

CAPISTRANO UNIFIED SCHOOL DISTRICT

33122 Valle Road
San Juan Capistrano, CA 92675

BOARD OF TRUSTEES

Regular Meeting

December 11, 2013

Closed Session 5:30 p.m.

Open Session 7:00 p.m.

AGENDA

CLOSED SESSION AT 5:30 P.M.

1. CALL TO ORDER

2. CLOSED SESSION COMMENTS

3. CLOSED SESSION (as authorized by law)

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION EXHIBIT 3A

Significant Exposure to Litigation – One Case
Informal Dispute Resolution Case No. 101913
(Pursuant to Government Code §54956.9{b}{c})

B. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

EXHIBIT 3B

(Pursuant to Government Code §54957)

C. STUDENT EXPULSIONS

EXHIBITS 3C1-12

Deliberations of Findings of Fact and Recommendation
(Pursuant to Education Code §48918{c} and §35145)

D. CONFERENCE WITH LABOR NEGOTIATORS

Dr. Joseph M. Farley/Jodee Brentlinger/Clark Hampton
Employee Organization:

- 1) Capistrano Unified Education Association (CUEA)
- 2) California School Employees Association (CSEA)
- 3) Teamsters
- 4) Unrepresented Employees (CUMA)

(Pursuant to Government Code §54957.6)

PUBLIC HEARINGS:

Agenda Item #14–Pupil-to-Teacher Waiver Request of California Preparatory Academy

Agenda Item #16–Pupil-to-Teacher Waiver Request of Capistrano Virtual and Home School

Agenda Item #18–Pupil-to-Teacher Waiver Request of Capistrano Connections Academy Charter School

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

REORGANIZATION OF THE BOARD

1. **REORGANIZATION OF BOARD – ELECTION OF PRESIDENT:** ACTION
Vote _____
- The Capistrano Unified School District Board of Trustees is conforming to Education Code requirements by holding its annual organizational meeting at the December 11, 2013, meeting. Board Policy 9100, *Annual Organizational Meeting*, presents the order of business for this meeting. Agenda items 1 through 3 may be completed under this agenda item. There is no financial impact.
CUSD Strategic Plan Pillar 5: Effective Operations
Contact: Joe Farley, Superintendent

Staff Recommendation

AGENDA ITEM 1

The Superintendent will facilitate the election of the Board President. The Board may do this by oral nominations and voting, or by ballot after oral nominations are made.

AGENDA ITEMS 2 & 3

As soon as the new Board President is elected, he or she will immediately assume the role of President and will commence with the election of the Vice President and Clerk, then proceed with the other items on the evening's agenda.

2. **REORGANIZATION OF BOARD – ELECTION OF VICE PRESIDENT:** ACTION
Vote _____
3. **REORGANIZATION OF BOARD – ELECTION OF CLERK:** ACTION
Vote _____

WINTER MUSIC PROGRAM

Capistrano Valley High School Madrigals – directed by Erin Girard

BREAK

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.

4. **SELECTION OF TRUSTEE PARTICIPATION ON VARIOUS COMMITTEES:**
Every year at the organizational meeting in December, Trustee assignments are made to various committees and other groups in which there is an expectation of Board representation. The supporting documentation is a listing of appointment assignments, with meeting date information, and the name or names of the Trustee who served on the committee during 2013. This agenda item requests the Board of Trustees select a member or members to serve on one or more of the committees during 2014. There is no financial impact.

CUSD Strategic Plan Pillar 5: Effective Operations

Contact: Joseph M. Farley, Superintendent

Staff Recommendation

It is recommended the Board of Trustees review the various committees as listed in the exhibit and reach a consensus and/or take a formal vote on which Trustees will participate on the various committees.

DISCUSSION/ACTION ITEMS

5. **CERTIFICATION OF THE 2013-2014 FIRST INTERIM REPORT AND ADOPTION OF RESOLUTION NO. 1314-26, 2013-2014 REVENUE AND EXPENDITURE INCREASES/DECREASES:**

In accordance with Education Code §42130, school districts are required to prepare and submit Interim Financial Reports to the governing board. Resolution No. 1314-26 adjusts the various fund budgets to reflect the First Interim Report. The purpose of these reports is to satisfy appropriate State and County Office of Education officials as to whether or not the District will be able to meet its financial obligations for the remainder of the fiscal year. Additionally, as required by AB 2756, districts must certify that minimum reserve levels are projected to be met in the two subsequent fiscal years.

