

CAPISTRANO UNIFIED SCHOOL DISTRICT  
33122 Valle Road  
San Juan Capistrano, CA 92675

BOARD OF TRUSTEES  
Regular Meeting

January 7, 2013

Closed Session 6:00 p.m.  
Open Session 7:00 p.m.

**AGENDA**

**CLOSED SESSION AT 6:00 P.M.**

**1. CALL TO ORDER**

**2. CLOSED SESSION COMMENTS**

**3. CLOSED SESSION** (as authorized by law)

**A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION EXHIBIT 3A**

Significant Exposure to Litigation - One Case

Case Number 30-2011-00498422

*(Pursuant to Government Code §54956.9(a))*

**B. STUDENT EXPULSIONS**

Deliberations of Findings of Fact and Recommendations

*(Pursuant to Education Code §48918(c) and §35145)*

**EXHIBIT 3 B1-B3**

**PUBLIC HEARING: Agenda Item #1– Open Enrollment Act Waiver Request.**

**RECORDING OF SCHOOL BOARD MEETINGS**

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

**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 – San Clemente 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**

1. **PUBLIC HEARING – OPEN ENROLLMENT ACT WAIVER REQUEST FOR CLARENCE LOBO, CROWN VALLEY, KINOSHITA, MARBLEHEAD, R.H. DANA, SAN JUAN, AND VIEJO ELEMENTARY SCHOOLS FOR 2013-2014:** INFORMATION/  
DISCUSSION
- The Board will conduct a public hearing on 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. Supporting information is located in Exhibit 2.
- CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment*  
*Contact: Julie Hatchel, Assistant Superintendent, Education Services*

Staff Recommendation:

It is recommended the Board President open the public hearing, determine if members of the public have submitted requests to speak on the item, and after hearing any speakers, formally close the public hearing.

**DISCUSSION/ACTION ITEMS**

2. **OPEN ENROLLMENT ACT WAIVER REQUEST FOR CLARENCE LOBO, CROWN VALLEY, KINOSHITA, MARBLEHEAD, R.H. DANA, SAN JUAN, AND VIEJO ELEMENTARY SCHOOLS FOR 2013-2014:** DISCUSSION/  
ACTION  
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**EXHIBIT 2**
- This item requests the approval of the 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, referred to as the Open Enrollment Act, requires the State Superintendent of Public Instruction to compile a list of California's 1,000 "low achieving" schools according to API scores.

Students attending schools on the list are granted the right to transfer out of the District, although districts are encouraged to provide in-district transfer options as well. 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. As a result, schools with an API close to, or more than, 800 were included on the list. The District is seeking a General Waiver Request of Education Code §48352 to remove the schools listed above from the Open Enrollment Act list.

***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 approve the General Waiver Request to waive Education Code §48352 to remove Clarence Lobo, Crown Valley, Kinoshita, Marblehead, R.H. Dana, San Juan, and Viejo elementary schools from the 2013-2014 Open Enrollment Act list.

|                                       |                         |
|---------------------------------------|-------------------------|
| Motion by _____                       | Seconded by _____       |
| ROLL CALL:                            |                         |
| Student Advisor Madison Wolfert _____ |                         |
| Trustee Addonizio _____               | Trustee Hatton _____    |
| Trustee Bryson _____                  | Trustee Pritchard _____ |
| Trustee Hanacek _____                 | Trustee Reardon _____   |
|                                       | Trustee Alpay _____     |

**3. REVISED SCHOOL BOARD MEETING SCHEDULE FOR JANUARY THROUGH JUNE:**

At the December 10, 2012, Board meeting, Trustees approved changing Board meeting nights to the second and fourth Wednesday of each month and amended the proposed July through December calendar. This item presents to the Board of Trustees the revised schedule of Board meetings for the period January through June 2013 originally approved at the March 28, 2012, Board meeting.

