

CAPISTRANO UNIFIED SCHOOL DISTRICT  
BOARD OF TRUSTEES  
MINUTES – REGULAR MEETING  
NOVEMBER 6, 2013  
EDUCATION CENTER – BOARD ROOM

President Alpay called the meeting to order at 6:05 p.m. The Board recessed to closed session to discuss Student Expulsions and confer with Labor Negotiators.

Closed session recessed at 6:14 p.m.

The regular meeting of the Board reconvened to open session and was called to order by President Alpay at 7:05 p.m.

The Pledge of Allegiance was led by Serra High School students Eli Goldstein and Sierra Van Atta.

Present: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton, Pritchard, Reardon, and Student Advisor Leilah Rodriguez

**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](http://www.capousd.org)**

**Permanent Record**

President Alpay announced the meeting was not being teleconferenced as indicated on the agenda.

**President Announcement**

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 Leilah Rodriguez  
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 #3A1 – A3 – Student Expulsions:**

The Board voted 7-0 to expel the following students by stipulated agreements: Case #2014-002, #2014-003, and #2014-006.

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

**Agenda Item #3B – Conference with Labor Negotiators:**

No action was taken.

Student Body Representatives Eli Goldstein and Sierra Van Atta from Serra High School presented a report on activities taking place at the high school.

**Student Body Report**

Trustee Hanacek commented she visited the Lobo Water Museum and it is a great cross-curriculum learning opportunity to study water and its relationship to the Native American culture. She also reported she attended the Dia de Los Muertos at Las Palmas Elementary School.

**Board and Superintendent Comments**

Trustee Bryson shared she attended Dana Hills High School's annual Honor the Valor football game which honors and celebrates soldiers. Each player wears a camouflage jersey with the name of a fallen soldier on it. She added it is an event she looks forward to every year and hopes other schools will do something similar.

Trustee Hatton announced the Capistrano Valley High School Girls' Tennis Team won the Sea View League championship for the second year and is currently in CIF. She also shared that she, Trustees Alpay, Hanacek, and Reardon attended the OCDE Teachers of the Year event at the Disneyland Hotel and it was an amazing event.

Trustee Alpay announced that San Juan Hills High School is playing Dana Hills High School on Friday and the winning team will be the Sea View League champions.

As specified in Board Bylaw 9323 for Oral Communications, each speaker was allowed three (3) minutes to speak.

**Oral  
Communications**

The following speakers addressed the Board:

- *Gail Benda thanked the PTAs for supporting schools and stated PTAs contribute approximately 60 percent of the items on the donation list.*
- *Martha McNicholas commented PTAs donated approximately \$200,000 last month to support education and encouraged Trustees to join as many PTAs as possible.*

## **DISCUSSION/ACTION**

Deputy Superintendent Clark Hampton stated at the September 25, 2013, and October 9, 2013, Board meetings the Board received reports on the status of negotiations with the Rancho Mission Viejo Company (RMV) to address the impact of its planned developments on the District's need for school facilities. Mr. Hampton explained the revisions to the final agreement are based on Trustee feedback with regards to the joint use property and wireless facility setback. No other changes to the draft agreement presented at the September 25 Board meeting were made. Mr. Hampton stated legal counsel Alex Bowie and consultant Tim Holcomb were present to answer Trustee questions.

**RMS Mitigation  
Agreement  
Agenda Item 1**

Following discussion, it was moved by Trustee Pritchard, seconded by Trustee Bryson, and motion carried by a 7-0 vote to adopt Resolution No. 1314-25, Resolution of the Board of Trustees of the Capistrano Unified School District Approving School Facilities Financing Agreement Relating to Planning Areas No. 1 and No. 2 and County of Orange Entitlements as to Rancho Mission Viejo Project and Related Agreement, Authorizing Execution Thereof and Delegating Authority as to Related Matters.

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

Deputy Superintendent Clark Hampton provided a report on all the available facility funds. Mr. Hampton stated there were nineteen individual funds in six major categories. The categories are Deferred Maintenance; Developer Fees; Redevelopment Agency Pass-Through Funds; State Facilities Funds; School Facility Improvement District Funds; and Community Facility District Funds. Mr. Hampton explained the use of each category and then shared information on the updated Master Plan and identified facility needs versus available funds. Mr. Hampton concluded his report with other options for facilities revenue for Trustee consideration. *(The PowerPoint is posted on the District website: [www.capousd.org](http://www.capousd.org))*

**Facilities Funding  
Report  
Agenda Item 2**

The following speakers addressed the Board:

- Mike Conlon requested the Board investigate the construction of a performing arts facility at San Clemente High School.
- Talega residents Laura Ferguson, Gloria Liss, Susie Hattan, Andrea Ewell, and Loren Laridon shared their dissatisfaction with the Board's decision at the August 14, 2013, Board meeting regarding the distribution of the refinancing savings as it pertains to (CFD) No. 90-2, Improvement Area No. 2002-1.

Alex Bowie, Partner with Bowie, Arneson, Wiles & Giannone and Mr. Hampton answered Trustees' questions. Following Trustees' questions and discussion, staff was requested to prepare a facility repair projects plan for the December 11 Board meeting agenda for Board action.

Student Advisor Leilah Rodriguez left the meeting at 8:10 p.m.

Deputy Superintendent Clark Hampton and Assistant Superintendents Jodee Brentlinger, Julie Hatchel, and Michelle Le Patner provided a PowerPoint overview on the Local Control Funding Formula (LCFF) and requirements of the Local Control Accountability Plan (LCAP). The presentation included an explanation of the LCFF, four key changes to state funding, and LCAP goals, building process, adopting and updating the plan, funding decisions, a timeline for implementation, and the District's timeline. *(The PowerPoint is posted on the District website: [www.capousd.org](http://www.capousd.org))*

**Local Control  
Accountability  
Plan  
Agenda Item 3**

The following speakers addressed the Board:

- Dawn Urbanek and Leslie Parker requested the Board involve parents and stakeholders in the first stages of the development process for LCAP.