CUSD Strategic Plan Pillar 5: Effective Operations

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

Staff Recommendation

It is recommended the Board President recognize Clark Hampton, Deputy Superintendent, Business and Support Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve the Certification of the 2013-2014 First Interim Report and Adoption of Resolution No. 1314-26, 2013-2014 Revenue and Expenditure Increases/Decreases.

Motion by _____ Seconded by _____

ROLL CALL:

Student Advisor Leilah Rodriguez___

Trustee Addonizio_____

Trustee Alpay _____

Trustee Bryson _____

Trustee Hanacek_____

Trustee Hatton _____

Trustee Pritchard _____

Trustee Reardon_____

6. **SHORT- AND LONG- TERM FACILITY IMPROVEMENTS AND FUNDING POSSIBILITIES:**

On November 6, 2013, Trustees received a report on the needs and funding for District facilities and requested a facility repair plan be developed and brought to this meeting. Trustees asked staff to bring back specific project recommendations, which will be done during the meeting. The exhibit to this item describes the most pressing facility needs in the District and includes possible funding sources for the work.

CUSD Strategic Plan Pillar 5: Effective Operations

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

ACTION
Page 1
EXHIBIT 4

DISCUSSION/
ACTION
Page 3
EXHIBIT 5

DISCUSSION/
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EXHIBIT 6

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 a Discussion/Action item to provide the Board with the option of taking formal action on portions of the plan.

Motion by _____ Seconded by _____

7. MANDATORY PRE-QUALIFICATION OF CONTRACTORS IF CONSTRUCTION PROJECT USES STATE BOND FUNDS:

Effective January 1, 2014, pre-qualification of contractors will be mandatory for construction projects when state bond funding is involved. Additionally, if the project involves mechanical, electrical, and plumbing components, such subcontractors must be pre-qualified as well, per Public Contract Code §20111.6. The new statute permits a school district to establish a pre-qualification process for each construction project it engages in. Staff and outside legal counsel are working to develop a project-by-project pre-qualification process that can be tailored to the specific needs of each project. Staff will bring back to the Board the pre-qualification process, the uniform system for rating bidders, and the revised front-end bid documents and advertisements with the first project that is subject to the new law. Staff expects that this will occur in the first quarter of 2014. There are no anticipated financial implications for this agenda item.

INFORMATION/
DISCUSSION
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EXHIBIT 7

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.

8. RESOLUTION NO. 1314-29 - RESOLUTION OF THE BOARD OF TRUSTEES OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT APPROVING AGREEMENT BETWEEN CAPISTRANO UNIFIED SCHOOL DISTRICT AND COMMUNITY FACILITIES DISTRICT NO. 87-1 OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT REGARDING SCHOOL FACILITIES, RETIREMENT OF BONDS, AND CESSATION OF SPECIAL TAXES, MAKING CERTAIN DETERMINATIONS AND TAKING RELATED ACTIONS:

The Board of the Trustees of the Capistrano Unified School District (Board), acting solely as the approving agent for the Capistrano Unified School District (School District), will be provided with the form of the Agreement Between Capistrano Unified School District and Community Facilities District No. 87-1 of the Capistrano Unified School District Regarding School Facilities, Retirement of Bonds, and Cessation of Special Taxes (Agreement). The Agreement is intended to memorialize the intentions of Board, acting on behalf of the School District, to exercise the optional redemption of outstanding bonds of CFD No. 87-1 pursuant to the terms of issuance and conclude the levy, collection, and pursuit of delinquent special taxes, subject to the successful retirement of the outstanding bonds.

CUSD Strategic Plan Pillar 5: Effective Operations
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

DISCUSSION/
ACTION
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EXHIBIT 8

Staff Recommendation

It is recommended the Board President recognize Clark Hampton, Deputy Superintendent, Business and Support Services, to present this item.

