

BOARD OF TRUSTEES
Regular Meeting

September 24, 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. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Significant Exposure to Litigation - Three Cases

1) Case Number 30-2010-00336179

2) Case Number 30-2011-00517153

3) Case Number 30-2011-00498422

(Pursuant to Government Code §54956.9{a})

B. PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT

Assistant Principal, High School

(Pursuant to Government Code §54957)

EXHIBITS 3 B

C. STUDENT EXPULSIONS

Deliberations of Findings of Fact and Recommendations

(Pursuant to Education Code §48918{c} and §35145)

EXHIBIT 3 C1-C2

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

Assistance League of Capistrano Valley

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. UPDATE ON CAPISTRANO VALLEY HIGH SCHOOL PERFORMING ARTS THEATER:

Staff will provide the Board of Trustees with an update on the budget, schedule, and progress of the Capistrano Valley High School Performing Arts Theater.

CUSD Strategic Plan Pillar 2: Safe and Healthy Schools

CUSD Strategic Plan Pillar 3: Academic Achievement and Enrichment

CUSD Strategic Plan Pillar 5: Effective Operations

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

Staff Recommendation:

It is recommended the Board President recognize Clark Hampton, Deputy Superintendent, Business and Support Services, to present information on this item and answer any questions Trustees may have. This is an information item only and no Board action is necessary.

2. TRUSTEES' REQUEST TO REVISE BOARD AGENDA FORMAT:

In March 2011, Trustees Addonizio, Alpay, and Bryson worked with Superintendent Farley and Board Operations Manager Jane Boos to develop recommended changes to the Board agenda format. The goal was to develop an easily understood agenda format for the public and staff. Once the revised agenda format was agreed upon by the committee it was shared with all Trustees, who directed the Superintendent to implement the new format beginning with the April 27, 2011, Board meeting agenda.

INFORMATION/
DISCUSSION
Page 1
EXHIBIT 1

DISCUSSION/
ACTION

After using the format for approximately three months, Trustee Addonizio asked that the agenda format item be placed on the July 27, 2011, Board meeting agenda for further discussion and review. Trustees approved minor changes to the format at that meeting. Following the September 10, 2012, Board meeting, Trustees Addonizio, Hatton, and Palazzo asked to again consider changes to the agenda format. The most significant change is to return to the exhibit format which includes a separate memorandum for each item. The memorandum includes background information, current considerations, financial implications, and a staff recommendation. These elements are currently incorporated into the agenda listing description and typically eliminate the need for a supportive memorandum.

CUSD Strategic Plan Pillar 5: Effective Operations

Contact: Joseph M. Farley, Superintendent

Staff Recommendation:

It is recommended the Board President recognize Trustee Addonizio to present this item.

Following discussion, it is recommended the Board of Trustees provide direction to the Superintendent concerning the desired format of the agenda.

Motion by _____ Seconded by _____

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

- | | |
|---|-------------------------------------|
| <p>3. SCHOOL BOARD MINUTES:
Approval of the minutes of the September 4, 2012, special Board meeting.
Contact: Jane Boos, Manager, Board Office Operations</p> | <p>Page 3
EXHIBIT 3</p> |
| <p>4. SCHOOL BOARD MINUTES:
Approval of the minutes of the September 10, 2012, regular Board meeting.
Contact: Jane Boos, Manager, Board Office Operations</p> | <p>Page 5
EXHIBIT 4</p> |
| <p>5. RESOLUTION NO. 1213-21 – ACCEPTANCE OF 2012-2013 ASSISTANCE LEAGUE CONTRACT FOR KIDS ON THE BLOCK:
Approval of Resolution No. 1213-21 to accept the agreement between Assistance League of Capistrano Valley (ALCV) and the District for the Kids on the Block philanthropic program. Each year the District partners with the ALCV to provide the Kids on the Block philanthropic program, encouraging diversity and sensitivity to disabilities and various social issues through the use of life-size puppets in skits performed by ALCV puppeteers. ALCV currently serves schools in San Clemente, Aliso Viejo, San Juan Capistrano, Laguna Niguel, Capistrano Beach, and Dana Point. There is no financial impact.
CUSD Strategic Plan Pillar 1: Community Relations
Contact: Marcus Walton, Chief Communications Officer</p> | <p>Page 11
EXHIBIT 5</p> |

6. **RESOLUTION NO. 1213-22 – ACCEPTANCE OF 2012-2013 ASSISTANCE LEAGUE CONTRACT FOR LINKS TO LEARNING PHILANTHROPIC PROGRAM:** Page 15
EXHIBIT 6

Approval of Resolution No. 1213-22 to accept the agreement between Assistance League of Capistrano Valley (ALCV) and the District for the Links to Learning philanthropic program. Each year the District partners with the ALCV to provide Links to Learning for middle school teachers to enhance and develop new or different approaches to teaching that will stimulate creative thought and expand existing curriculum. ALCV currently serves schools in San Clemente, Aliso Viejo, San Juan Capistrano, Laguna Niguel, Capistrano Beach, and Dana Point. There is no financial impact.

