

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

BOARD OF TRUSTEES
Regular Meeting

July 24, 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-A2

B. PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT

- 1) Director III, English Learner and Support Programs
 - 2) Manager V, Information Systems
 - 3) Supervisor IV, Early Childhood Programs
- (Pursuant to Government Code §54957)

EXHIBIT 3 B1-B3

C. CONFERENCE WITH LABOR NEGOTIATORS

Dr. Joseph M. Farley/Jodee Brentlinger/Clark Hampton/Jon Pearl
Employee Organizations:

- 1) Capistrano Unified Education Association (CUEA)
- 2) Capistrano School Employees Association (CSEA)
- 3) Teamsters

(Pursuant to Government Code §54957.6)

EXHIBIT 3 C

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

Marilyn Amato - Outgoing CUCPTSA President

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 NO: 1314-02, APPLICATION FOR LICENSING GEORGE WHITE ELEMENTARY SCHOOL AS A STATE PRESCHOOL CHILD CARE CENTER:

The Community Care Licensing Division issues a state license to operate a Child Care Center upon application and set up. This resolution would allow the District to open a preschool classroom at George White Elementary School with services beginning July 1, 2013.

*CUSD Strategic Plan Pillar 3: Academic Achievement and Enrichment
Contact. Dr. Julie Hatchel, Assistant Superintendent, Education Services*

Staff Recommendation

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

Following discussion, it is recommended the Board of Trustees approve the Application for Licensing George White Elementary School as a State Preschool Child Care Center.

Motion by _____

Seconded by _____

ROLL CALL:

Trustee Addonizio _____

Trustee Hatton _____

Trustee Bryson _____

Trustee Pritchard _____

Trustee Hanacek _____

Trustee Reardon _____

Trustee Alpay _____

DISCUSSION/
ACTION
Page 1
EXHIBIT 1

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

2. **SCHOOL BOARD MINUTES:** Page 3
EXHIBIT 2
Approval of the minutes of the June 26, 2013, regular Board meeting.
Contact: Jane Boos, Manager, Board Office Operations
3. **SCHOOL BOARD MINUTES:** Page 11
EXHIBIT 3
Approval of the minutes of the July 10, 2013, regular Board meeting.
Contact: Jane Boos, Manager, Board Office Operations

CURRICULUM & INSTRUCTION

4. **EXPUNGING OF EXPULSION RECORDS:**
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
5. **EXPULSION READMISSIONS:**
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

BUSINESS & SUPPORT SERVICES

6. **PURCHASE ORDERS, COMMERCIAL WARRANTS, AND PREVIOUSLY BOARD-APPROVED BIDS AND CONTRACTS:** Page 17
EXHIBIT 6
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 \$27,915,737.11; the commercial warrants total \$4,759,782.47. 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
7. **INDEPENDENT CONTRACTOR, MASTER CONTRACT, AND PROFESSIONAL SERVICES AGREEMENTS:** Page 39
EXHIBIT 7
Approval and ratification of the District standardized Independent Contractor, Professional Services and Master Contract 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 three new agreements totaling \$170,500, one extension to an existing agreement totaling \$12,000, two extension ratifications to existing agreements totaling \$9,000, one ratification to an existing agreement totaling \$2,500, and two amendments to existing agreements adding special conditions.

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 5: Effective Operations

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

8. SPECIAL EDUCATION INFORMAL DISPUTE RESOLUTION AGREEMENT:

Approval of special education Informal Dispute Resolution Agreement Case #112212. 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

9. SPECIAL EDUCATION INFORMAL DISPUTE RESOLUTION AGREEMENTS:

Approval of the ratification of special education Informal Dispute Resolution Agreement Case #034213, Case #055613, Case #066013, and Case #066213. 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

10. RATIFICATION OF CONDITION OF CERTIFICATE OF COMPLIANCE:

Approval of the Ratification of the Condition of Certificate of Compliance form between the Rancho Mission Viejo Community Development Company (RMV) and the District relating to the building of homes for new housing projects planned within the District. This will provide for a provisional agreement while a formal mitigation agreement between the District and RMV is being negotiated. The mitigation agreement will fund school sites and facilities for students who will eventually reside in the housing projects. The Certificate of Compliance provides evidence to the construction permit issuing authority, in this case the County of Orange, that home builders have satisfied a statutory requirement to mitigate the impact that students residing in the homes will have on District facilities. This is certificate of compliance will be executed each time a home builder requests a permit for a home from the County and pays the appropriate fees to the District.

CUSD Strategic Plan Pillar 5: Effective Operations

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

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EXHIBIT 10

11. MEDI-CAL ADMINISTRATIVE ACTIVITIES PARTICIPATION AGREEMENT – ORANGE COUNTY SUPERINTENDENT OF SCHOOLS:

Approval of a Medi-Cal Administrative Activities (MAA) Participation Agreement No. 39471 with Orange County Superintendent of Schools to provide administrative services related to Medi-Cal reimbursement. Orange County Superintendent of Schools receives 4.5 percent of the quarterly claim received by the District from the state for MAA administration support.