***CUSD Strategic Plan Pillar 5: Effective Operations***

**Contact: Joseph Farley, Superintendent**

Staff Recommendation

It is recommended the Board of Trustees approve the revised January through June 2013 School Board Meeting Schedule.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

**3.1 REPORT ON THE INDEPENDENT, THIRD-PARTY INVESTIGATION REGARDING CHARTER SCHOOL'S STANDARD TESTING AND REPORTING PROGRAM ADMINISTRATION:**

The District recently released a statement concerning the findings of an independent, third-party investigation that found no misconduct by Oxford Preparatory Academy in the administration of the Standardized Testing and Reporting (STAR) Program. This agenda item provides an opportunity to publicly acknowledge the findings.

**Contact: Joseph Farley, Superintendent**

Staff Recommendation

It is recommended the Board President recognize Joseph M. Farley, Superintendent, to present this item.

DISCUSSION/  
ACTION  
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**EXHIBIT 3**

INFORMATION/  
DISCUSSION

**4. CITIZEN'S REQUEST:**

Board Policy 9322, Agenda/Meeting Materials, states any member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. Dr. Stan Wasbin requested the placement of an agenda item to address the Board regarding SB48 the Fair Education Act.

*Contact: Joseph M. Farley, Superintendent*

INFORMATION/  
DISCUSSION  
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**EXHIBIT 4**

Staff Recommendation

It is recommended the Board President recognize Dr. Stan Wasbin, to present this item.

**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**

**5. SCHOOL BOARD MINUTES:**

Approval of the minutes of the December 10, 2012, regular Board meeting.

*Contact: Jane Boos, Manager, Board Office Operations*

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**EXHIBIT 5**

**CURRICULUM & INSTRUCTION**

**6. EXPULSION READMISSIONS:**

Approval to readmit students from expulsion. Due to the confidential nature of student expulsion readmissions, the supporting information is provided to Trustees under separate cover.

*CUSD Strategic Plan Pillar 2: Safe and Healthy Schools*

*Contact: Julie Hatchel, Assistant Superintendent, Education Services*

**7. K TO COLLEGE MEMORANDUM OF UNDERSTANDING:**

Approval of Memorandum of Understanding with K to College. K to College will provide students at Kinoshita Elementary School with a school supply kit and dental kit.

*CUSD Strategic Plan Pillar 1: Community Relations*

*CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment*

*Contact: Julie Hatchel, Assistant Superintendent, Education Services*

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**EXHIBIT 7**

**BUSINESS & SUPPORT SERVICES**

**8. PURCHASE ORDERS, COMMERCIAL WARRANTS, AND PREVIOUSLY BOARD-APPROVED BIDS AND CONTRACTS:**

Approval of purchase orders (Attachment 1) and commercial warrants (Attachment 2). The expenditures related to the listed purchase orders and commercial warrants included in this item were previously authorized as part of the District's budget approval process. The purchase orders total \$1,578,905.58; the commercial warrants total \$7,166,130.72. Attachment 3 is a list of previously Board-approved bids and contracts to assist in the review of the purchase order and commercial warrant listings. Attachment 4 is a list of previously Board-approved by vendor warrants exceeding \$250,000.

*CUSD Strategic Plan Pillar 5: Effective Operations*

*Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*

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**EXHIBIT 8**

**9. DONATION OF FUNDS AND EQUIPMENT:**

A number of gifts have been donated to the District, including \$179,205.94 in cash. These funds will be deposited in the appropriate school accounts. Items other than cash have no financial impact on the budget. The District does not guarantee maintenance of items or the expenditure of any District funds for continued use.

*CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment*

*Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*

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**EXHIBIT 9**

**10. INDEPENDENT CONTRACTOR, MASTER CONTRACT, AND PROFESSIONAL SERVICES AGREEMENTS:**

Approval and ratification of new District standardized Independent Contractor, Master Contract, and Professional Services Agreements and amendments to existing contracts. The State of California is in financial crisis, and as a result, California school budgets have been cut by 25 percent over the past four years. Because of these significant cuts, staff requests contractors to reduce their fees for services by ten percent. The expenditures related to the listed agreements were previously authorized as part of the District's budget approval process. The exhibit shows five new agreements totaling \$145,610.

