

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

BOARD OF TRUSTEES
Regular Meeting

Teleconferencing of Meeting
From
33122 Valle Road
San Juan Capistrano, CA 92675
To
54300 Village Center Road
Idyllwild, CA 92649

November 6, 2013

Closed Session 6:00 p.m.
Open Session 7:00 p.m.

AGENDA

CLOSED SESSION AT 6:00 P.M.

1. **CALL TO ORDER**

2. **CLOSED SESSION COMMENTS**

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

A. STUDENT EXPULSIONS

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

EXHIBIT 3 A1-A3

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)

RECORDING OF SCHOOL BOARD MEETINGS

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

OPEN SESSION AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

ADOPTION OF THE AGENDA – ROLL CALL

REPORT ON CLOSED SESSION ACTION

SPECIAL RECOGNITIONS

Student Body President’s Report – Junipero Serra 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.

DISCUSSION/ACTION ITEMS

- 1. 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 THEROF AND DELEGATING AUTHORITY AS TO RELATED MATTERS:**

DISCUSSION/
ACTION
Page 1
EXHIBIT 1

At the October 9, 2013, Board meeting, the Board was presented with an update on the status of negotiations with the Rancho Mission Viejo Company, LLC regarding the mitigation agreement to address the impact of its planned developments on the District’s need for school facilities. Staff will apprise the Board of any changes to the agreement since the last presentation.

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. 1314-25, 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.

Motion by _____

Seconded by _____

2. FACILITIES FUNDING REPORT:

INFORMATION/
DISCUSSION
Page 211
EXHIBIT 2

The Board will receive an update on available facility funds and information on the updated Master Plan and facility needs. The presentation will be posted online on the District Board Agendas and Supporting Documentation page on Friday, November 1, 2013.

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 information on this item and answer any questions Trustees may have. This is an information item only and no Board action is necessary.

3. LOCAL CONTROL ACCOUNTABILITY PLAN:

INFORMATION/
DISCUSSION
Page 213
EXHIBIT 3

In June 2013, the Legislature enacted a 2013-2014 State Budget and a new formula for the allocation of funds to school districts known as the Local Control Funding Formula. With this new budget formula, the Legislature revised existing accountability provisions of local education agencies and gave direction to the State Board of Education to adopt regulations on local school district accountability. On or before July 1, 2014, school districts are required to adopt a Local Control Accountability Plan (LCAP) with a description of the annual goals for all students identified pursuant to Education Code §52052, as well as specific actions the district will take during each year of the LCAP to achieve the goals. This is an information/discussion item presenting an overview of the requirements of LCAP.

CUSD Strategic Plan Pillar 3: Academic Achievement and Enrichment

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 information on this item and answer any questions Trustees may have. This is an information item only and no Board action is necessary.

4. SELECTION OF SOUTH COAST REGIONAL OCCUPATIONAL PROGRAM BOARD REPRESENTATIVES:

DISCUSSION/
ACTION

The South Coast Regional Occupational Program (ROP) Board of Trustees consists of two board members from each of the Capistrano and Laguna Beach Unified Districts. Trustees Alpay and Reardon served as representatives for 2013 with Trustee Bryson serving as the alternate. The ROP Board currently meets the third Thursday of the month at 8:30 a.m. and typically does not have board meetings in April, July, and September. The 2014 schedule will be set at the ROP board's organizational meeting scheduled for December 12, 2013, at 8:30 a.m. There is no financial impact.

CUSD Strategic Plan Pillar 5: Effective Operations

Contact: Joseph M. Farley, Superintendent

Staff Recommendation

It is recommended the Board select two of its members to serve as ROP board members and one Board member to serve as an alternate for 2014.

Motion by _____ Seconded by _____

5. **FIRST READING – REVISIONS TO BOARD POLICY 5165, HEALTH EXAMINATIONS:**

INFORMATION/
DISCUSSION
Page 215
EXHIBIT 5

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.

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 information on this item and answer any questions Trustees may have. This is an information item only and no Board action is necessary.

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

6. **SCHOOL BOARD MINUTES:**

Approval of the minutes of the October 23, 2013, regular Board meeting.

