

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES – REGULAR MEETING
AUGUST 14, 2013
EDUCATION CENTER – BOARD ROOM

President Alpay called the meeting to order at 6:00 p.m. The Board recessed to closed session to confer with Labor Negotiators and discuss Public Employee Performance Evaluation.

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 Assistant Superintendent Julie Hatchel.

Present: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton, Pritchard, and Reardon

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

Permanent Record

It was moved by Trustee Hatton, seconded by Trustee Bryson, 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, and Reardon
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 #3 A – Conference with Labor Negotiators:

No action was taken.

Agenda Item #3 B– Public Employee Performance Evaluation: Superintendent

President Alpay read the following statement on behalf of the Board of Trustees:

The Board acknowledges Dr. Farley’s successful completion of his third year as Superintendent and the instructional focus and stability that he has brought to the District. The Board appreciates Dr. Farley’s excellent leadership and looks forward to his continued success during the 2013-2014 school year. Dr. Farley’s experience and knowledge has had a significant impact on virtually every aspect of our school system.

Trustee Bryson shared she has received many positive comments and compliments from the community regarding Dr. Farley’s leadership in the District.

Board and Superintendent Comments

Dr. Farley responded that it is an honor to be the superintendent of this District, acknowledged District staff and teachers for his success, and thanked the Board for their supportive comments.

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:

- *Michael Dunbar asked the Board to assist him in resolving an issue, from June, with a teacher regarding a correction to his son's final report card grade.*
- *Stan Wasbin asked the Board to write a letter to the governor requesting a waiver from implementing Assembly Bill 1266 which forces schools to allow students to participate in sex-segregated school programs, sports activities, and to be allowed access to bathroom and locker room of the student's choice consistent with his or her opinion of their gender.*
- *Shauna Hull, Pam Klevit, and Gillian Perry asked the Board to support the arts at San Clemente High School by building a performing arts center as the facility students currently use for performances is unsafe and inadequate.*
- *Martha McNicholas thanked Board members who participated in Relay for Life events throughout the District and presented Dr. Farley with a certificate of appreciation and a Relay for Life t-shirt for the District's support of the events.*

DISCUSSION/ACTION

President Alpay announced the Public Hearing open at 7:24 p.m. regarding the recommendation of Tentative Agreement with Capistrano Unified Education Association for July 1, 2013 – June 30, 2014. The following speakers addressed the Board:

**Public Hearing:
Tentative
Agreement with
CUEA
Agenda Item 1**

- Terri Mostert and Dawn Urbanek shared their dissatisfaction that the teachers' tentative agreement was good for teachers but not students.

President Alpay declared the Public Hearing closed at 7:30 p.m.

Assistant Superintendent Jodee Brentlinger began by announcing CUEA ratified this agreement this afternoon. Mrs. Brentlinger stated the District is receiving additional funding this year due to increased state revenues and a restructured funding model for California public schools. The agreement adds two additional instructional days and incrementally reduces class sizes.

**Tentative
Agreement with
CUEA
Agenda Item 2**

Following discussion, it was moved by Trustee Reardon, seconded by Trustee Addonizio, to continue this item to the August 28, 2013, Board meeting and directed staff to go back and review the budget to find \$2.8 million so the District can operate at 180 days of instruction this school year.

Following further discussion, President Alpay made a substitute motion, seconded by Trustee Pritchard, and motion carried by a 4-3 vote to approve the Tentative Agreement with CUEA for July 1, 2013 – June 30, 2014.

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

President Alpay announced the Public Hearing open at 8:02 p.m. regarding the recommendation of the Material Revision of Oxford Preparatory Academy Charter Petition. The following speaker addressed the Board:

**Public Hearing:
Material Revision
of OPA Charter
Petition
Agenda Item 3**

- *Erin Piller asked the Board to approve Oxford Preparatory Academy's request for increased enrollment.*

President Alpay declared the Public Hearing closed at 8:07 p.m.