Following discussion, it is recommended the Board of Trustees adopt Resolution No. 1314-29, Resolution of the Board of Trustees of the Capistrano Unified School District Approving the Agreement Between Capistrano Unified School District and Community Facilities District No. 87-1 of the Capistrano Unified School District Regarding School Facilities, Retirement of Bonds, and Cessation of Special Taxes, Making Certain Determinations and Taking Related Actions.

Motion by _____ Seconded by _____

ROLL CALL:

Student Advisor Leilah Rodriguez _____

Trustee Addonizio _____

Trustee Alpay _____

Trustee Bryson _____

Trustee Hanacek _____

Trustee Hatton _____

Trustee Pritchard _____

Trustee Reardon _____

9. **RESOLUTION NO. 1314-30 - RESOLUTION OF THE BOARD OF TRUSTEES OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 87-1 OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT, APPROVING AGREEMENT BETWEEN CAPISTRANO UNIFIED SCHOOL DISTRICT AND COMMUNITY FACILITIES DISTRICT NO. 87-1 OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT REGARDING SCHOOL FACILITIES, RETIREMENT OF BONDS, AND CESSATION OF SPECIAL TAXES, MAKING CERTAIN DETERMINATIONS AND TAKING RELATED ACTIONS:**

DISCUSSION/
ACTION
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EXHIBIT 9

The Board of Trustees of the Capistrano Unified School District (Board), acting as the legislative body of Community Facilities District No. 87-1 of Capistrano Unified School District (CFD No. 87-1), will be provided with the form of the Agreement Between Capistrano Unified School District and Community Facilities District No. 87-1 of the Capistrano Unified School District Regarding School Facilities, Retirement of Bonds, and Cessation of Special Taxes (“Agreement”).

The Agreement is intended to memorialize the intentions of Board, acting as the legislative body of CFD No. 87-1, to exercise the optional redemption of outstanding bonds of CFD No. 87-1 pursuant to the terms of issuance and conclude the levy, collection and pursuit of delinquent special taxes, subject to the successful retirement of the outstanding bonds.

CUSD Strategic Plan Pillar 5: Effective Operations

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

Staff Recommendation

It is recommended the Board President recognize Clark Hampton, Deputy Superintendent, Business and Support Services, to present this item.

Following discussion, it is recommended the Board of Trustees adopt Resolution No. 1314-30, Resolution of the Board of Trustees of the Capistrano Unified School District, Acting as the Legislative Body of Community Facilities District No. 87-1 of the Capistrano Unified School District, Approving the Agreement Between Capistrano Unified School District and Community Facilities District No. 87-1 of the Capistrano Unified School District regarding School Facilities, Retirement of Bonds, and Cessation of Special Taxes, Making Certain Determinations and Taking Related Actions.

Following discussion, it is recommended the Board of Trustees approve the award of RFQ/P No. 4-1314, Architectural Services to HMC Architects, IBI Group, and WLC Architects, Incorporated to provide architectural services as needed for projects planned in the District. Furthermore, it is also recommended the Board of Trustees approve HMC Architects as the Architect of Record for the new K-8 school project planned for Rancho Mission Viejo.

Motion by _____ Seconded by _____

12. SCHOOL BOARD MEETING SCHEDULE FOR JULY THROUGH DECEMBER:

Regular Board meetings are held on the second and fourth Wednesday of each month. This item presents to the Board of Trustees the proposed schedule of Board meetings for the period July through December 2014.

CUSD Strategic Plan Pillar 5: Effective Operations
Contact: Joseph M. Farley, Superintendent

Staff Recommendation

It is recommended the Board of Trustees approve the proposed July through December 2014 School Board Meeting Schedule.

Motion by _____ Seconded by _____

13. SECOND READING – REVISIONS TO BOARD POLICY 5165, HEALTH EXAMINATIONS:

Board Policy 5165, *Health Examinations*, is the governing policy outlining vision and hearing, scoliosis, and sports examination requirements. The policy was adopted in 1997. The recommended changes clarify the language and comply with current law. There is no financial impact.