Contact: Jane Boos, Manager, Board Office Operations

Page 219
EXHIBIT 6

CURRICULUM & INSTRUCTION

7. **EXPUNGING OF EXPULSION RECORD:**

Approval to expunge a student's expulsion record. Due to the confidential nature of this item, the supporting information 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

8. **PETITION TO WAIVE CALIFORNIA HIGH SCHOOL EXIT EXAM:**

Approval to waive California Education Code §60851(c) and Board Policy 6162.52 for one student who has completed all requirements for passing the California High School Exit Examination (CAHSEE) subtest in Mathematics and/or English/Language Arts, case number 1314-001. 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

BUSINESS & SUPPORT SERVICES

9. **PURCHASE ORDERS, COMMERCIAL WARRANTS, AND PREVIOUSLY BOARD-APPROVED BIDS AND CONTRACTS:** Page 225
EXHIBIT 9
Approval of purchase orders (Attachment 1) and commercial warrants (Attachment 2). The expenditures related to the listed purchase orders and commercial warrants included in this item were previously authorized as part of the District's budget approval process. The purchase orders total \$1,848,463.66 and the commercial warrants total \$4,054,752.19. 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
10. **DONATION OF FUNDS AND EQUIPMENT:** Page 251
EXHIBIT 10
Approval of donations of funds and equipment. A number of gifts have been donated to the District, including \$385,933.12 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
11. **INDEPENDENT CONTRACTOR, PROFESSIONAL SERVICES, FIELD SERVICE, AND MASTER CONTRACT AGREEMENTS:** Page 253
EXHIBIT 11
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 14 new agreements totaling \$102,776.80, 11 extensions to existing agreements totaling 307,596.28, and 1 extension ratification totaling \$24,000.

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
12. **SPECIAL EDUCATION INFORMAL DISPUTE RESOLUTION:**
Approval of the ratification of special education Informal Dispute Resolution Agreement Case #091613 and Case #102313. 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
13. **EXTENSION OF CONSULTANT AGREEMENT – BERGMAN DACEY GOLDSMITH, A PROFESSIONAL LAW CORPORATION:** Page 369
EXHIBIT 13
Approval of the Extension of Consultant Agreement No. C0910107 with Bergman Dacey Goldsmith, a Professional Law Corporation, to provide legal services as required by the District. The consultant will provide services at the previously negotiated reduced pricing for the renewal period. Annual expenditures under this contract are limited to \$300,000.
CUSD Strategic Plan Pillar 5: Effective Operations
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

14. EXTENSION OF CONSULTANT AGREEMENT – DANNIS WOLIVER KELLEY:

Page 385
EXHIBIT 14

Approval of the Extension of Consultant Agreement No. C0910099 with Dannis Woliver Kelley to provide legal services, as required by the District. The consultant will provide services at the previously negotiated reduced pricing for the renewal period. Annual expenditures under this contract are limited to \$250,000.

CUSD Strategic Plan Pillar 5: Effective Operations

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

15. EXTENSION OF INDEPENDENT CONTRACTOR AGREEMENT – ALPENSBRUCE, LLC:

Page 411
EXHIBIT 15

Approval of the Extension of Independent Contractor Agreement No. I1112088 with AlpenSpruce, LLC to provide 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. 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

16. CONTINUOUS PUBLIC NOTICE – DISPOSAL OF SURPLUS PROPERTY:

Page 429
EXHIBIT 16

Approval of the continuous public notice related to the disposal of District-owned surplus property. Prior to a sale, the District must give public notice. The continuous public notice meets the requirements of the law and allows for timely disposal of items that are obsolete, beyond economical repair, no longer required within the current curriculum, or necessary for any other school purpose. This public notice will be posted at the Capistrano Unified School District Education Center; the Maintenance & Operations Building at the Thornsley Center; and on the Purchasing and Maintenance & Operations websites.

CUSD Strategic Plan Pillar 5: Effective Operations

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

17. GOVERNMENT CLAIM NUMBER 13-13398 DP:

Denial of Claim 13-13398 DP filed against the District. This item pertains to a claim filed against the District by Maybelle Navarro, guardian and mother of a minor claimant. The claim alleges on October 16, 2012, the student was participating in a Scuba Diving class at Capistrano Valley High School. She is claiming two other students jumped on her and kicked her in the head. Denial of this claim does not have any financial implications on the general fund. This action establishes procedural timelines.

CUSD Strategic Plan Pillar 5: Effective Operations

Contact: Jodee Brentlinger, Assistant Superintendent, Personnel Services

PERSONNEL SERVICES

18. RESIGNATIONS/RETIREMENTS/EMPLOYMENT – CLASSIFIED EMPLOYEES:

Page 431
EXHIBIT 18

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

19. RESIGNATIONS/RETIREMENTS/EMPLOYMENT – CERTIFICATED EMPLOYEES:

Approval of the activity list for employment, separation, and additional assignments of certificated employees. These positions will be charged to the appropriate fund and are included in the adopted budget.

CUSD Strategic Plan Pillar 5: Effective Operations

Contact: Jodee Brentlinger, Assistant Superintendent, Personnel Services

Motion by _____	Seconded by _____
ROLL CALL:	
Student Advisor 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.

ADJOURNMENT

Motion by _____ Seconded by _____

THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS WEDNESDAY, DECEMBER 11, 2013, 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.