Assistant Superintendent Julie Hatchel stated the District received the Oxford Preparatory Academy (OPA) Charter Petition on October 31, 2010. The District granted an initial material revision to the Petition on January 25, 2012, to increase its total enrollment from 628 to 772 for 2012-2013, and subsequent school years. On May 28, 2013, the District received OPA's request for further material revision of its Charter Petition seeking an increase of its independent study enrollment by 60 students, from 100 to 160. A revised request was submitted on July 19, 2013, requesting an increase of enrollment of the OPA classroom-based program by 32 students from 672 to 704. In total, OPA requested to increase student enrollment to 864.

**Material Revision
of OPA Charter
Petition
Agenda Item 4**

Following discussion, it was moved by Trustee Bryson, seconded by Trustee Addonizio, and motion carried unanimously to approve staff recommendations as follows:

1. Grant the material revision increasing enrollment of OPA's Independent Study program by 60 students, providing the charter abide by its commitment to adequate housing, materials, and staffing to accommodate the increased Independent Study enrollment.
2. Grant conditional approval of the increase of enrollment of OPA's seat-based program by 32 students. Recommended conditions of approval are that the charter sign a memorandum of understanding to commit to the following conditions:
 - a. Cap the total enrollment of the OPA program at the Barcelona site to the enrollment configurations proposed in the Combined Material Revision. This cap would remain in place throughout the duration of OPA's use of the Barcelona campus.
 - b. OPA will implement a traditional AM/PM kindergarten program, requiring the use of only one classroom for two kindergarten classes.
 - c. OPA will house the proposed increase classroom-based enrollment within the existing space currently allocated to OPA on the Barcelona campus.
3. A stipulation be made that if a signed memorandum is not executed by the time set forth in the staff report, the Board postpone approval or denial of OPA's request for material revision to increase its seat-based program to allow District staff adequate time to discuss concerns regarding the conditions of approval. If postponed, the Board would need to reconsider approval/denial of the material revision

President Alpay requested the Board address Agenda Item 6 prior to Agenda Item 5. There was no objection by Board members.

President Request

Deputy Superintendent Clark Hampton explained his PowerPoint presentation incorporated both Agenda Items 5 and 6 and during the discussion of Item 6 he would focus on the aspects of CFD 90-1. President Alpay explained he requested the change in the order of these two items because he will recuse himself from Agenda Item 5 as he lives within Community Facilities District 90-2. President Alpay requested Trustees restrict their discussion to CFD 90-1 following Mr. Hampton's presentation. Following the presentation, Mr. Hampton informed the Board that Andrea Roess from David Taussig & Associates, Inc. and Lynh Nguyen from Bowie, Arneson, Wiles & Giannone were present to answer questions. (The PowerPoint is available for viewing on the District website at www.capousd.org).

**CFD 90-1
Agenda Item 6**

It was moved by Trustee Reardon, seconded by Trustee Addonizio, and motion carried unanimously for Scenario 4 (reduce levy, levy additional \$120,000 to account for lost reserve fund interest earnings) and approve Resolution No. 1314-08, authorizing the levy of Special Taxes in CFD 92-1 (Las Flores) for fiscal year 2013-2014.

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

President Alpay recused himself from this item and left the Board room. Vice President Hatton called upon Deputy Superintendent Clark Hampton to continue the PowerPoint presentation for this item. (The PowerPoint is available for viewing on the District website at www.capousd.org).

**CFD 90-2,
Improvement Area
No. 2002-1
Agenda Item 5**

It was moved by Trustee Addonizio, seconded by Trustee Bryson, to approve Scenario 1 (reduce levy) and approve Resolution No. 1314-07 authorizing the levy of Special Taxes in Improvement Area No. 2002-1 of CFD No. 90-2.

Following further discussion, Trustee Hanacek made a substitute motion, seconded by Trustee Pritchard, and motion carried by a 6-0 vote to approve Scenario 2 (facilities) and approve Resolution No. 1314-07 authorizing the levy of Special Taxes in Improvement Area No. 2002-1 of CFD No. 90-2.

