

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES – REGULAR MEETING
FEBRUARY 25, 2015
EDUCATION CENTER – BOARD ROOM

President Hatton-Hodson called the meeting to order at 5:30 p.m. The Board recessed to closed session to: discuss Student Expulsions; discuss Public Employee Discipline/Dismissal/Release; confer with Legal Counsel regarding Anticipated Litigation; confer with Labor Negotiators; and discuss Public Employee Employment/Appointment.

The regular meeting of the Board reconvened to open session and was called to order by President Hatton-Hodson at 7:00 p.m.

The Pledge of Allegiance was led by Student Advisor Akhil Patel.

Present: Trustees Alpay, Hanacek, Hatton-Hodson, Jones, McNicholas, 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

Permanent Record

Prior to adopting the agenda, President Hatton-Hodson announced Agenda Item 4, South Coast Regional Occupational Program Joint Powers Agreement and Restructure, was being pulled from the agenda and will be brought back to the March 11 Board meeting.

Adoption of the Board Agenda

It was moved by Trustee Alpay, seconded by Trustee Jones, and motion carried by a 7-0 vote to change the order of the agenda and address Agenda Item 7, Revisions to Board Policy 5119, and Agenda Item 8, Revisions to Board Policy 5116, as the first two items for discussion.

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

It was moved by Trustee Alpay, seconded by Trustee McNicholas, and motion carried by a 7-0 vote to adopt the Board agenda as amended.

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

President Hatton-Hodson reported the following action taken during closed session:

President's Report from Closed Session Meeting

Agenda Item #3 A – Student Expulsion:

The Board voted 7-0 to expel the following student by stipulated agreement: Case #2015-016.

AYES: Trustees Alpay, Hanacek, Hatton-Hodson, Jones, McNicholas, Pritchard, and Reardon
NOES: None

6893

Agenda Item #3 B1 – Public Employee Discipline/Dismissal/Release:

The Board voted by a 7-0 vote to approve the Settlement Agreement between the District and Certificated Employee No. 11893 regarding the employee's voluntary reassignment. Under the agreement, Certificated Employee No. 11893 releases the District from any and all legal claims.

AYES: Trustees Alpay, Hanacek, Hatton-Hodson, Jones, McNicholas,
Pritchard, and Reardon
NOES: None

Agenda Item #3 B2 – Public Employee Discipline/Dismissal/Release:

The Board voted by a 7-0 vote to approve the Reassignment Agreement between the District and Certificated Employee Julie Hatchel regarding the employee's voluntary reassignment to Assistant Superintendent, Communications/Community Relations. Under the agreement, Certificated Employee No. 13276 releases the District from any and all legal claims.

AYES: Trustees Alpay, Hanacek, Hatton-Hodson, Jones, McNicholas,
Pritchard, and Reardon
NOES: None

Agenda Item #3 B3 – Public Employee Discipline/Dismissal/Release:

The Board voted by a 6-0 vote to approve the Reassignment/Settlement Agreement between the District and Classified Employee No. 14522 regarding the employee's voluntary reassignment. Under the agreement, Classified Employee No. 14522 releases the District from any and all legal claims.

AYES: Trustees Alpay, Hanacek, Hatton-Hodson, Jones, McNicholas,
and Pritchard
NOES: None
ABSENT: Trustee Reardon

Agenda Item #3 B4 – Public Employee Discipline/Dismissal/Release:

By a roll call vote, the Board voted 6-0 to approve Resolution No.1415-36, Non-Reelection of Probationary Certificated Employees, to issue notices of non-reelection to probationary and temporary certificated employee(s), identified by #31469, #17774, #31459, #26178, #30812, #31435, #31498, #30004 and #45425, pursuant to Education Code §44929.21(b), effective at the end of the 2014-2015 school year, and directed the Superintendent or designee to send out appropriate legal notices.

