

CAPISTRANO UNIFIED SCHOOL DISTRICT  
33122 Valle Road  
San Juan Capistrano, CA 92675

BOARD OF TRUSTEES  
Regular Meeting

February 12, 2014

Open Session – **7:30 p.m.**  
Closed Session – Following Open Session

**AGENDA**

**OPEN SESSION AT 7:30 P.M.**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ADOPTION OF THE AGENDA – ROLL CALL**

**SPECIAL RECOGNITIONS**

*Sergeant Nancy Wilkey – Safety and Well Being of District Children  
Student Body President's Report – Dana Hills High School*

**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.

**PUBLIC HEARINGS: Agenda Item #1 Class Size Penalty Waiver Request**

**RECORDING OF SCHOOL BOARD MEETINGS**

**In accordance with Board Policy 9324, Board Minutes, all Regular School Board Meetings will be audio recorded.**

**PUBLIC HEARING**

1. **PUBLIC HEARING: REQUEST TO WAIVE THE PENALTY FOR CLASS SIZE INCREASES IN KINDERGARTEN THROUGH EIGHTH GRADE:** INFORMATION/  
DISCUSSION

The Board will conduct a public hearing on a request to waive the penalty for class size increases in kindergarten through eighth grade. Supporting information is located in Exhibit 2.

***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 the item, and after hearing any speakers, formally close the public hearing.

2. **REQUEST TO WAIVE THE PENALTY FOR CLASS SIZE INCREASES IN KINDERGARTEN THROUGH EIGHTH GRADE:** DISCUSSION/  
ACTION

The District is requesting California Department of Education waive the penalty for increasing kindergarten through third grade individual class sizes and kindergarten through eighth grade class size averages in the 2014-2015 school year. Previous approval was granted for the kindergarten, first through third, and fourth through eighth grade waivers for the 2011-2012, 2012-2013, and 2013-2014 school years. This request is a renewal of the same waivers. Approval of the waivers would eliminate penalties for overall kindergarten class averages above 31, first through third grade class averages above 30, and grades four through eight averages above 29.9. The waiver would also eliminate the penalties for increasing the individual class size in kindergarten to above 33 and individual class size in grades one through three to above 32. The maximum individual class size in kindergarten through third grade would be 35 students. The maximum District class average would be 33 students in kindergarten and 34 students in grades one through three. Approval of these waivers would also provide additional staffing and placement options that will reduce the number of combination classes at the elementary level. Deadlines of the State of California require that this action be considered by the Board before the District completes its negotiations with employee groups and develops its budget priorities for the 2014-2015 school year. Based on budget estimates from the state, staff anticipates that class sizes will decrease in the 2014-2015 school year. This action is being taken in case budget projections change and the class size waiver is needed.

***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 Request to Waive the Penalty for Class Size Increases in Kindergarten through Eighth Grade.

Motion by \_\_\_\_\_

Seconded by \_\_\_\_\_

Page 1  
**EXHIBIT 2**

**DISCUSSION/ACTION ITEMS**

3. **PRESENTATION BY REPRESENTATIVES OF HAZARD, YOUNG, ATTEA & ASSOCIATES CONCERNING THE SEARCH PROCESS FOR DISTRICT SUPERINTENDENT:** INFORMATION/  
DISCUSSION

During the preceding special Board meeting, representatives of Hazard, Young, Attea & Associates engaged the Board in a planning session on the firm's superintendent selection process. This agenda item provides an opportunity for members of the public, who were not present at the special meeting, to learn more about the search process for a District superintendent from the firm's representatives, Bill Attea and Carolyn McKennan.

*CUSD Strategic Plan Pillar 5: Effective Operations*

*Contact: Joseph M. Farley, Superintendent*

Staff Recommendation

It is recommended the Board President introduce Bill Attea and Carolyn McKennan from Hazard, Young, Attea & Associates to present this item.

4. **CONSIDERATION OF THE RENEWAL OF EXISTING CELLULAR FACILITIES LEASE AGREEMENTS:** DISCUSSION/  
ACTION  
Page 3  
**EXHIBIT 4**

Staff will ask the Board of Trustees to consider a renewal of the existing cellular facilities lease agreements.