CUSD Strategic Plan Pillar 2: Safe and Healthy Schools
Contact: Michelle Le Patner, Assistant Superintendent, Education Services, Secondary

Staff Recommendation

It is recommended the Board President recognize Michelle Le Patner, Assistant Superintendent, Education Services, Secondary, to present this item.

Following discussion, it is recommended the Board of Trustees approve Revisions to Board Policy 5165, *Health Examinations*.

Motion by _____ Seconded by _____

PUBLIC HEARINGS

14. PUBLIC HEARING: PUPIL-TO-TEACHER WAIVER REQUEST FOR CALIFORNIA PREPARATORY ACADEMY:

The Board will conduct a public hearing on the Pupil-to-Teacher Waiver Request for California Preparatory Academy. Supporting information is located in Exhibit 15.

CUSD Strategic Pillar 3: Academic Achievement & Enrichment
Contact: Julie Hatchel, Assistant Superintendent, Education Services, Elementary

Staff Recommendation

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

DISCUSSION/
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EXHIBIT 12

DISCUSSION/
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EXHIBIT 13

INFORMATION/
DISCUSSION

15. PUPIL-TO-TEACHER WAIVER REQUEST FOR CALIFORNIA PREPARATORY ACADEMY:

DISCUSSION/
ACTION
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EXHIBIT 15

This item requests the approval of the Pupil-to-Teacher Waiver Request for California Preparatory Academy. The District is seeking a renewal of the general waiver request of Education Code §71745.6 and California Code of Regulations, Title 5, §11704, and a portion of 11963.4(a)(3) to increase the pupil-to-teacher ratio from 25:1 to up to 34.5:1 at California Preparatory Academy Charter School. The revised ratio would allow resources to be redirected to other services for the direct benefit of students.

CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment

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

Staff Recommendation

It is recommended the Board President recognize Julie Hatchel, Assistant Superintendent, Education Services, Elementary, to present this item.

Following discussion, it is recommended the Board of Trustees approve the Pupil-to-Teacher Waiver Request for California Preparatory Academy.

Motion by _____ Seconded by _____

16. PUBLIC HEARING: PUPIL-TO-TEACHER WAIVER REQUEST FOR CAPISTRANO VIRTUAL AND HOME SCHOOL:

INFORMATION/
DISCUSSION

The Board will conduct a public hearing on the Pupil-to-Teacher Waiver Request for Capistrano Virtual Home School. Supporting information is located in Exhibit 17.

CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment

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

Staff Recommendation

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

17. PUPIL-TO-TEACHER WAIVER REQUEST FOR CAPISTRANO VIRTUAL AND HOME SCHOOL:

DISCUSSION/
ACTION
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EXHIBIT 17

This item requests the approval of the Pupil-to-Teacher Waiver Request for Capistrano Virtual and Home School. The District is seeking a renewal of the general waiver request of Education Code §71745.6 and California Code of Regulations, Title 5, §11704, and a portion of 11963.4(a)(3) to increase the pupil-to-teacher ratio from 25:1 to up to 34.5:1 at Capistrano Virtual and Home School. The revised ratio would allow resources to be redirected to other services for the direct benefit of students.

CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment

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

Staff Recommendation

It is recommended the Board President recognize Julie Hatchel, Assistant Superintendent, Education Services, Elementary, to present this item.

Following discussion, it is recommended the Board of Trustees approve the Pupil-to-Teacher Waiver Request for Capistrano Virtual and Home School.

Motion by _____ Seconded by _____

18. **PUBLIC HEARING: PUPIL-TO-TEACHER WAIVER REQUEST FOR CAPISTRANO CONNECTIONS ACADEMY CHARTER SCHOOL:** INFORMATION/
DISCUSSION
The Board will conduct a public hearing on the Pupil-to-Teacher Waiver Request for Connections Academy. Supporting information is located in Exhibit 19.
CUSD Strategic Pillar 3: Academic Achievement & Enrichment
Contact: Julie Hatchel, Assistant Superintendent, Education Services, Elementary