ROLL CALL: AYES: Trustees Alpay, Hanacek, Hatton-Hodson, Jones,
McNicholas, and Pritchard
NOES: None
ABSENT: Trustee Reardon
ABSTAIN: None

Agenda Item #3 B5 – Public Employee Discipline/Dismissal/Release:

By a roll call vote, the Board voted 6-0 to approve Resolution No.1415-37, Non-Reelection of Certificated Management Probationary Employees, to issue notices of non-reelection to probationary certificated management employee(s), identified by #30618 and #30777, pursuant to Education Code section 44929.21(b), effective at the end of the 2014-2015 school year, and directed the Superintendent or designee to send out appropriate legal notices.

ROLL CALL: AYES: Trustees Alpay, Hanacek, Hatton-Hodson, Jones, McNicholas, and Pritchard
NOES: None
ABSENT: Trustee Reardon
ABSTAIN: None

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

The Board gave direction to staff.

Agenda Item #3 E1 – E2 – Public Employee Appointment/Employment:

The Board voted 6-0-1 to approve the appointment of Michelle Le Patner, Assistant Superintendent, Education.

AYES: Trustees Alpay, Hanacek, Hatton-Hodson, Jones, McNicholas, and Pritchard
NOES: None
ABSTAIN: Trustee Reardon

The Board voted 7-0 to approve the appointment of Patricia Romo, Executive Director, Career Technical Education and directed staff to bifurcate the Visual and Performing Arts portion of the position.

AYES: Trustees Alpay, Hanacek, Hatton-Hodson, Jones, McNicholas, Pritchard, and Reardon
NOES: None

President Hatton-Hodson announced Paola PazSoldan was not able to attend this evening due to a family emergency.

Special Recognitions

Student Body Representatives Stephanie Victorino and Eric Granados from Junipero Serra High School shared their personal experiences at the high school.

ASB Report

Superintendent Vital reported on the Newhart Middle School incident earlier in the day involving a PVC device that was found in a student’s backpack and commended administrators, teachers, classified staff, students, and District office staff for following the safety protocols. Superintendent Vital announced that Carl Hankey middle school’s application for a Gold Ribbon School was accepted by the California Department of Education and would be moving on to the next level in the validation process. Superintendent Vital also made several comments regarding the Board’s difficult decision regarding the School of Choice Board Policy on the agenda for discussion/action and there was no perfect solution.

Board and Superintendent Comments

Trustee Hanacek thanked Superintendent Vital for her recognition of the District's valuable partnership with the Ocean Institute and for strengthening this STEM opportunity. Trustee Hanacek then stated the District is at an exciting time to begin to look at partnership advantages for all the schools and maximize learning environments. This chance to foster, nurture, and promote opportunities on each of our campuses will take already great schools to innovated which will not only grow the School of Choice options but expand the many advantages of the neighborhood school.

Trustee McNicholas stated she had visited the area concert at Dana Hills High School and visited Crown Valley Elementary School. She also announced that February 17 was the PTA's 118th birthday and thanked all the parents and PTAs.

Trustee Jones reported on the sites and meetings she had attended since the last Board meeting; congratulated Dr. Le Patner and Dr. Hatchel for their new positions; and thanked Superintendent Vital and Dr. Le Patner and Dr. Hatchel for the transformation and planning that is taking place in the District.

There were no speakers.

**Oral
Communications**

DISCUSSION/ACTION

Assistant Superintendent Michelle Le Patner provided a PowerPoint presentation, which covered the goal of School of Choice, siblings, facility capacity, employees' children on School of Choice, and Two-Way Immersion students. (The PowerPoint is available for viewing on the District website at www.capousd.org).

**Board Policy
Revision
Agenda Item 7**

Due to the number of Blue Cards submitted, President Hatton-Hodson asked Trustees if they wished to waive the Board policy maximum time limit of 20 minutes for speakers. It was moved by Trustee Alpay, seconded by Trustee Jones, and motion carried by a 7-0 vote to waive Board Policy 9323.