Staff answered Trustees' questions and received direction from Board members.

It was moved by Trustee Hatton, seconded by Trustee Bryson, and motion carried unanimously to approve Trustees Alpay and Reardon as the representatives to serve on the South Coast Occupational Program (ROP) Board and Trustee Bryson as the alternate.

**ROP Board  
Representatives  
Agenda Item 4**

Assistant Superintendent Michelle Le Patner stated Board Policy 5165, *Health Examinations*, is the governing policy outlining vision and hearing, scoliosis, and sports examination requirements and was approved in 1997. Dr. Le Patner explained the recommended changes clarify the language and comply with current law. This item will be brought back for a second reading.

**Revisions to Board  
Policy  
Agenda Item 5**

President Alpay asked Trustees for items they wished to pull from the Consent Calendar. Agenda items 10, 13, 14, and 15 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:

Minutes of the October 23, 2013, regular Board meeting.

**Minutes  
Agenda Item 6**

Expunging a student's expulsion record: Case #2012-16.

**Expunging of  
Expulsion Record  
Agenda Item 7**

Petition to waive California Education Code §60851(a) and Board Policy 6162.52 –

**CAHSEE Waiver**

California High School Exit Examination: Case #1314-001.	<b>Agenda Item 8</b>
Purchase orders, warrants, and previously Board-approved bids and contracts as listed.	<b>Purchase Orders/Warrants Agenda Item 9</b>
District standardized Independent Contractor, Professional Services, Master Contract, and Field Service Agreements.	<b>Professional Services Agreements Agenda Item 11</b>
Ratification of special education Informal Dispute Resolution Agreement Case #091613 and Case #102313.	<b>Informal Dispute Resolution Agreement Agenda Item 12</b>
Continuous public notice related to the disposal of District-owned surplus property.	<b>Continuous Public Notice-Surplus Property Agenda Item 16</b>
Denial of Claim 13-13398 DP filed against the District.	<b>Government Claim Agenda Item 17</b>
Resignations, retirements, and employment of classified personnel.	<b>Resignations/Retirements/ Employment (Classified Personnel) Agenda Item 18</b>
Resignations, retirements, and employment of certificated personnel.	<b>Resignations/Retirements/ Employment (Certificated Personnel) Agenda Item 19</b>
<p>ROLL CALL: AYES: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton, Pritchard, and Reardon</p> <p>NOES: None</p> <p>ABSENT: None</p> <p>ABSTAIN: None</p>	
The following speaker addressed the Board:	<b>Donations Agenda Item 10</b>
<ul style="list-style-type: none"> <li>Dawn Urbanek questioned if it was legal for PTAs to fundraise for employee salaries and stated the Board needed to demand money from legislators in Sacramento for students.</li> </ul>	
Trustee Addonizio stated the purpose of the ANHS PTSA donation, in the amount of \$8,747.80, is actually for SchoolLoop and not Professional Consulting Services as listed in the exhibit. Staff was requested to correct the document for the record.	
It was moved by Trustee Addonizio, seconded by Trustee Bryson, and motion carried unanimously to approve the donation of equipment as amended.	

Trustee Reardon requested to consider items 13 and 14 together. There was no objection from Board members. Trustee Reardon stated both items are for renewal of agreements with lawyers but the exhibits don't provide information as to whether the firms are currently actively engaged in representing the District on any matter. Deputy Superintendent Clark Hampton stated Dannis Woliver Kelley is involved with special education and charter issues and Bergman Dacey Goldsmith is involved with negotiations and facility issues. Mr. Hampton stated he would provide Trustees with a list of legal services performed by the firms for the last year.

**Extension of  
Consultant  
Agreement  
Agenda Item 13  
Agenda Item 14**

It was moved by Trustee Reardon, seconded by Trustee Addonizio, and the motion carried unanimously to approve Extension of Consultant Agreement No. C0910107 with Bergman Dacey Goldsmith, a Professional Law Corporation, to provide legal services as required by the District and Extension of Consultant Agreement No. C0910099 with Dannis Woliver Kelley to provide legal services, as required by the District.

Trustee Reardon stated the contract is for the development of software customized for the District but doesn't state who owns the work product. Trustee Reardon requested the contract be revised to include an Intellectual Property clause to protect the District

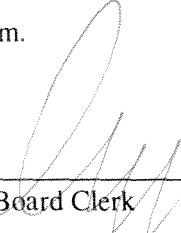
**Extension of  
Independent  
Contractor  
Agreement  
Agenda Item 15**

It was moved by Trustee Bryson, seconded by Trustee Reardon, and motion carried unanimously to continue the Extension of Independent Contractor Agreement No. I1112088 with AlpenSpruce, LLC to provide services related to the development, training, and deployment of SharePoint software to a future Board meeting.

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

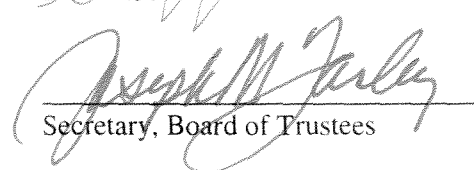
**Adjournment**

President Alpay announced the meeting adjourned at 9:41 p.m.



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Board Clerk



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Secretary, Board of Trustees

*Minutes submitted by Jane Boos, Manager, Board Office Operations*