

CAPISTRANO UNIFIED SCHOOL DISTRICT  
BOARD OF TRUSTEES  
MINUTES – REGULAR MEETING  
NOVEMBER 12, 2014  
EDUCATION CENTER – BOARD ROOM

President Alpay called the meeting to order at 5:30 p.m. The Board recessed to closed session to: discuss Public Employee Appointment/Employment; discuss Public Employee Discipline/Dismissal/Release; confer with Legal Counsel regarding Anticipated Litigation (2 cases); confer with Legal Counsel regarding Existing Litigation; confer with Labor Negotiators; and Public Employee Performance Evaluation.

The regular meeting of the Board reconvened to open session and was called to order by President Alpay at 7:11 p.m.

The Pledge of Allegiance was led by Trustee Anna Bryson.

Present: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton-Hodson, Pritchard, Reardon, and Student Advisor Akhil Patel

**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](http://www.capousd.org)**

**Permanent Record**

It was moved by Trustee Bryson, seconded by Trustee Hatton-Hodson, 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-Hodson, Pritchard, Reardon, and Student Advisor Akhil Patel  
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 – Public Employee Appointment/Employment:**

The Board voted by a 7-0 vote to approve the appointment of Lyhn Nguyen, Executive Director, Contracts and Purchasing.

**Agenda Item #3 B – Public Employee Discipline/Dismissal/Release:**

By a roll call vote, the Board voted 7-0 to approve the Resignation Agreement and General Release between the District and Classified Employee #01-201415. Pursuant to the terms of the Agreement, Classified Employee #01-201415 will resign effective January 1, 2015, and will remain in paid administrative leave status through the date of resignation. Under the Agreement, Classified Employee #01-201415 releases the District from any and all legal claims.

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

**Agenda Item #3 C – Conference with Legal Counsel – Anticipated Litigation:**

The Board gave direction to staff for each case.

**Agenda Item #3 D – Conference with Legal Counsel – Existing Litigation:**

The Board gave direction to staff.

**Agenda Item #3 E – Conference with Labor Negotiators:**

No action was taken.

**Agenda Item #3 F – Public Employee Performance Evaluation:**

No action was taken.

Lisa Barguemo was recognized for being a valuable asset for the safety of the children at Las Palmas Elementary School and for going above and beyond her duties as a crossing guard.

**Special  
Recognitions**

President Alpay read a statement from Thomas Jefferson on democracy and commented that serving as a Trustee is a textbook case of public service. President Alpay stated before the Board honors outgoing Trustees Addonizio and Bryson there were members of the community who had requested to speak.

**Trustee  
Recognitions**

The following speakers addressed the Board:

Dana Point Mayor and Orange County 5<sup>th</sup> District Supervisor elect Lisa Bartlett presented Trustee Bryson with a proclamation from the City of Dana Point.

Martin Paine presented Trustee Bryson with a resolution on behalf of Senator Mimi Walters, Senator Mark Wyland, and Assemblywoman Diane Harkey.

Dr. Bill Evers presented Trustee Bryson two certificates of commendations. One was on behalf of the City of Laguna Niguel and one on behalf of Congressman Dana Rohrabacher.

Laura Ferguson and several other Talega Residents for Fair Taxation presented flowers and a gift to Trustee Addonizio for her eight years of exemplary public service to the District and her positive impact to the children, parents, and taxpayers.

Martha McNicholas told Trustee Bryson it has been a privilege to know her and she will try to match her passion and enthusiasm for what is best for the children when she is sworn in as the newly elected Trustee for Area 4 at the December 10 Board meeting.

President Alpay presented Trustees Addonizio and Bryson with plaques of appreciation on behalf of the Board for their service to the District from 2006 through 2014 and shared information regarding the committees each served on during their eight years of service.

Trustee Bryson thanked the Board and administration for their hard work, commended Superintendent Kirsten Vital and former Superintendent Joe Farley for their leadership, and stated it has been her honor to serve the District.

Trustee Addonizio stated it has been an honor and privilege to serve and wished her successor the very best.

Superintendent Vital thanked Trustees Addonizio and Bryson for serving, congratulated Trustee Hatton-Hodson on her reelection, and welcomed newly elected Trustees Gila Jones and Martha McNicholas.

**Board and  
Superintendent  
Comments**

Trustee Hanacek thanked both Trustees Addonizio and Bryson for welcoming and assisting her during her first year as a Trustee in 2012. She also encouraged Trustees to attend the Reflections Art event and numerous plays being performed at District high schools and middle schools.

Trustee Hatton-Hodson shared some of the amazing things schools have been able to accomplish as a result of decisions Trustees have made and thanked both Trustees Addonizio and Bryson for their participation on the Board.

