide demographic analysis, school specific and Districtwide enrollment projections, attendance boundary analysis and adjustment services, student yield analysis vs. housing turnover studies, and residential development activity reports.	Independent Contract Agreement Agenda Item 24
Extension of Agreement for Request for Qualifications No. 6-1011 for special tax consulting services to be provided by David Taussig & Associates, Incorporated.	Extension Agreement Agenda Item 25
Amendment to Independent Contractor Agreement No. I1011016 with NMG Geotechnical, Incorporated to add a field technician at the rate of \$85 per hour to the 2006 Professional Fee Schedule for on-call geotechnical services.	Amendment to Independent Contract Agreement Agenda Item 26
Advertise for bids for asphalt paving, sealcoating, and repair services as requested by the District.	Advertise for Bids Agenda Item 27
Services and Solutions Agreement for purchase and warranty of hardware and software, installation, maintenance, software maintenance, lease, and training for copiers and printers with Xerox Corporation.	Xerox Corp. Agreement Agenda Item 28
Resignations, retirements, and employment of classified personnel.	Resignations/ Retirements/ Employment (Classified Personnel) Agenda Item 29
Resignations, retirements, and employment of certificated personnel.	Resignations/ Retirements/ Employment (Certificated Personnel) Agenda Item 30

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

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

President Alpay announced the meeting adjourned at 11:37 p.m.



Board Clerk



Secretary, Board of Trustees

Minutes submitted by Jane Boos, Manager, Board Office Operations