Staff Recommendation

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

19. **PUPIL-TO-TEACHER WAIVER REQUEST FOR CAPISTRANO CONNECTIONS ACADEMY:** DISCUSSION/
ACTION
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EXHIBIT 19
This item requests the approval of the Pupil-to-Teacher Waiver Request for Capistrano Connections Academy Charter School. The District is seeking a renewal of the general waiver request of Education Code §71745.6 and California Code of Regulations, Title 5, §11704, and a portion of 11963.4(a)(3) to increase the pupil-to-teacher ratio from 25:1 to up to 27.5:1 at Capistrano Connections Academy Charter School. The revised ratio would allow resources to be redirected to other services for the direct benefit of students. The Board of Directors of Capistrano Connections Academy approved requesting renewal of the waiver at the board meeting on January 24, 2012.
CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment
Contact: Julie Hatchel, Assistant Superintendent, Education Services, Elementary

Staff Recommendation

It is recommended the Board President recognize Julie Hatchel, Assistant Superintendent, Education Services, Elementary, to present this item.

Following discussion, it is recommended the Board of Trustees approve the Pupil-to-Teacher Waiver Request for Capistrano Connections Academy.

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

20. **SCHOOL BOARD MINUTES:** Page 245
Approval of the minutes of the November 6, 2013, regular Board meeting. **EXHIBIT 20**
Contact: Jane Boos, Manager, Board Office Operations
21. **MEMORANDUM OF UNDERSTANDING BETWEEN THE DISTRICT AND WESTERN YOUTH SERVICES FOR YOUTH COUNSELING SERVICES:** Page 250
EXHIBIT 21
Approval of the Memorandum of Understanding (MOU) with Western Youth Services for youth counseling services. An MOU between the District and Western Youth Services will increase accessibility to mental health services for children attending San Clemente High School. Western Youth Services, a private nonprofit organization, provides similar services in other Orange County school districts in exchange for office space and computer/internet access. The services are grant funded and provided free of charge to students and their families.
CUSD Strategic Plan Pillar 2: Safe & Healthy Schools
Contact: Joseph M. Farley, Superintendent

CURRICULUM & INSTRUCTION

22. SINGLE SCHOOL PLANS FOR STUDENT ACHIEVEMENT AND BUDGETS FOR 2013-2014:

Approval of the Single School Plans for Student Achievement and Budgets (SPSA) for the 2013-2014 school year. As required by SB374, the purpose of each school's SPSA is to create a cycle of continuous improvement of student performance, and to ensure all students succeed in reaching academic standards set by the State Board of Education. Each plan is developed and initially approved through a process conducted by its School Site Council that includes stakeholder input. Plans are written to cover a two-year period, but are updated annually. The outlined action plans and related expenditures are implemented throughout the school year, and serve as a framework for each school's efforts. Each school's plan is reviewed and approved by its School Site Council, which is composed of a balanced group representing parents, community members, and staff.

CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment

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

23. PETITION TO WAIVE CALIFORNIA HIGH SCHOOL EXIT EXAM:

Approval to waive California Education Code §60851(c) and Board Policy 6162.52 for six students who have completed all requirements for passing the California High School Exit Examination (CAHSEE) subtest in Mathematics and/or English/Language Arts, case number 1314-002 through 1314-007. California Education Code §60851(c) and Board Policy 6162.52 provide authority for the Board of Trustees to review and approve waivers for special education students to pass the CAHSEE with modifications stated in the pupil's Individualized Education Program. Supporting information is provided to Trustees under separate cover to protect the student's rights under the Family Educational Rights and Privacy Act. There is no financial impact.

CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment

Contact: Michelle Le Patner, Assistant Superintendent, Education Services, Secondary

24. EXPULSION READMISSIONS:

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

CUSD Strategic Plan Pillar 2: Safe and Healthy Schools

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

BUSINESS & SUPPORT SERVICES

25. 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 \$3,535,412.78 and the commercial warrants total \$11,388,162.28. 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

26. DONATION OF FUNDS AND EQUIPMENT:

Approval of donations of funds and equipment. A number of gifts have been donated to the District, including \$207,180.41 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 25

Page 300
EXHIBIT 26

27. INDEPENDENT CONTRACTOR, PROFESSIONAL SERVICES, FIELD SERVICE, AND MASTER CONTRACT AGREEMENTS:

Approval of the District standardized Independent Contractor, Professional Services, Master Contract, and Field Service Agreements. Due to state budget cuts to schools over the last several years, 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 \$137,855, four new agreement ratifications totaling \$44,996.45, one extension to an existing agreement totaling \$16,200, and two extension ratifications totaling \$60,000.