Trustee Reardon stated he is in awe of anyone who would serve as a Board member for eight years and thanked Trustees Addonizio and Bryson for their help during his first year as a Trustee in 2012.

Trustee Pritchard thanked Trustees Addonizio and Bryson for making the last four years interesting, enjoyable, and never boring.

Student Advisor Akhil Patel thanked Trustees Addonizio and Bryson on behalf of the students for the hard work they have invested in the students and for welcoming him to the Board.

President Alpay stated he knows Trustees Addonizio and Bryson will still be involved in public service for years to come.

As specified in Board Bylaw 9323 for Oral Communications, each speaker was allowed three (3) minutes to speak.

**Oral  
Communications**

- *Wyatt Nichol, a fourth grade student at Crown Valley Elementary School, told Trustees he was being bullied at school and nothing was being done to stop the bullying.*
- *Rhett Nichol stated his son needs a safe place to attend school and the school administration had not taken any steps to address the issue.*

Superintendent Kirsten Vital directed Assistant Superintendent Julie Hatchel to speak with Mr. and Mrs. Nichol before they left the meeting and then report back to the Board following an investigation of the allegations.

## **DISCUSSION/ACTION**

Assistant Superintendent Michelle Le Patner introduced Executive Director Mike Beekman to present a PowerPoint on the District's four-step process in ensuring student safety, which are prevention, preparation, response, and recovery. Following the PowerPoint Mr. Beekman introduced Orange County Sheriff Captain Brian Schmutz to report on the Orange County Sheriff Department's function for school safety and communication during a crisis. *(The PowerPoint is available for viewing on the District website at [www.capousd.org](http://www.capousd.org))*

**Safety Practices  
and Procedures  
Report  
Agenda Item 1**

Following the presentation, Trustees asked questions and made comments to staff.

Superintendent Kirsten Vital provided the Board with a PowerPoint presentation on her recommendation for 2014-2015 District goals and objectives. The goals presented were: Create and implement a “Road to Recovery;” Improve facilities through both short- and long-range planning; Implement programs and services to increase academic achievement for all students; Implement our Local Control Accountability Plan; and Prioritize programs and investments. *(The PowerPoint is available for viewing on the District website at [www.capousd.org](http://www.capousd.org))*

**District Goals and Objectives  
Agenda Item 2**

Following the PowerPoint, Trustees requested Superintendent Vital define “financial vehicles” in Goal 2d and add high school graduation, A-G information on student achievement in Goal 3.

It was moved by Trustee Bryson, seconded by Trustee Reardon, and motion carried by a 7-0 vote to approve the 2014-2015 District Goals and Objectives.

AYES: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton-Hodson, Pritchard, Reardon, and Student Advisor Akhil

NOES: None

Superintendent Kirsten Vital reviewed the additional changes requested by Trustees to Board Bylaw 9324, *Board Minutes*, since the first reading of this policy at the October 22 Board meeting.

**Board Policy Revision  
Agenda Item 3**

President Alpay requested the removal of “his/her” designee to designee to standardize the bylaw with other Board policies.

Following discussion, it was moved by Trustee Reardon, seconded by Trustee Bryson, and motion carried by a 7-0 vote to approve the revisions to Board Bylaw 9324, *Board Minutes* as amended.

AYES: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton-Hodson, Pritchard, Reardon, and Student Advisor Akhil

NOES: None

Deputy Superintendent Clark Hampton stated revisions to this policy relate to various types of facility uses. In particular the “Philosophy” and “Basic Guidelines for the Use of School Facilities Groups” sections are revised to provide more detail as to the types of use of school facilities and clarifying that a particular use should not be interpreted as the Board or Staff endorsing the use or its message. Mr. Hampton advised the Board that CSEA and PTA have expressed an interest in providing input on this policy, so there may be additional revisions brought back for consideration at the next reading of this policy. Mr. Hampton pointed out to Trustees that under the heading Prohibited Use, 1c, the word “interests” should not have been struck through.

**Board Policy Revision  
Agenda Item 4**

President Alpay suggested continuing the item to a future meeting if CSEA and PTA are asking for input and staff is going to make material changes to this item before it is presented to the Board for a second reading. There was no objection from the Board to continue the item.

Prior to asking Trustees for items they wished to pull from the Consent Calendar, President Alpay announced a correction to Consent Item 5, School Board minutes, should state for the “approval of the October 22, 2014, regular Board meeting” not October 27 as printed in the agenda. Following the announcement Trustees pulled items 9, 18, 22, and 29.