ROLL CALL: AYES: Trustees Addonizio, Bryson, Hanacek, Hatton, Pritchard, and Reardon
NOES: None
ABSENT: None
ABSTAIN: None
RECUSED: Trustee Alpay

Following the vote, President Alpay returned to the Board room.

Assistant Superintendent Julie Hatchel stated changes to the adopted calendar are necessary to align the calendar with the Capistrano Unified Education Association agreement.

**Revised 2013-2014
School Calendar
Agenda Item 7**

It was moved by Trustee Pritchard, seconded by Trustee Bryson, and motion carried by a 5-2 vote to approve the proposed 2013-2014 final revised school calendar.

AYES: Trustees Alpay, Bryson, Hanacek, Hatton, and Pritchard
NOES: Trustees Addonizio and Reardon

Assistant Superintendent Sara Jocham stated Board Policy 5160.1, *Release of Special Education Pupils by Bus Driver*, is being revised to require the presence of an adult at the drop-off location for preschool and elementary students receiving curb-to-curb transportation. Mrs. Jocham requested the Board waive the second reading so the policy may be implemented and parents informed prior to the start of the 2013-2014 school year.

**Revisions to Board
Policy 5160.1
Agenda Item 8**

It was moved by Trustee Reardon, seconded by Trustee Addonizio, and motion carried unanimously to waive the second reading and approve the revisions to Board Policy 5160.1, *Release of Special Education Pupils by Bus Driver*.

Superintendent Joseph Farley stated Board Bylaw 9100, *Annual Organizational Meeting*, is being revised to reflect the Board's current practices at its annual organizational meeting. President Alpay requested staff revise #7, Select Regional Occupational Program representatives, by adding "to be effective January 1." This policy will be brought back to the August 28 Board meeting for a second reading.

**Revisions to Board
Bylaw 9100
Agenda Item 9**

President Alpay asked Trustees for items they wished to pull from the Consent Calendar. Agenda items 20, 29, 30, and 35 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 July 24, 2013, regular Board meeting.

**Minutes
Agenda Item 10**

Amendment to the Conflict of Interest Code Designated Filers.

**Conflict of Interest
Code
Agenda Item 11**

Athletic Training Affiliate/Allied Site Agreement to allow Concordia University to send athletic training students to San Juan Hills High School to receive education experience working under a Certified Athletic Train.

**Agreement with
Concordia
University
Agenda Item 12**

Student teaching agreement with Western Governors University.

**Agreement with
Western Governors
University
Agenda Item 13**

Proposed 2014 Extended School Year (ESY) program.

**ESY Proposal
Agenda Item 14**

Purchase orders, warrants, and previously Board-approved bids and contracts as listed.

**Purchase
Orders/Warrants
Agenda Item 15**

Donation of Equipment.

**Donations
Agenda Item 16**

Ratification of the District standardized Professional Services and Master Contract Agreements.

**Professional
Services
Agreements
Agenda Item 17**

Special education Informal Dispute Resolution Agreement Case #065713, Case #066613, and Case #067013.

**Informal Dispute
Resolution
Agreement
Agenda Item 18**

Special education Informal Dispute Resolution Agreement Case #013113.

**Informal Dispute
Resolution
Agreement
Agenda Item 19**

Resolution No. 1314-04 authorizing the levy of Special Taxes in Community Facilities District (CFD) No. 88-1 (Rancho Santa Margarita) for fiscal year 2013-2014.

**CFD 88-1
Agenda Item 21**

Resolution No. 1314-05 affirming, ratifying, and authorizing the levy of a Special Tax in Community Facilities (CFD) No. 90-1 (Coto de Caza), for fiscal year 2013-2014.