CUSD Strategic Plan Pillar 5: Effective Operations

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

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EXHIBIT 11

12. EXTENSION OF BID NO. 1112-07, PIZZA SERVICE – DOMINO'S PIZZA:

Approval of the Extension of Bid No. 1112-07 for pizza service to be provided by Domino's Pizza. Staff requested vendor to reduce pricing at each contract renewal. Domino's Pizza has requested a slight price increase due to ingredient food costs, labor costs, overhead costs, waste factor, and other miscellaneous expenses. This extension provides pre-baked ready-to-serve, and freshly prepared pizza service delivered daily to all middle schools in the District. Annual expenditures under this contract are limited to \$500,000, funded by Food and Nutrition Services.

CUSD Strategic Plan Pillar 5: Effective Operations

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

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EXHIBIT 12

13. DECLARATION OF SURPLUS ITEMS:

Approval of the declaration of surplus items listed and described as surplus, and the approval of the public and private disposition of the surplus items in accordance with Education Code §§17545-17546 and Board Policy 3270. District schools and programs have accumulated various pieces of equipment, vehicles, materials, and other items that are beyond economical repair, obsolete, no longer required within the current curriculum, or necessary for any other school purpose. These items will be disposed of by public sale, or if no reasonable bids are received, by private sale for salvage. All items are subject to reallocation within the District prior to sale or disposal. Revenues from the sale are unknown. Sale proceeds may be deposited into the original fund from which the purchase was made.

CUSD Strategic Plan Pillar 5: Effective Operations

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

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EXHIBIT 13

14. AMENDMENT TO AGREEMENT BID NO. 1011-01, ASPHALT PAVING, SEALCOATING AND REPAIR – BEN’S ASPHALT, INCORPORATED:

Ratification of Amendment to Agreement Bid No. 1011-01 for asphalt paving, sealcoating, and repair with Ben’s Asphalt Incorporated. This agreement increases the not-to-exceed amount to \$525,000 annually for additional services, as required for projects throughout the District. Several projects that were previously scheduled in July were able to be rescheduled and completed in June for the current fiscal year.

CUSD Strategic Plan Pillar 5: Effective Operations

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

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EXHIBIT 14

15. AGREEMENT MULTI-DISTRICT COOPERATIVE BID NO. 108-13, FUEL (GASOLINE AND DIESEL) – IPC (USA), INCORPORATED:

Approval of the agreement for the purchase of gasoline and diesel fuel from IPC (USA), Incorporated. Eight Orange County School Districts worked together to prepare a multi-district fuel bid with the idea of securing the best prices for gasoline and diesel fuel for school buses, white fleet, and off-highway support units. The participating districts are Anaheim City School District, Anaheim Union High School District, Fullerton School District, Huntington Beach Union High School District, Newport-Mesa Unified School District, Orange Unified School District, Placentia-Yorba Linda Unified School District, and Capistrano Unified School District. The acting lead district, Newport-Mesa Unified School District, initiated the bid process.

The bid was properly advertised and the bid opening was held on May 29, 2013. IPC (USA), Incorporated is the lowest responsive, responsible bidder. Because fuel prices fluctuate daily, the bid prices are calculated by using the Oil Price Information Service, a weekly publication of current prices, and the discount offered by IPC (USA), Incorporated. Prices utilizing the Multi-District Cooperative Bid No. 108-13 – Fuel (Gasoline and Diesel) have been researched, verified, and determined to be in the best interest of the District. The term of the agreement is from July 1, 2013, through June 30, 2016. Estimated annual expenditures utilizing this contract are \$700,000, funded from the general fund.

Due to the size, 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

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EXHIBIT 15

16. COUNTY OF ORANGE MASTER AGREEMENT NO. MA-017-13011174, BOTTLED WATER – DS WATERS OF AMERICA, INCORPORATED, DBA SPARKLETTS:

Approval to utilize the County of Orange Master Agreement No. MA-017-13011174 to purchase bottled water from Sparkletts, under the same terms and conditions of the public agency’s contract. This contract provides competitive set pricing for bottled water, as needed, throughout the District. Anticipated annual expenditures utilizing this contract are approximately \$6,000, funded by the various programs utilizing the service. 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

PERSONNEL SERVICES

17. RESIGNATIONS/RETIREMENTS/EMPLOYMENT – CLASSIFIED EMPLOYEES:

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

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EXHIBIT 17

18. 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

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EXHIBIT 18

19. QUARTERLY REPORT – WILLIAMS SETTLEMENT UNIFORM COMPLAINT:

Acceptance of Williams Settlement Fourth Quarter 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. Furthermore, the law requires that 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 this quarter.

CUSD Strategic Plan Pillar 5: Effective Operations.

Contact: Jodee Brentlinger, Assistant Superintendent, Personnel Services

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EXHIBIT 19

Motion by _____

Seconded by _____

ROLL CALL:

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,
AUGUST 14, 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.