**Items Pulled from the Consent Calendar**

## CONSENT CALENDAR

It was moved by Trustee Bryson, seconded by Trustee Hatton-Hodson, and motion carried by a 7-0 vote to approve the following Consent Calendar items:

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| Minutes of the October 22, 2014, regular Board meeting.  | <b>Minutes<br/>Agenda Item 5</b>                                     |
| Readmission of a student from expulsion: Case #2014-012.   | <b>Expulsion<br/>Readmissions<br/>Agenda Item 6</b>                  |
| Petition to waive California Education Code §60851(c) and Board Policy 6162.52 for three students who have completed all requirements for passing the California High School Exit Examination (CAHSEE) subtest in Mathematics and/or English/Language Arts, Case numbers 1415-001 to 1415-003. | <b>CAHSEE Waivers<br/>Agenda Item 7</b>                              |
| Resolution No. 1415-23, Amendments to Agreement No. CSPP-3313 with the California Department of Education for Child Development Services.  | <b>Agreement<br/>Amendment with<br/>CDE<br/>Agenda Item 8</b>        |
| Purchase orders, warrants, and previously Board-approved bids and contracts as listed.   | <b>Purchase<br/>Orders/Warrants<br/>Agenda Item 10</b>               |
| Donations of funds and equipment.  | <b>Donations<br/>Agenda Item 11</b>                                  |
| Ratification of District standardized Independent Contractor, Master Contract, and Professional Services Agreements.   | <b>Professional<br/>Services<br/>Agreements<br/>Agenda Item 12</b>   |
| Ratification of special education Informal Dispute Resolution Case #102414 and Case #102514.   | <b>Informal Dispute<br/>Resolution<br/>Agenda Item 13</b>            |
| Ratification of special education Settlement Agreement Case #2014090017.   | <b>Settlement<br/>Agreements<br/>Agenda Item 14</b>                  |
| Ratification of Settlement Agreement and release, S.J. Amoroso Construction Company, Incorporated and Safeco Insurance Company of America, effective July 21, 2014.  | <b>Settlement<br/>Agreement<br/>Agenda Item 15</b>                   |
| Contract Agreement Deputy Superintendent, Business and Support Services, for July 1, 2015 – June 30, 2018.   | <b>Deputy<br/>Superintendent's<br/>Contract<br/>Agenda Item 16</b>   |
| Resolution No. 1415-25, Authorization to Apply for Community Service Program (SP) Certification through the Department of Resources Recycling and Recovery (CalRecycle).   | <b>CalRecycle<br/>Certificate<br/>Requirement<br/>Agenda Item 17</b> |

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| Ratification of the Agreement for Participation and Services 2014-2015, Outdoor Education Program, with the Superintendent of Schools, San Diego County Office of Education for the use and occupancy of outdoor education premises and facilities, as requested by the District.  | <b>Outdoor Ed.<br/>Program<br/>Agenda Item 19</b>                               |
| Memorandum of Understanding (MOU) between the South Laguna Niguel Rotary Club (Rotary), a California nonprofit corporation; sponsors; Ayuda International (Ayuda), a California nonprofit corporation; and the District for the purpose of providing comprehensive, free dental services to students, adults, and families referred by District staff. | <b>MOU-So. Laguna<br/>Niguel Rotary Club<br/>Agenda Item 20</b>                 |
| Ratification of the execution of the Aliso Viejo Community Association Limited Use and Maintenance Agreement (LUMA) for Fall 2014.   | <b>LUMA Agreement<br/>Agenda Item 21</b>  |
| Final acceptance and filing of the Notice of Completion for the construction of one retaining wall and concrete plaza, and three 30' x 60' shade structures at Capistrano Valley High School.  | <b>CVHS-Notice of<br/>Completion<br/>Agenda Item 23</b>                         |
| Final acceptance and filing of the Notice of Completion for the installation of five relocatable classrooms at Ladera Ranch Middle School.   | <b>LRMS-Notice of<br/>Completion<br/>Agenda Item 24</b>                         |
| Final acceptance and filing of the Notice of Completion for the installation of ten relocatable classrooms and one relocatable restroom at San Juan Hills High School.   | <b>SJHHS-Notice of<br/>Completion<br/>Agenda Item 25</b>                        |
| Amendment No. 2 to Independent Contractor Agreement No. I1011014 for on-call California Environmental Quality Act Compliance (CEQA) services, as needed by the District.   | <b>Agreement<br/>Amendment-<br/>CEQA Contract<br/>Agenda Item 26</b>            |
| Award of Bid No. 1415-14, Mobile Surveillance System, Software, and Installation for School Buses to Seon Systems Sales, Incorporated  | <b>Award of Bid-<br/>Mobile<br/>Surveillance<br/>System<br/>Agenda Item 27</b>  |
| Extension of Independent Contractor Agreement No. I1112088 with AlpenSpruce Software, Incorporated, to provide services related to the development, training, and deployment of SharePoint software, as required by the District.  | <b>Extension<br/>Agreement-<br/>AlpenSpruce<br/>Software<br/>Agenda Item 28</b> |
| Advertise Request for Proposal (RFP) No. 4-1415 to provide online curriculum for the District's virtual schools: California Preparatory Academy (grades 9-12) and Capistrano Virtual School (grades TK-8).   | <b>RFP-Online<br/>Curriculum for<br/>Virtual Schools<br/>Agenda Item 30</b>     |
| Award of Request for Proposal No. 2-1415, Investigation Services to ESI International, Incorporated, and Fulkra Incorporated.  | <b>Award of RFP –<br/>Investigation<br/>Services<br/>Agenda Item 31</b>         |