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

The following speakers addressed the Board:

- *Sally White, Michelle Procter, Debbie Flowers, Michelle Middleton, Susan Goldfader, Jennifer Stenlake, Dagmar Foy, Scott Howell, Mark Earnest, Paul Fu, Nicole Haney, Casey Shay, Lisa Phillips, Erin O'Neill, Amanda McKay, and Vanessa Stone addressed the Board on the following: higher priority for children of teachers: allowing incoming kindergarteners to attend the same school as their siblings, even at impacted schools; higher priority for children whose parents pay Mello Roos; equity in the San Clemente High School and San Juan Hills High School Two-Way Immersion programs; inaccuracy of the parent survey; online application process; and consideration of a phasing process for siblings.*

(Student Advisor Akhil Patel left the meeting at 8:20 p.m.)

At 10:10 p.m., following a lengthy discussion by the Board, it was moved by Trustee Alpay, seconded by Trustee Hatton-Hodson, and motion carried by a 7-0 vote to take a 15 minute break to allow staff the opportunity to incorporate the new language, based on Trustees' direction, into the policy for Trustee review and consideration.

President Hatton-Hodson reconvened the meeting at 10:26 p.m. and Assistant Superintendent Michelle Le Patner read the changes staff made in the policy during the break.

Following further discussion, it was moved by Trustee Hanacek, seconded by Trustee Reardon, and motion carried by a 6-1 vote to approve revised Board Policy 5119, *School of Choice* as amended for the 2015-2016 school year.

AYES: Trustees Hanacek, Hatton-Hodson, Jones, McNicholas, Pritchard, and Reardon
NOES: Trustee Alpay
ABSENT: Student Advisor Akhil Patel

Assistant Superintendent Michelle Le Patner stated this is the second reading of Board Policy 5116, *School Attendance Boundaries* and changes Trustees requested during the first reading have been made to the policy in the exhibit.

**Board Policy
Revision
Agenda Item 8**

Following discussion, the Board directed staff to bring this policy back for a third reading.

President Hatton-Hodson stated, based on time, the following items will be carried over to the March 11 Board meeting: Item 1, Citizen's Request; Item 2, DELAC Update; and Item 3, Immunization and Health Services. Agenda Item 4, ROP Amended JPA was pulled prior to the approval of the agenda.

**President
Announcement**

Superintendent Kirsten Vital stated this agenda item pertains to the election of school board members to serve on CSBA's Delegate Assembly. The Board may vote for any number up to nine candidates in Region 15 to serve on CSBA's Delegate Assembly.

**CSBA Delegate
Assembly Election
Agenda Item 5**

It was moved by Trustee Reardon, seconded by Trustee Alpay, and motion carried by a 6-1 vote to approve casting a blank ballot.

AYES: Trustees Alpay, Hanacek, Hatton-Hodson, Jones, Pritchard, and Reardon
NOES: Trustee McNicholas
ABSENT: Student Advisor Akhil Patel

It was moved by Trustee Alpay, seconded by Trustee Reardon, and motion carried by a 7-0 vote to extend the meeting until 11:25 p.m.

Meeting Extended

It was moved by Trustee Alpay, seconded by Trustee Jones, and motion carried by a 7-0 vote to adopt Resolution No. 1415-35, Non-Reelection of Temporary Certificated Employees and authorize the District to issue notices.

**Non-Reelections of
Temporary
Certificated
Employees
Agenda Item 6**

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

President Hatton-Hodson asked Trustees for items they wished to pull from the Consent Calendar. Items 11 and 17 were pulled.