**CFD 90-1
Agenda Item 22**

Resolution No. 1314-06 authorizing the levy of Special Taxes in Community Facilities District (CFD) No. 90-2 (Talega) for fiscal year 2013-2014.	CFD 90-2 Agenda Item 23
Resolution No. 1314-09 authorizing the levy of Special Taxes in Community Facilities District (CFD) No. 94-1 (Rancho Santa Margarita) for fiscal year 2013-2014.	CFD 94-1 Agenda Item 24
Resolution No. 1314-10 authorizing the levy of Special Taxes in Community Facilities District (CFD) No. 98-1A (Pacifica San Juan) for fiscal year 2013-2014.	CFD 98-1A Agenda Item 25
Resolution No. 1314-11 authorizing the levy of Special Taxes in Community Facilities District (CFD) No. 98-2 (Ladera) for fiscal year 2013-2014.	CFD 98-2 Agenda Item 26
Resolution No. 1314-12 authorizing the levy of Special Taxes in Community Facilities District (CFD) No. 2004-1 (Rancho Madrina) for fiscal year 2013-2014.	CFD 2004-1 Agenda Item 27
Resolution No. 1314-13 authorizing the levy of Special Taxes in Community Facilities District (CFD) No. 2005-1 (Whispering Hills) for fiscal year 2013-2014.	CFD 2005-1 Agenda Item 28
Ratification of Change Order No. 20 related to the construction of the Capistrano Valley High School Performing Arts Center.	Change Order # 20 CVHS Performing Arts Center Agenda Item 31
Ratification of the AVID (Advancement Via Individual Determination) Implementation Agreement with the AVID Center to provide membership, materials, and training for 12 schools listed in the exhibit.	AVID Implementation Agreement Agenda Item 32
Master Services and License Agreement with Accelerate Education to provide online curriculum for fifth grade students in math, language arts, science, and social studies for Capistrano Virtual School.	Master Services/License Agreement Agenda Item 33
Ratification of a Professional Services Contract for Curriculum and Services with National Network of Digital Schools Management Foundation.	Professional Services Contract Agenda Item 34
Ratification of an Income Agreement No. 39535 with the Orange County Superintendent of Schools to provide the services of Jane Vogel for functional vision assessments and consultation for District students.	Income Agreement Agenda Item 36
Ratification of a lease/rental agreement with the Orange County Fire Authority.	Lease/Rental Agreement Agenda Item 37
Award of Request for Qualifications No. 3-1314, Mass Notification System to SchoolMessenger by Reliance Communications, LLC.	RFQ Award-Mass Notification System Agenda Item 38
Submission of the Labor Compliance Program Annual Report for the period of July 1, 2012, through June 30, 2013, to the Department of Industrial Relations (DIR) in accordance with Assembly Bill 1506.	Labor Compliance Program Annual Report Agenda Item 39

Declaration of surplus items listed and described as surplus, and approval of the public and private disposition of the surplus items in accordance with Education Code §§17545-17546 and Board Policy 3270.

**Declaration of Surplus Items
Agenda Item 40**

Extension of School Bus Service Agreement No. C1011065 with JSERRA Catholic High School.

**Extension of School Bus Service Agreement
Agenda Item 41**

Advertise for Request for Proposal (RFP) No. 5-1314 for consultant services related to school developer fees.

**Advertise RFP for Consulting Services
Agenda Item 42**

Resignations, retirements, and employment of classified personnel.

**Resignations/Retirements/
Employment (Classified Personnel)
Agenda Item 43**

Resignations, retirements, and employment of certificated personnel.

**Resignations/Retirements/
Employment (Certificated Personnel)
Agenda Item 44**

ROLL CALL: AYES: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton, Pritchard, and Reardon

NOES: None

ABSENT: None

ABSTAIN: None

Trustee Addonizio stated she wanted to confirm the item contains an automatic increase of 2.88 percent. Andrea Roess from David Taussig & Associates, Inc. responded the tax rate did escalate by 2 percent due to some new development within the district, so the total increased greater than the basic 2 percent.

**CFD 87-1
Agenda Item 20**

It was moved by Trustee Reardon, seconded by Trustee Addonizio, to approve Resolution No. 1314-03 authorizing the levy of Special Taxes in Community Facilities District (CFD) No. 87-1 (Mission Viejo/Aliso Viejo) for fiscal year 2013-2014 subject to the elimination of the 2 percent increase.

