

BOARD OF TRUSTEES
Regular Meeting

July 25, 2012

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. LIABILITY CLAIM

Name of Claimant: Elke Lopez
Agency Claimed Against: Capistrano Unified School District
(Pursuant to Government Code §54956.95{a})

EXHIBIT 3A

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Number of Cases – One
Office of Administrative Hearings Case No. 2012030072/2012051009
(Pursuant to Government Code §54956.9{a})

EXHIBIT 3B

C. PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT

Executive Director, Secondary Schools, Adult and Alternative Ed. Programs
(Pursuant to Government Code §54957)

EXHIBIT 3C

D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Superintendent
(Pursuant to Government Code §54957)

EXHIBIT 3D

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

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.

DISCUSSION/ACTION ITEMS

1. 2012-2013 BUDGET DISCUSSION:

This agenda item presents an opportunity for the Board of Trustees to bring forward questions and/or concerns regarding the 2012-2013 budget.

CUSD Strategic Plan Pillar 5: Effective Operations

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

INFORMATION/
DISCUSSION/
Page 1
EXHIBIT 1

Staff Recommendation

It is recommended the Board President recognize Clark Hampton, Deputy Superintendent, Business and Support Services. This is an information item and no Board action is necessary.

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

2. SCHOOL BOARD MINUTES:

Approval of the minutes of the July 9, 2012, regular Board meeting.

Contact: Jane Boos, Manager, Board Office Operations

Page 3
EXHIBIT 2

CURRICULUM & INSTRUCTION

3. RESOLUTION NO: 1213-01, ACCEPTANCE OF 2012-2013 CALIFORNIA STATE FUNDED PRESCHOOL CONTRACT:

Page 9
EXHIBIT 3

Approval of Resolution No. 1213-01, acceptance of 2012-2013 California State Funded Preschool Contract. Each year the Capistrano Unified School District applies for and receives a contract through the California Department of Education Child Development Division for the continued funding of preschool services. State preschools are a comprehensive developmental program for three to five-year-old children from low-income families. The program emphasizes parent education and involvement. In addition to preschool education activities, other components include health, nutrition, social services, and staff development. The state funded preschool contract provides a maximum reimbursable amount of \$2,186,487 for a minimum of 180 days of operation during the 2012-2013 school year. There is no adverse impact on the general fund.

CUSD Strategic Plan Pillar 3: Academic Achievement and Enrichment

Contact: Dr. Julie Hatchel, Assistant Superintendent, Education Services

BUSINESS & SUPPORT SERVICES

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

Page 19
EXHIBIT 4

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 \$20,728,158.40; the commercial warrants total \$10,460,956.33. 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.

CUSD Strategic Plan Pillar 5: Effective Operations

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

5. DONATION OF FUNDS AND EQUIPMENT:

Page 45
EXHIBIT 5

A number of gifts have been donated to the District, including \$223,005.29 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: Clark Hampton, Deputy Superintendent, Business and Support Services

6. SPECIAL EDUCATION INFORMAL DISPUTE RESOLUTION AGREEMENTS:

Approval of the ratification of special education Informal Dispute Resolution agreement case #045712, #056412, #66812, and #123611. 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

7. SPECIAL EDUCATION SETTLEMENT AGREEMENT:

Approval of the ratification of special education settlement agreement #2012020831. 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

8. INDEPENDENT CONTRACTOR, MASTER CONTRACT, AND PROFESSIONAL SERVICES AGREEMENTS:

Page 47
EXHIBIT 8

Approval of District standardized Independent Contractor, Master Contract, and Professional Services Agreements. 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 agreements total \$287,500.

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 3: Academic Achievement & Enrichment

CUSD Strategic Plan Pillar 5: Effective Operations

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

9. RATIFICATION OF CHANGE ORDER #5 – BID NO. 1011-15, SAN JUAN HILLS HIGH SCHOOL STADIUM PHASE II:

Page 59
EXHIBIT 9

Approval of the ratification of change order #5 related to the construction of the stadium at San Juan Hills High School. In a previous action, the Board of Trustees delegated to the Superintendent the authority to approve work orders changing the cost of construction contracts, provided the cost does not exceed \$25,000 per individual work order. This change order aggregates various work orders that may consist of additions, deletions, or other revisions that are now being presented to the Board of Trustees for ratification. All such changes in the work are performed under applicable conditions of the change in contract documents. The approved work orders and the resulting change order are shown in the exhibit. The original contract sum was \$1,640,000. The new contract sum including change order #5 is \$1,739,730.20.