Resignations, retirements, and employment of classified personnel.

**Resignations/  
Retirements/  
Employment  
(Classified  
Personnel)  
Agenda Item 32**

Resignations, retirements, and employment of certificated personnel.

**Resignations/  
Retirements/  
Employment  
(Certificated  
Personnel)  
Agenda Item 33**

Acceptance of Williams Settlement Legislation First Quarter Report.

**Williams  
Settlement  
Agenda Item 34**

ROLL CALL: AYES: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton-Hodson, Pritchard, Reardon, and Student Advisor Akhil Patel  
NOES: None  
ABSENT: None  
ABSTAIN: None

Trustee Reardon asked staff to confirm the state funded preschool was over the minimum capacity level and if the District is fully recovering the cost of the preschool program for the period of this contract. Assistant Superintendent Julie Hatchel stated the program is actually above capacity, continued growth is anticipated, and staff does not expect any issues this year in meeting the contract.

**Agreement with  
CDE-State Funded  
Preschool Contract  
Agenda Item 9**

It was moved by Trustee Reardon, seconded by Trustee Bryson and motion carried by a 7-0 vote to approve Resolution No. 1415-24, Agreement CSPP-4309 Resolution for Acceptance of State Funded Preschool Contract 2014-2015 with the California Department of Education for the purpose of providing child care and development services.

ROLL CALL: AYES: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton-Hodson, Pritchard, Reardon, and Student Advisor Akhil Patel  
NOES: None  
ABSENT: None  
ABSTAIN: None

Trustee Reardon stated this course material has not been before the Instructional Materials Review Committee (IMRC) and asked if course material for online courses is exempt from review by the IMRC. Assistant Superintendent Michelle Le Patner responded her understanding was this was approved initially through the IMRC when Cal Prep opened but she would research it and provide the information to Trustees.

**VHS, Inc. - Letter  
of Agreement  
Agenda Item 18**

Trustee Reardon asked staff to confirm that the District's ongoing practice to route new adoptions of interactive machine course materials will continue to go through the IMRC. Dr. Le Patner confirmed online course material will be reviewed by IMRC.

It was moved by Trustee Reardon, seconded by Trustee Bryson, and motion carried by a 7-0 vote to approve the ratification of the Letter of Agreement with VHS, Incorporated, to provide an online AP World History course for California Preparatory Academy.

Trustee Reardon asked staff how the District's portion of the grant money is being spent. Assistant Superintendent Michelle Le Patner explained the grant funds are being spent on equipment, professional development, and additional courses. Trustee Reardon requested staff provide Trustees with a specific breakdown on the grant funds.

**Service Agreement  
– South Coast ROP  
Agenda Item 22**

It was moved by Trustee Reardon, seconded by Trustee Bryson, and motion carried by a 7-0 vote to approve the ratification of the Service Agreement with South Coast Regional Occupational Program (ROP) to allocate a portion of the Orange County Career Pathways Partnership California Career Pathways Trust grant for services provided related to the grant and to establish the process for reimbursement.

Trustee Reardon stated he pulled this item to request that the claim be agendized for Trustee discussion in closed session.

**Government Claim  
Agenda Item 29**



It was moved by Trustee Reardon, seconded by Trustee Bryson, and motion carried by a 7-0 vote to approve the denial of Petition for an Application for Leave to Present a Late Claim No. 14-18242 DP.

It was moved by Trustee Addonizio, seconded by Trustee Bryson, and motion carried by a 7-0 vote to adjourn the meeting.

**Adjournment**

AYES: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton-Hodson,  
Pritchard, Reardon, and Student Advisor Akhil Patel  
NOES: None

President Alpay announced the meeting adjourned at 8:52 p.m.

  
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Board Clerk  
  
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Secretary, Board of Trustees

*Minutes submitted by Jane Boos, Manager, Board Office Operations*