Due to the size of the contract documents, the General Conditions for each type of agreement are posted online on the District's Board Agendas and Supporting Documentation page.

*CUSD Strategic Plan Pillar 2: Safe & Healthy Schools*

*CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment*

*CUSD Strategic Plan Pillar 5: Effective Operations*

*Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*

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**EXHIBIT 10**

**11. SPECIAL EDUCATION INFORMAL DISPUTE RESOLUTION AGREEMENTS:**

Approval of the ratification of special education Informal Dispute Resolution Agreement Case #112212 and Case #122412. Due to the confidential nature of the agreements, supporting information is provided to Trustees under separate cover.

*CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment*

*Contact: Sara Jocham, Assistant Superintendent, SELPA and Special Education Operations*

**12. SPECIAL EDUCATION SETTLEMENT AGREEMENT:**

Approval of the ratification of special education settlement agreement #2012100276. Due to the confidential nature of the agreement, supporting information is provided to Trustees under separate cover.

*CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment*

*Contact: Sara Jocham, Assistant Superintendent, SELPA and Special Education Operations*

**13. MODIFICATION TO SPECIAL EDUCATION INFORMAL DISPUTE RESOLUTION AGREEMENT:**

Approval of the ratification of the modification to special education Informal Dispute Resolution Agreement Case #070212. Due to the confidential nature of the agreement, supporting information is provided to Trustees under separate cover.

*CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment*

*Contact: Sara Jocham, Assistant Superintendent, SELPA and Special Education Operations*

**14. ADVERTISE FOR REQUEST FOR QUALIFICATIONS NO. 6-1213, DEMOGRAPHIC CONSULTANT AND ENROLLMENT PROJECTION SERVICES:**

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**EXHIBIT 14**

Approval to advertise for Request for Qualifications (RFQ) for demographic consultant services as requested by the District. This RFQ will provide a competitive process to solicit the vendor to best meet the District’s needs. This contract provides assistance in demographic analysis, Districtwide and school-specific enrollment projections, attendance boundary analysis and adjustment services, residential development activity reports, and technical support to the District. Costs related to this contract will be determined once proposals are received.

*CUSD Strategic Plan Pillar 5: Effective Operations*

*Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*

**PERSONNEL SERVICES**

**15. RESIGNATIONS/RETIREMENTS/EMPLOYMENT – CLASSIFIED EMPLOYEES:**

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**EXHIBIT 15**

Approval of the activity list for employment, separation, and additional assignments of classified employees. These positions will be charged to the appropriate fund and are included in the adopted budget.

*CUSD Strategic Plan Pillar 5: Effective Operations*

*Contact: Jodee Brentlinger, Assistant Superintendent, Personnel Services*

**16. RESIGNATIONS/RETIREMENTS/EMPLOYMENT – CERTIFICATED EMPLOYEES:**

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**EXHIBIT 16**

Approval of the activity list for employment, separation, and additional assignments of certificated employees. These positions will be charged to the appropriate fund and are included in the adopted budget.

*CUSD Strategic Plan Pillar 5: Effective Operations*

*Contact: Jodee Brentlinger, Assistant Superintendent, Personnel Services*

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

ROLL CALL:

Student Advisor Madison Wolfert \_\_\_\_\_

Trustee Addonizio \_\_\_\_\_

Trustee Bryson \_\_\_\_\_

Trustee Hanacek \_\_\_\_\_

Trustee Hatton \_\_\_\_\_

Trustee Pritchard \_\_\_\_\_

Trustee Reardon \_\_\_\_\_

Trustee Alpay \_\_\_\_\_

**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 WEDNESDAY, JANUARY 23, 2013, 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](http://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.*