President Alpay stated Trustees Reardon's motion involves a reduction with a direct financial impact and there are two Trustees who reside in Mission Viejo. Trustee Alpay requested Trustees Addonizio and Hatton verify, for the record, if they live within CFD 87-1. Trustee Addonizio responded she resides in Mission Viejo but does not live within CFD 87-1. Trustee Hatton stated she did not know if she lives within CFD 87-1.

To allow counsel time to review the current resolution regarding adoption of levy without an escalation, it was moved by Trustee Reardon, seconded by Trustee Bryson, and motion carried unanimously to continue this item following the discussions for Agenda Items 29, 30, and 35.

At 9:50 p.m., following the discussion/action on Agenda Items 29, 30, and 35, the Board returned to this item. Believing that she resided in CFD 87-1 Trustee Hatton recused herself and left the Board room.

Following counsel's report and further discussion, President Alpay made a substitute motion, seconded by Trustee Hanacek, and motion carried by a 5-1 vote to approve Resolution No. 1314-03 authorizing the levy of Special Taxes in Community Facilities District No. 87-1 (Mission Viejo/Aliso Viejo) for fiscal year 2013-2014.

Trustees directed staff to place CFD 87-1 on the August 28, 2013, agenda for further Board discussion. Staff's presentation is to be an amendment to this resolution, without the increase, for the purpose of discussion and Brown Act compliance.

ROLL CALL: AYES: Trustees Addonizio, Alpay, Hanacek, Pritchard, and Reardon
NOES: Trustee Bryson
ABSENT: None
ABSTAIN: None
RECUSED: Trustee Hatton

Trustee Reardon stated he would be addressing both Agenda Items 29 and 30 together. Trustee Reardon stated the agreements give the District priority use of the parks during school hours but not exclusive use of the parks during those hours. He is concerned about elementary students using the park when community members are using it. Deputy Superintendent Clark Hampton responded elementary students are kept separate and do not interact with others using the park during school hours.

**Limited Use License Agreement with SAMLARC
Agenda Item 29
Agenda Item 30**

It was moved by Trustee Reardon, seconded by Trustee Bryson, and motion carried unanimously to approve renewal of the Limited Use License Agreement with Rancho Santa Margarita Landscape and Recreation Corporation (SAMLARC) for student use of Arroyo Vista Park and renewal of the Limited Use License Agreement with SAMLARC for student use of Tijeras Creek Park.

Trustee Reardon asked staff to explain what student data is being used and who is accessing the data. Assistant Superintendent Michelle Le Patner stated the District submits demographic data. StudentTracker partners with 98 percent of public and private universities in the United States and provides information to the District regarding the persistence rate of our students, when student's apply, are admitted, and then graduate. The District sets the parameter for what student information is submitted and who can access the information.

**StudentTracker for High Schools Agreement
Agenda Item 35**

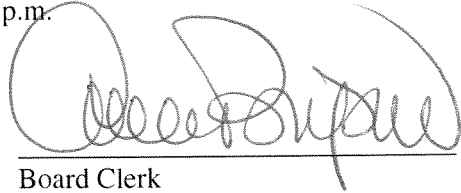
Following discussion, it was moved by Trustee Reardon, seconded by Trustee Hatton, and motion carried unanimously to approve StudentTracker for High Schools Agreement with National Student Clearinghouse to provide a nationwide, central repository of information on student enrollment, degrees, diplomas, certificates, and other educational achievements for the District.

It was moved by Trustee Bryson, seconded by Trustee Addonizio, and motion carried by a 6-0 to adjourn the meeting.

Adjournment

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

President Alpay announced the meeting adjourned at 9:58 p.m.

A handwritten signature in black ink, appearing to be "Deborah Alpay", written over a horizontal line.

Board Clerk

A handwritten signature in black ink, appearing to be "Joseph M. Farley", written over a horizontal line.

Secretary, Board of Trustees

Minutes submitted by Jane Boos, Manager, Board Office Operations