*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 direct staff in the Consideration of the Renewal of Existing Cellular Facilities Lease Agreements.

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**

5. **SCHOOL BOARD MINUTES:** Page 7  
Approval of the minutes of the January 8, 2014, regular Board meeting. **EXHIBIT 5**  
*Contact: Jane Boos, Manager, Board Office Operations*
6. **SCHOOL BOARD MINUTES:** Page 13  
Approval of the minutes of the January 15, 2014, special Board meeting. **EXHIBIT 6**  
*Contact: Jane Boos, Manager, Board Office Operations*
7. **SCHOOL BOARD MINUTES:** Page 15  
Approval of the minutes of the January 22, 2014, regular Board meeting. **EXHIBIT 7**  
*Contact: Jane Boos, Manager, Board Office Operations*

**CURRICULUM & INSTRUCTION**

- 8. 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: Michelle Le Patner, Assistant Superintendent, Education Services, Secondary
- 9. RESOLUTION NO. 1314-33, DESIGNATED REPRESENTATIVE FOR SIGNATURE FOR COMMUNITY CARE LICENSING CHILD CARE DIVISION DOCUMENTS:** Page 23  
EXHIBIT 9  
 Approval of Resolution No. 1314-33 will authorize the District to designate representatives to sign documents for the Community Care Licensing Child Care Division. Board approval is required for Debra R. Keeler, Director IV, Early Childhood Programs, to be designated as an authorized representative to sign documents for the Community Care Licensing Child Care Division for Fiscal Years 2013-2014 and 2014-2015.  
*CUSD Strategic Plan Pillar 5: Effective Operations*  
 Contact: Julie Hatchel, Assistant Superintendent, Education Services, Elementary
- 10. STUDENT TEACHING AGREEMENT – BRANDMAN UNIVERSITY:** Page 25  
EXHIBIT 10  
 Approval of the student teaching agreement with Brandman University. During the school year master teachers are selected to work with student teachers to fulfill the requirements for student teaching at various institutes of higher education. Student teaching is the fieldwork experience necessary to earn a teaching credential.  
*CUSD Strategic Plan Pillar 1: Community Relations*  
 Contact: Julie Hatchel, Assistant Superintendent, Education Service, Elementary

**BUSINESS & SUPPORT SERVICES**

- 11. PURCHASE ORDERS, COMMERCIAL WARRANTS, AND PREVIOUSLY BOARD-APPROVED BIDS AND CONTRACTS:** Page 33  
EXHIBIT 11  
 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 \$805,726.31 and the commercial warrants total \$6,241,825.51. 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
- 12. DONATION OF FUNDS AND EQUIPMENT:** Page 59  
EXHIBIT 12  
 Approval of donations of funds and equipment. A number of gifts have been donated to the District, including \$566,255.63 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

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

Page 63  
**EXHIBIT 13**

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 four new agreements totaling \$210,000, two new agreement ratifications totaling \$16,000, one amendment totaling \$10,000, three ratified amendments to existing agreements totaling \$21,900, one extension to an existing agreement totaling \$90,000, and one ratified extension to an existing agreement totaling \$10,000. 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 and 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*

**14. SPECIAL EDUCATION INFORMAL DISPUTE RESOLUTION AGREEMENTS:**

Approval of the ratification of special education Informal Dispute Resolution Agreement Case #013814. 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. SPECIAL EDUCATION SETTLEMENT AGREEMENTS:**

Approval of special education Settlement Agreement Case #2012120173, Settlement Agreement Case #2013110539, and Informal Dispute Resolution Agreement Case #112413. Due to the confidential nature of the agreements, supporting information is provided to Trustees under separate cover.

*CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment*

*Contact: Sara Jocham, Assistant Superintendent, SELPA and Special Education Operations*

**16. MEMORANDUM OF UNDERSTANDING, CALIFORNIA DEPARTMENT OF EDUCATION, NUTRITION SERVICES DIVISION:**

Page 125  
**EXHIBIT 16**

Approval of the Memorandum of Understanding (MOU) with the California Department of Education (CDE), Nutrition Services Division. This MOU gives the CDE the responsibility of ordering, receiving, and distributing all United States Department of Agriculture (USDA) foods on behalf of the District, according to policies and regulations as designated by the CDE and the USDA. The approximate annual cost for this service is \$15,000, funded by Food and Nutrition Services.

*CUSD Strategic Plan Pillar 5: Effective Operations*

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

**17. INCOME AGREEMENT, ORANGE COUNTY SUPERINTENDENT OF SCHOOLS:**

Page 129  
**EXHIBIT 17**

Ratification of an Income Agreement with the Orange County Superintendent of Schools to provide Common Core Mathematics professional development training. The Orange County Department of Education Mathematics Team will provide four sessions of training and staff development. The estimated cost is \$4,800, funded by the general fund.

*CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment*

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

18. **AMENDMENT TO THE AGREEMENT ARCHITECTURAL SERVICES – WLC ARCHITECTS INCORPORATED:** Page 137  
**EXHIBIT 18**
- Approval of the Amendment to the Agreement Architectural Services No. 1213187 with WLC Architects, Incorporated (WLC) to add San Clemente High School (SCHS) reroofing and Dana Hills High School (DHHS) heating, ventilation, and air conditioning replacement projects. WLC will provide services for the base fees of \$170,333 for the SCHS project and \$222,404 for the DHHS project, per the proposal dated December 20, 2013. The services related to these two additional projects increases the not-to-exceed amount on the contract to \$750,000, funded by School Facilities Improvement District.
- CUSD Strategic Plan Pillar 2: Safe and Healthy Schools*  
*Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*
19. **AMENDMENT TO AGREEMENT BID NO. 1213-02, WEED ABATEMENT, E. STEWART AND ASSOCIATES, INCORPORATED:** Page 171  
**EXHIBIT 19**
- Approval of the Amendment to Agreement Bid No. 1213-02 for weed abatement services with E. Stewart and Associates, Incorporated increasing the not-to-exceed amount to \$170,000 annually, for additional services, as requested by the District. Services provided under this contract are funded by deferred maintenance and routine restricted maintenance accounts.
- CUSD Strategic Plan Pillar 2: Safe and Healthy Schools*  
*Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*
- PERSONNEL SERVICES**
20. **RESIGNATIONS/RETIREMENTS/EMPLOYMENT – CLASSIFIED EMPLOYEES:** Page 193  
**EXHIBIT 20**
- 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*
21. **RESIGNATIONS/RETIREMENTS/EMPLOYMENT – CERTIFICATED EMPLOYEES:** Page 201  
**EXHIBIT 21**
- 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*
22. **SECOND QUARTER SITE REVIEW REPORT REQUIRED BY THE WILLIAMS SETTLEMENT LEGISLATION, 2013-2014 SCHOOL YEAR:** Page 211  
**EXHIBIT 22**
- Acceptance of Williams Settlement Second 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 any deficiencies or complaints be reported to the Board of Trustees at a regularly scheduled public meeting each quarter. There are no deficiencies or complaints to report for the second quarter.
- 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 Hatton \_\_\_\_\_  
Trustee Bryson \_\_\_\_\_ Trustee Pritchard \_\_\_\_\_  
Trustee Hanacek \_\_\_\_\_ Trustee Reardon \_\_\_\_\_  
Trustee Alpay \_\_\_\_\_

**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.**

**CLOSED SESSION IMMEDIATELY FOLLOWING OPEN SESSION**

**CLOSED SESSION COMMENTS**

**23. CLOSED SESSION** (as authorized by law)

**A. PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT**

**EXHIBIT 23 A**

Director IV, Transportation  
(Pursuant to Government Code §54957)

**B. 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)

**REPORT OUT OF CLOSED SESSION**

**ADJOURNMENT**

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS WEDNESDAY,  
FEBRUARY 26, 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](http://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.*