**Items Pulled from
the Consent
Calendar**

CONSENT CALENDAR

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

Minutes of the February 11, 2015, regular Board meeting.	Minutes Agenda Item 9
Resolution No. 1415-34, Recognition of Week of the School Administrator.	Week of the School Administrator Agenda Item 10
Readmission of students from expulsion: Case #2014-038, Case #2014-046, Case #2014-050, and Case #2014-76.	Expulsion Readmissions Agenda Item 12
Petition to waive California Education Code §60851(a) and Board Policy 6162.52 – California High School Exit Examination: Case #1415-004 through #1415-013.	CAHSEE Agenda Item 13
Acceptance of receipt of the Journey Charter Petition Renewal.	Journey Charter Petition Renewal Agenda Item 14
Clinical affiliation Agreement with Orange Coast Community College.	Clinical Affiliation Agreement Agenda Item 15
Purchase orders, warrants, and previously Board-approved bids and contracts as listed.	Purchase Orders/Warrants Agenda Item 16
Ratification of District standardized Independent Contractor, Master Contract, and Professional Services Agreements.	Professional Services Agreements Agenda Item 18
Ratification of special education Informal Dispute Resolution Case #013315 and Case #067414.	Settlement Agreements Agenda Item 19
Ratification of special education Settlement Agreement Case #2014120332.	Settlement Agreement Agenda Item 20
Extension of Agreement with Hollandia Dairy, Incorporated, (Hollandia) to provide milk and other dairy products, as needed by the District.	Extension Agreement – Hollandia Dairy Agenda Item 21
Amendment No. 2 to Agreement Bid No. 1314-20 for fence repairs and maintenance provided by Harris Steel Fence Company, Incorporated.	Amendment Agreement –Harris Steel Fence Co. Agenda Item 22

Advertise for bids for exterior painting of Palisades Elementary School.

**Advertise for Bid
Agenda Item 23**

Resignations, retirements, and employment of classified personnel.

**Resignations/
Retirements/
Employment
(Classified
Personnel)
Agenda Item 24**

Resignations, retirements, and employment of certificated personnel.

**Resignations/
Retirements/
Employment
(Certificated
Personnel)
Agenda Item 25**

Certification that all temporary athletic coaches have met the qualifications and competencies required in Title V §5593, of the California Code of Regulations.

**Certification of
Temporary
Athletic Coaches
Agenda Item 26**

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

Trustee Hanacek stated she pulled this item to publicly thank the Assistance League of Capistrano Valley for its continued support and partnership with District schools.

**ALCV Amendment
Agenda Item 11**

It was moved by Trustee Hanacek, seconded by Trustee Alpay, and motion carried by a 7-0 vote to approve Resolution No. 1415-14, Acceptance of the 2014-2015 Assistance League Contract Amendment No. 1 for Operation School Bell; Kids on the Block; Hands on Literacy; and Links To Learning.

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

Dawn Urbanek stated that the Leonard Foundation donates \$225K to Las Palmas Elementary School every year for class size reduction, but since the ACLU settlement in 2011 the classification for the donation is instructional materials and that is not right. Mrs. Urbanek also alerted the Board to an e-mail she received from a school, with a list of student names, regarding a pizza party for only students whose families had donated \$100.

**Donations
Agenda Item 17**

It was moved by Trustee Alpay, seconded by Trustee Hatton-Hodson, and motion carried by a 7-0 vote to approve the donations of funds and equipment.

At 11:05 p.m. President Hatton-Hodson announced the Board would recess to closed session to address Agenda Item 3D, Conference with Labor Negotiators.

**Recess to Closed
Session**

The Board reconvened to open session at 11:25 p.m. and President Hatton-Hodson reported the following action taken in closed session:

**Report Out from
Closed Session**

Agenda Item #3 D – Conference with Labor Negotiators:


No action was taken.

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

Adjournment

AYES: Trustees Alpay, Hanacek, Hatton-Hodson, Jones, McNicholas,
Pritchard, and Reardon
NOES: None
ABSENT: Student Advisor Akhil Patel

President Hatton-Hodson announced the meeting adjourned at 11:25 p.m.



Board Clerk



Secretary, Board of Trustees

Minutes submitted by Jane Boos, Manager, Board Office Operations