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

28. SPECIAL EDUCATION INFORMAL DISPUTE RESOLUTION AGREEMENT:

Approval of the special education Informal Dispute Resolution Agreement Case #066913. 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

29. SPECIAL EDUCATION SETTLEMENT AGREEMENT:

Approval of the ratification of special education Settlement Agreement Case #2013090572. 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

30. RESOLUTION NO. 1314-27 - ANNUAL AND FIVE-YEAR REPORTABLE FEES REPORT FOR FISCAL YEAR 2012-2013, IN COMPLIANCE WITH GOVERNMENT CODE §66006 AND §66001:

Approval of Resolution No. 1314-27 authorizing the Annual and Five-Year Reportable Fees Reports for Fiscal Year 2012-2013, in compliance with Government Code §66006 and §66001. On February 9, 1998, the Board of Trustees adopted guidelines in Senate Bill 1693, legislation requiring school districts to justify and report the need and reasonableness of any collection and spending of developer fees for new school facilities. In compliance with Government Code §66006 and §66001, findings on the type and amounts of fees are to be published in Annual and Five-Year Reports, as long as the District continues to use developer fees as a funding mechanism for new school facility projects. Also, the District published a "Notice of Public Meeting," and made the reports available to the public at least 15 days prior to the District's Board meeting.

CUSD Strategic Plan Pillar 5: Effective Operations

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

31. SERVICE AGREEMENTS 403(B) PLAN AND 457(B) PLAN – NATIONAL BENEFIT SERVICES, LLC AND SCHOOLSFIRST FEDERAL CREDIT UNION:

Page 372
EXHIBIT 31

Approval of the service agreements with National Benefit Services, LLC; and SchoolsFirst Federal Credit Union to provide third-party administration services for the District's 403(b) and 457(b) plans. These agreements are effective January 1, 2014, through December 31, 2016. National Benefit Services and SchoolsFirst Federal Credit Union were selected to provide services through the Request-for-Proposal process and have agreed to maintain the same terms and conditions as the original contract. There is no financial impact.

CUSD Strategic Plan Pillar 5: Effective Operations

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

32. AWARD BID NO. 1314-15, CO-CURRICULAR BUS SERVICE, VARIOUS VENDORS:

Page 414
EXHIBIT 32

Approval of Award of Bid No. 1314-15, Co-Curricular Bus Service to the following vendors: Certified Transportation Services, Incorporated; JFK Transportation Co., Incorporated; Transportation Charter Services, Incorporated; Pacific Coast Sightseeing Tours & Charters, Incorporated; and First Student, Incorporated, for transportation services, as needed by the District. Eight vendors registered and downloaded documents; five bids were received and opened on October 21, 2013. Three categories of transportation services are provided under this contract: Category #1 School Buses; Category #2 SPAB (CHP Approved School Pupil Activity Buses with Recliners and Restrooms); and Category #3 Wheelchair. A primary, secondary, and alternate vendor has been identified for each of the three categories of transportation services based on the prices bid, and the typical trip scenarios used to evaluate the bid, as shown in the exhibit. The District conducted terminal inspections prior to the award of bid. Vendors were notified, in writing, to cure any violations noted at the time of inspection. The contract allows for inspections at any time during the contract term, with the ability to terminate the contract with 30 days written notice if the vendor fails to cure any violation. The term of the base contract is for one year beginning January 1, 2014, through December 31, 2014, with two one-year renewal terms at the option of the Board of Trustees. Annual expenditures utilizing this contract are estimated to be \$400,000, funded by the appropriate accounts, including ASB and parent groups.