CUSD Strategic Plan Pillar 5: Effective Operations

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

10. RATIFICATION OF CHANGE ORDERS #9 AND #10 – BID NO. 1011-11, CAPISTRANO VALLEY HIGH SCHOOL PERFORMING ARTS THEATER:

Page 71
EXHIBIT 10

Approval of the ratification of change orders #9 and #10 related to the construction of the theater at Capistrano Valley High School. In a previous action, the Board of Trustees delegated to the Superintendent the authority to approve work orders changing the cost of construction contracts, provided the cost does not exceed \$25,000 per individual work order. This change order aggregates various work orders that may consist of additions, deletions, or other revisions that are now being presented to the Board of Trustees for ratification. All such changes in the work are performed under applicable conditions of the change in contract documents. The approved work orders and the resulting change orders are shown in the exhibit. The original contract sum was \$11,975,007. The new contract sum including change orders #9 and #10 is \$12,265,602.

CUSD Strategic Plan Pillar 5: Effective Operations

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

11. FINAL ACCEPTANCE AND FILING OF NOTICE OF COMPLETION FOR BID NO. 1011-15, SAN JUAN HILLS HIGH SCHOOL STADIUM PHASE II – OHNO CONSTRUCTION COMPANY:

Page 169
EXHIBIT 11

Approval of the final acceptance and filing of the Notice of Completion for the construction of the stadium at San Juan Hills High School. On September 26, 2011, the Board of Trustees awarded Bid No. 1011-15, San Juan Hills High School Stadium Phase II to Ohno Construction Company. All work has been inspected and completed to the satisfaction of staff, and the District has given the contractor notice of beneficial occupancy as of June 27, 2012, as shown in the attached exhibit.

CUSD Strategic Plan Pillar 5: Effective Operations

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

12. **EXTENSION OF SCHOOL BUS SERVICE AGREEMENT BETWEEN JSERRA CATHOLIC HIGH SCHOOL:** Page 171
EXHIBIT 12
 Approval of the Extension of School Bus Service Agreement No. C1011065 with JSERRA Catholic High School. Through this agreement, the District provides inspections, maintenance, repair, school bus driver training, and bus rental services. The District will offer services at the rates indicated in the agreement. The income received from this agreement provides a positive revenue stream into the District's general fund to offset a portion of the Transportation Department's encroachment.
CUSD Strategic Plan Pillar 5: Effective Operations
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
13. **SCHOOL BUS SERVICE AGREEMENT BETWEEN ANNELIESE'S SCHOOLS:** Page 185
EXHIBIT 13
 Approval of a School Bus Service Agreement No. 1213100 with Anneliese's Schools. Through this agreement, the District provides inspections, maintenance, repair, and school bus driver training services. The District will offer services at the rates indicated in the agreement. The income received from this agreement provides a positive revenue stream into the District's general fund to offset a portion of the Transportation Department's encroachment.
CUSD Strategic Plan Pillar 5: Effective Operations
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
14. **MEMORANDUM OF UNDERSTANDING BETWEEN THE DISTRICT AND SANTA ANA UNIFIED SCHOOL DISTRICT:** Page 193
EXHIBIT 14
 Approval of the Memorandum of Understanding (MOU) between the District and Santa Ana Unified School District (SAUSD) to provide special education Deaf and Hard of Hearing programs and services for District students referred by their Individualized Education Program (IEP) team. SAUSD provides specialized programs for Deaf or Hard of Hearing students in grades K – 6 who require a more intensive special education placement. Currently, the District has no students in the SAUSD program, but the approval of the MOU allows the District to place students as determined by the IEP team. Estimated cost per student is \$35,438. Annual expenditures under this agreement are limited to \$40,000, paid by special education funds.
CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment
Contact: Sara Jocham, Assistant Superintendent, SELPA and Special Education Operations
15. **ADDENDUM TO SERVICE AGREEMENT, COX BUSINESS:** Page 199
EXHIBIT 15
 Approval of addendum to Service Agreement No. 457852-01 for data services provided by Cox Business. The District has chosen to upgrade the data services to increase speed and extend the contract through June 30, 2016. Monthly expenditures are limited to \$63,280, pre-discounts, paid by the general fund.
CUSD Strategic Plan Pillar 5: Effective Operations
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
16. **GOVERNMENT CLAIM 12-04725 JW:**
 Denial of Claim 12-04725 JW filed against the District. Staff will follow up with appropriate action. This agenda item pertains to a claim filed against the District by Attorney Gregory G. Rizio on behalf of a minor student. The claim alleges the District should be held responsible for an incident that occurred on February 3, 2012. It is the recommendation of the District's liability claims administrator to deny this claim based on the investigation of the events at this time and to set the statute of limitations. Denial of this claim does not have any financial implications on the general fund. This action establishes procedural timelines.
CUSD Strategic Plan Pillar 5: Effective Operations.
Contact: Jodee Brentlinger, Assistant Superintendent, Personnel Services