CUSD Strategic Plan Pillar 1: Community Relations
Contact: Marcus Walton, Chief Communications Officer

7. **RESOLUTION NO. 1213-23 – ACCEPTANCE OF 2012-2013 ASSISTANCE LEAGUE CONTRACT FOR OPERATION SCHOOL BELL:** Page 19
EXHIBIT 7

Approval of Resolution No. 1213-23 to accept the agreement between the Assistance League of Capistrano Valley (ALCV) and the District for the Operation School Bell philanthropic program. Each year the District partners with the ALCV to provide suitable new school clothing to school children in need through the Operation School Bell philanthropic project. The ALCV furnishes appropriate new school clothing, free of charge, to District students, as referred by authorized school personnel. The target population is students in grades K-5 and two District preschools. ALCV currently serves schools in San Clemente, Aliso Viejo, San Juan Capistrano, Laguna Niguel, Capistrano Beach, and Dana Point. There is no financial impact.

CUSD Strategic Plan Pillar 1: Community Relations
Contact: Marcus Walton, Chief Communications Officer

8. **RESOLUTION NO. 1213-24 – ACCEPTANCE OF 2012-2013 ASSISTANCE LEAGUE CONTRACT FOR HANDS ON LITERACY PROJECT:** Page 23
EXHIBIT 8

Approval of Resolution No. 1213-24 to accept the agreement between Assistance League of Capistrano Valley (ALCV) and the District for the Hands On Literacy philanthropic program. Each year the District partners with the ALCV to provide the Hands On Literacy Program, offering reading assistance for hearing and communication disabled students in Special Day Classes at appointed schools. ALCV currently serves schools in San Clemente, Aliso Viejo, San Juan Capistrano, Laguna Niguel, Capistrano Beach, and Dana Point. There is no financial impact.

CUSD Strategic Plan Pillar 1: Community Relations
Contact: Marcus Walton, Chief Communications Officer

CURRICULUM & INSTRUCTION

9. **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

BUSINESS & SUPPORT SERVICES

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

Page 27
EXHIBIT 10

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 \$1,549,641.65; the commercial warrants total \$6,229,995.01. 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

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

Page 53
EXHIBIT 11

Approval and ratification 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 \$117,520.

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

12. SPECIAL EDUCATION INFORMAL DISPUTE RESOLUTION AGREEMENT:

Approval of the ratification of special education Informal Dispute Resolution agreement case #070112. 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. SPECIAL EDUCATION SETTLEMENT AGREEMENT:

Approval of the ratification of special education settlement agreement #2012051109. 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. SPECIAL EDUCATION SETTLEMENT AGREEMENT:

Approval of special education settlement agreement #2012070152. 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

15. **EXTENSION OF BID NO. 1112-11, CONCRETE MAINTENANCE AND REPAIR, ABOVE ALL NAMES CONSTRUCTION SERVICES, INCORPORATED:** Page 75
EXHIBIT 15

Approval of extension of Bid No. 1112-11 for concrete maintenance and repair to be provided by Above All Names Construction Services, Incorporated. The vendor was asked to submit reduced fees at contract renewal. Above All Names Construction Services agreed to an approximate nine percent price reduction on the majority of the contract line items. Funding for these expenditures will depend on the types of services rendered, which may include, but are not limited to, routine restricted maintenance, deferred maintenance, and developer fees. Annual expenditures under this contract are limited to \$80,000.

CUSD Strategic Plan Pillar 5: Effective Operations

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

16. **RATIFICATION OF CHANGE ORDER NO. 12 – BID NO. 1011-11, CAPISTRANO VALLEY HIGH SCHOOL PERFORMING ARTS CENTER:** Page 99
EXHIBIT 16

Ratification of Change Order No. 12 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 Order No. 12 is \$12,467,402.

CUSD Strategic Plan Pillar 5: Effective Operations

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

PERSONNEL SERVICES

17. **RESIGNATIONS/RETIREMENTS/EMPLOYMENT – CLASSIFIED EMPLOYEES:** Page 185
EXHIBIT 17

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

18. **RESIGNATIONS/RETIREMENTS/EMPLOYMENT – CERTIFICATED EMPLOYEES:** Page 195
EXHIBIT 18

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 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, OCTOBER 8, 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.