CUSD Strategic Plan Pillar 5: Effective Operations

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

33. AWARD BID NO. 1314-14, MOVEMENT AND RECONFIGURATION OF RELOCATABLE BUILDINGS, G.A. DOMINGUEZ:

Page 462
EXHIBIT 33

Approval of Award of Bid No. 1314-14, Movement and Reconfiguration of Relocatable Buildings to G.A. Dominguez. Sixteen contractors registered and downloaded documents; six bids were received and opened on June 11, 2013. One bid was deemed non-responsive because the contractor did not include Addendum No. 1 in the bid submittal. G.A. Dominguez is the lowest responsive, responsible bidder. The term of the base contract is for one year beginning January 1, 2014, through December 31, 2014, with two one-year renewal terms, at the option of the Board of Trustees. Annual expenditures utilizing this contract are estimated to be \$150,000, funded by deferred maintenance, routine restricted maintenance, modernization, and site funds.

CUSD Strategic Plan Pillar 5: Effective Operations

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

34. **EXTENSION AND AMENDMENT TO INDEPENDENT CONTRACTOR AGREEMENT - ALPENSAPRUCE, LLC:** Page 482
EXHIBIT 34
 Approval of the Extension and Amendment to Independent Contractor Agreement No. I1112088 with AlpenSpruce, LLC. This agreement provides services related to the development, training, and deployment of SharePoint software, as required by the District. The consultant will provide services at the previously negotiated reduced pricing for the renewal period. The Amendment adds Special Conditions to the contract titled Cooperation Agreement related to product development and resale. Annual expenditures under this contract are limited to \$75,000.
CUSD Strategic Plan Pillar 5: Effective Operations
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
35. **EXTENSION OF INDEPENDENT CONTRACTOR AGREEMENT – KNOWLAND CONSTRUCTION SERVICES:** Page 502
EXHIBIT 35
 Approval of the Extension of Independent Contractor Agreement No. I1011109 with Knowland Construction Services to provide Division of the State Architect approved inspectors of record for construction projects, as required by the District. The contractor agreed to maintain previously negotiated discounted pricing. Annual expenditures under this contract are limited to \$400,000, funded by the appropriate project account.
CUSD Strategic Plan Pillar 5: Effective Operations
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
36. **EXTENSION OF INDEPENDENT CONTRACTOR AGREEMENT – MTGL, INCORPORATED:** Page 514
EXHIBIT 36
 Approval of the Extension of Independent Contractor Agreement No. I1011110 with MTGL, Incorporated to provide special inspections and materials testing for construction projects, as required by the District. The contractor agreed to renew the contract incorporating the mandatory prevailing wage increases. Annual expenditures under this contract are limited to \$200,000, funded by the appropriate project account.
CUSD Strategic Plan Pillar 5: Effective Operations
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
37. **EXTENSION OF INDEPENDENT CONTRACTOR AGREEMENT – NINYO & MOORE:** Page 534
EXHIBIT 37
 Approval of the Extension of Independent Contractor Agreement No. I1011111 with Ninyo & Moore to provide special inspections and materials testing for construction projects, as required by the District. The consultant will provide services at the discounted rates shown in the agreement for the renewal term. The prevailing wage staff type rates reflect a \$2.00 per hour prevailing wage increase. Annual expenditures under this contract are limited to \$200,000, funded by the appropriate project account.
CUSD Strategic Plan Pillar 5: Effective Operations
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
38. **REJECTION OF BID NO. 1314-13 ELECTRICAL SERVICE:**
 Rejection of all bids submitted for electrical service. A clerical error was made on the Bid Evaluation Form making the job scenarios unclear to the bidders. The Bid Evaluation Form and job scenarios will be revised and electrical service will be re-bid. Public Contract Code §20111 governs the letting of contracts for school districts. In addition to the public contract code, courts have held that districts may reject all bids for any reason and at any time before the bid has been awarded. The Board has the discretion and ability to award the contract or reject all bids.
CUSD Strategic Plan Pillar 5: Effective Operations
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

39. DESERT SANDS UNIFIED SCHOOL DISTRICT BID NO. 13/14-003, CHROMEBOOKS – CDWG, INCORPORATED:

Approval to utilize the Desert Sands Unified School District Bid No. 13/14-003 for the purchase of Chromebooks from CDWG Incorporated, under the same terms and conditions of the public agency’s contract. This contract provides competitive set pricing for Chromebooks, as needed, throughout the District. Once a Chromebook model is chosen, this bid may be utilized to purchase the appropriate quantities to meet the District’s needs. Annual expenditures utilizing this contract are approximately \$300,000, funded by Common Core Funding.