17. GOVERNMENT CLAIM 12-04773 JW:

Denial of Claim 12-04773 JW filed against the District. This agenda item pertains to a claim filed against the District by temporary contracted employee, Kimberly Brooks, on July 3, 2012. Ms. Brooks is claiming a compensable injury. Staff will follow up with appropriate action. Denial of this claim does not have any financial implications on the general fund. This action establishes procedural timelines.

CUSD Strategic Plan Pillar 5: Effective Operations

Contact: Jodee Brentlinger, Assistant Superintendent, Personnel Services

18. GOVERNMENT CLAIM 12-04728 DP:

Denial of Claim 12-04728 DP filed against the District. Staff will follow up with appropriate action. This agenda item pertains to a claim filed against the District by Carolyn Hwang on behalf of a minor student. On January 11, 2012, at Newhart Middle School, the student sustained an injury to his eyebrow and forehead when he ran into a gate while running on a prescribed course during PE. Denial of this claim does not have any financial implications on the general fund. This action establishes procedural timelines.

CUSD Strategic Plan Pillar 5: Effective Operations.

Contact: Jodee Brentlinger, Assistant Superintendent, Personnel Services

19. AWARD BID NO. 1213-03, PAPER AND PLASTIC PRODUCTS FOR FOOD AND NUTRITION SERVICES, P & R PAPER SUPPLY COMPANY:

Approval of the award of bid No. 1213-03 for paper and plastic products to P & R Paper Supply Company. On May 14, 2012, the Board of Trustees authorized staff to advertise for bids for paper and plastic products. Six bids were received and opened on June 12, 2012. The bid is awarded on an all-or-nothing basis to the single low bidder meeting all of the terms and specifications. P&R Paper Supply Company offered the greatest number of items at the lowest prices and is the lowest overall bidder. The initial contract term is July 26, 2012, through June 30, 2013, and may be extended by mutual agreement, and upon Board approval, for a renewal term not to exceed two additional one-year periods. Annual expenditures under this contract are limited to \$208,000, funded by Food and Nutrition Services.

CUSD Strategic Plan Pillar 5: Effective Operations

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

20. AWARD RFQ NO. 3-1213, MASS NOTIFICATION SYSTEM, SCHOOLMESSENGER, RELIANCE COMMUNICATIONS, LLC:

Approval of the award of RFQ No. 3-1213, Mass Notification System to SchoolMessenger by Reliance Communications, LLC. On May 14, 2012, the Board of Trustees authorized staff to solicit proposals for a mass notification system. The District received three proposals. The proposals were evaluated by staff based on the selection criteria and adherence to submittal requirements. SchoolMessenger by Reliance Communications, LLC was selected for the District's mass notification system consultant based on the evaluation of the firm's qualifications, years of experience, competence in relative experience, and costs. SchoolMessenger's presentation and proposal clearly demonstrated experience, knowledge, and a proven track record to deliver millions of important messages via phone, text, and e-mail to our community. With their robust infrastructure, innovative use of technologies and social media, as well as the simple interface for message creation, SchoolMessenger will support the District in its ability to generate m million messages annually with great reliability and efficiency. Annual expenditures under this contract are limited to \$75,000, funded by the School and Library Improvement Block Grant. The evaluation criteria and consultant rating sheets are available in the Purchasing Department for review. For more information, please contact Terry Fluent, Director, Purchasing, at (949) 234-9436.