School boards have the authority to “piggyback” on another public agency’s bid, per Public Contract Code §20118, when it is in the best interest of a district. It is often advantageous to utilize piggyback bids when contract items are identical to the District’s specifications. Using piggyback contracts saves time and often provides lower prices than a single jurisdiction would be able to obtain.

Due to the size of the contract and award, the documentation will be posted online on the District Board Agendas and Supporting Documentation page.

CUSD Strategic Plan Pillar 5: Effective Operations

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

40. GOVERNMENT CLAIM NUMBER 13-13981 DP:

Denial of Government Claim number 13-13981DP filed against the District. This item pertains to a claim filed against the District by the Law Office of Timothy J. Swift for Patrick De Lorenzo, a minor student. On May 21, 2013, at Newhart Middle School, the student was participating in a mile run during sixth-period physical education class. The student tripped, fell forward and landed on his right arm causing a fractured right wrist. Denial of this claim does not have any financial implications. This action establishes procedural timelines.

CUSD Strategic Plan Pillar 5: Effective Operations

Contact: Jodee Brentlinger, Assistant Superintendent, Personnel Services

PERSONNEL SERVICES

41. RESIGNATIONS/RETIREMENTS/EMPLOYMENT–CLASSIFIED EMPLOYEES:

Page 550
EXHIBIT 41

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

42. RESIGNATIONS/RETIREMENTS/EMPLOYMENT – CERTIFICATED EMPLOYEES:

Page 566
EXHIBIT 42

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

43. RECOMMENDATION FOR HEALTH AND WELFARE BENEFITS MODIFICATION FOR EMPLOYEES:

Page 576
EXHIBIT 43

Approval of offering of an additional PPO health plan for the 2014 calendar year. The Education Employment Relations Act defines Health and Welfare benefits are a mandatory subject of bargaining. As such, Health and Welfare benefits are contained in the collective bargaining agreements of the District’s three represented employee groups (CSEA, CUEA, and Teamsters). In an effort to provide employees a variety of insurance plans without increasing costs to the District, employee groups requested their Health and Welfare Benefits contract article remain open for discussion. Once the District and employee groups received the published rates, parties met to discuss plan options, which resulted in the addition of a PPO plan.

CUSD Strategic Plan Pillar 5: Effective Operations

Contact: Jodee Brentlinger, Assistant Superintendent, Personnel Services

44. FIRST QUARTER SITE REVIEW REPORT REQUIRED BY THE WILLIAMS SETTLEMENT LEGISLATION, 2013-2014 SCHOOL YEAR

Page 578
EXHIBIT 44

Acceptance of Williams Settlement First Quarter Site Review Report. As a result of the Williams Settlement, Education Code §35186 mandates school districts establish policies and procedures to resolve deficiencies related to textbooks and instructional materials, teacher vacancies or misassignments, facility conditions posing a threat to student/staff health or safety, and instruction and services for the California High School Exit Examination. The law requires that any deficiencies or complaints be reported to the Board of Trustees at a regularly scheduled public meeting each quarter. An inspection of Kinoshita Elementary School yielded two facility conditions, and an inspection of Viejo Elementary School yielded five facility conditions. Administrators and Maintenance & Operations are addressing these deficiencies.

CUSD Strategic Plan Pillar 5: Effective Operations

Contact: Jodee Brentlinger, Assistant Superintendent, Personnel Services

Motion by _____

Seconded by _____

ROLL CALL:

Student Advisor Leilah Rodriguez____

Trustee Addonizio_____

Trustee Alpay _____

Trustee Bryson _____

Trustee Hanacek_____

Trustee Hatton _____

Trustee Pritchard _____

Trustee Reardon_____

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, JANUARY 8, 2014, 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.