CUSD Strategic Plan Pillar 1: Community Relations

CUSD Strategic Plan Pillar 4: Safe & Healthy Schools

CUSD Strategic Plan Pillar 5: Effective Operations

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

PERSONNEL SERVICES

21. **RESIGNATIONS/RETIREMENTS/EMPLOYMENT – CLASSIFIED EMPLOYEES:** Page 237
EXHIBIT 21
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
22. **RESIGNATIONS/RETIREMENTS/EMPLOYMENT – CERTIFICATED EMPLOYEES:** Page 249
EXHIBIT 22
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
23. **RECOMMENDATION OF EMPLOYMENT AGREEMENT WITH THE CAPISTRANO UNIFIED MANAGEMENT ASSOCIATION FOR JULY 1, 2012, THROUGH JUNE 30, 2013:** Page 253
EXHIBIT 23
Approval of the employment agreement with the Capistrano Unified Management Association (CUMA). The purpose of this agenda item is to seek approval of the employment agreement between the District and CUMA. The total estimated fiscal impact of this agreement is an estimated savings to the District of approximately \$3.3 million for the 2012-2013 fiscal year, which represents CUMA’s portion of targeted budget reductions.
CUSD Strategic Plan Pillar 5: Effective Operations
Contact: Jodee Brentlinger, Assistant Superintendent, Personnel Services
24. **RECOMMENDATION OF FIRST AMENDMENT TO EMPLOYMENT AGREEMENT – DISTRICT SUPERINTENDENT JULY 1, 2012, THROUGH JUNE 30, 2013:** Page 255
EXHIBIT 24
Approval of a first amendment to the employment agreement between the District and the Superintendent. The total fiscal impact of this agreement is an estimated savings to the District of approximately \$22,110 for the 2012-2013 fiscal year. This agreement aligns with CUMA and provides targeted budget reductions.
CUSD Strategic Plan Pillar 5: Effective Operations
Contact: Jodee Brentlinger, Assistant Superintendent, Personnel Services
25. **RECOMMENDATION OF FIRST AMENDMENT TO EMPLOYMENT AGREEMENT – DEPUTY SUPERINTENDENT, BUSINESS SERVICES JULY 1, 2012, THROUGH JUNE 30, 2013:** Page 257
EXHIBIT 25
Approval of a first amendment to the employment agreement between the District and the Deputy Superintendent, Business Services. The total fiscal impact of this agreement is an estimated savings to the District of approximately \$15,356 for the 2012-2013 fiscal year. This agreement aligns with CUMA and provides targeted budget reductions.
CUSD Strategic Plan Pillar 5: Effective Operations
Contact: Jodee Brentlinger, Assistant Superintendent, Personnel Services
26. ~~**EMPLOYMENT CONTRACT – INTERIM DIRECTOR V, INFORMAL DISPUTE RESOLUTION SPECIALIST:**~~ Page 259
~~**EXHIBIT 26**~~
~~Approval of an employment contract on an interim basis to provide direct oversight of all major aspects of federal/state compliance with special education programs from July 26, 2012, through December 31, 2012, during the recruitment process.~~ Pulled 7/23/12
~~*CUSD Strategic Plan Pillar 5: Effective Operations*~~
~~*Contact: Jodee Brentlinger, Assistant Superintendent, Personnel Services*~~

27. EMPLOYMENT CONTRACT – INTERIM DIRECTOR III, TRANSITION PROGRAMS:

Approval of an employment contract on an interim basis to provide supervision of adult transition special education program services from July 26, 2012, through December 31, 2012, during the recruitment process.

CUSD Strategic Plan Pillar 5: Effective Operations

Contact: Jodee Brentlinger, Assistant Superintendent, Personnel Services

Motion by _____

Seconded by _____

ROLL CALL:

Trustee Addonizio _____

Trustee Bryson _____

Trustee Alpay _____

Trustee Hatton _____

Trustee Brick _____

Trustee Palazzo _____

Trustee Pritchard _____

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, AUGUST 20, 2012, 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.