

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES – REGULAR MEETING
JANUARY 28, 2015
EDUCATION CENTER – BOARD ROOM

Vice President Hanacek called the meeting to order at 5:00 p.m. and announced Attorney Jon Pearl would not be present in closed session during the discussion of agenda item 3F. The Board recessed to closed session to: discuss Public Employee Appointment/Employment; discuss Public Employee Discipline/Dismissal/Release; discuss Student Expulsions; confer with Legal Counsel regarding Anticipated Litigation; confer with Real Property Negotiators; and confer with Labor Negotiators.

Trustee Jones arrived in closed session at 5:52 p.m.

The regular meeting of the Board reconvened to open session and was called to order by Vice President Hanacek at 7:05 p.m.

The Pledge of Allegiance was led by Trustee McNicholas.

Present: Trustees Alpay, Hanacek, Jones, McNicholas, Pritchard, Reardon, and Student Advisor Akhil Patel
Absent: Trustee Hatton-Hodson

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

It was moved by Trustee Jones, seconded by Trustee McNicholas, and motion carried by a 6-0 vote to adopt the Board agenda.

Adoption of the Board Agenda

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

Vice President Hanacek 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 gave direction to staff.

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

No action was taken.

Agenda Item #3 C1 – C2 – Student Expulsions:

The Board voted 5-0 to expel the following students by stipulated agreements: Case #2015-008 and #2015-013.

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

Agenda Item #3 D1 – Conference with Legal Counsel – Anticipated Litigation:

The Board gave direction to staff.

Agenda Item #3 D2 – Conference with Legal Counsel – Anticipated Litigation:

The Board gave direction to staff.

Agenda Item #3 D3 – Conference with Legal Counsel – Anticipated Litigation:

No action was taken.

Agenda Item #3 D4 – Conference with Legal Counsel – Anticipated Litigation:

The Board voted 5-0 to approve the settlement agreement in the amount of \$24,999 for the matter of Capistrano Unified School District vs. Paulos, resolving the matter.

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

Agenda Item #3 E – Conference with Real Property Negotiators:

The Board gave direction to staff.

Aliso Niguel High School Student Aileen Wang was recognized for her internationally recognized cancer research project.

Special Recognitions

Aliso Niguel High School Teachers Peter Butler and Doug Fleming were recognized for saving the life of a student athlete. Agnes McGlone, representing the American Heart Association, presented the coaches with the American Heart Association’s “Heart Saver” award and a CPR kit. Gail Myers, who was instrumental in implementing the AED program in District schools following the death of her daughter seven years ago during a cross country event, stated this action shows that a life can be saved by having the AED available.

Student Body President Sanjan Kumar from San Juan Hills High School presented a report on activities taking place at the high school.

ASB Report

Superintendent Vital reported on her school visits since the January 14 Board meeting and shared that Monday night’s Community Forum on Implementing New State Standards and Preparation for Smarter Balanced Assessment Consortium was well attended. She also announced that Parent University Nights have been scheduled throughout the District. Parents should contact their child’s school or log on to the District website’s homepage and check under the section called CapoTalk for details.

Board and Superintendent Comments

Trustee Jones shared that she and Trustee Hanacek had attended the Aliso Niguel High School Solo/Ensemble Concert at SOKA University and encouraged everyone to attend the next concert in March. Trustee Jones reported she has been working this week on relief for the San Juan Capistrano fire victims and the response for donations has been so good that there is a need for a place to store all the items. Donations of money for housing and gift cards are greatly appreciated at this time.

Trustee McNicholas commented that she and Trustee Hanacek attended Malcom Elementary School and witnessed artist Robert Wyland painting one of his famous undersea murals as a gift to the school for its 20 year anniversary.

Trustee Pritchard thanked the PTA families and school leadership in Aliso Viejo who joined him and other community members in discouraging the Aliso Viejo City Council from passing an ordinance that would allow drinking in Aliso Viejo's one and only family theater. Trustee Pritchard reported the ordinance was voted down by the council.

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

**Oral
Communications**

The following speakers addressed the Board:

- *Betsy Jenkins and Theresa O'Hare spoke of the benefit and value of the South Coast Regional Occupational Program (ROP) and asked the Board to agendize an item so the public and both districts can discuss the future of ROP in open session.*

Trustee Alpay stated the ROP board will agendize a public session for discussion on Wednesday, February 4 at 5:00 p.m. in the ROP building. He encouraged both Ms. Jenkins and Ms. O'Hare to attend the meeting.

DISCUSSION/ACTION

Vice President Hanacek announced the Public Hearing open at 7:43 p.m. regarding Resolution No. 1415-32, Authorizing the Dedication of an Easement (Right of Way) to the City of San Juan Capistrano and taking actions related thereto. There being no speakers to address the Board, Vice President Hanacek declared the Public Hearing closed at 7:44 p.m.

**Public Hearing
SJC Easement
Agenda Item 1**

Deputy Superintendent Clark Hampton stated this item is a follow up to the last Board meeting. The Board is being asked to grant a permanent limited easement to the City of San Juan Capistrano on an approximately 212 square foot portion of the property at the corner of La Zanja Street and Camino Capistrano, on property not utilized by the District.

**SJC Easement
Agenda Item 2**

Following discussion, it was moved by Trustee Reardon, seconded by Trustee Alpay, and motion carried by a 6-0 vote to adopt Resolution No. 1415-32, Authorizing the Dedication of an Easement (Right of Way) to the City of San Juan Capistrano.

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

Deputy Superintendent Clark Hampton provided a PowerPoint presentation summarizing significant areas in the Governor's proposal for the 2015-2016 budget released on January 9, 2015. Following the presentation, staff answered Trustee questions. (The PowerPoint is available for viewing on the District website at www.capousd.org).

**Governor's
January Budget
Proposal
Agenda Item 3**

Assistant Superintendent Julie Hatchel explained the approval of a Local Educational Agency (LEA) Plan is a requirement for receiving federal funding under the No Child Left Behind Act (NCLB). Dr. Hatchel stated the LEA Plan only covers Federal dollars and is not inclusive of state funding. Staff is working to align all plans to provide coherence and focus, including the alignment of the District's LEA Plan to the District's LCAP. Dr. Hatchel concluded her presentation by describing the actions that LEAs will take to ensure they meet certain programmatic requirements, including student academic services designed to increase student performance, coordination of services, needs assessments, consultations, services to homeless students, school choice, supplemental services, and others as required.

**LEA Plan
Agenda Item 4**

This item was pulled from the agenda on January 23, 2015.

**High School
Graduation
Requirements
Agenda Item 5**

Assistant Superintendent Julie Hatchel provided the Board with a PowerPoint presentation on Early Childhood Programs (ECP), which covered the benefits of early learning, ECP offerings and data trends, and ECP commitments and future offerings. Following the presentation, staff answered Trustees' questions. (The PowerPoint is available for viewing on the District website at www.capousd.org).

**Early Childhood
Programs Update
Agenda Item 6**

Assistant Superintendent Julie Hatchel provided the Board with a PowerPoint presentation on the California Assessment of Student Performance and Progress (CAASPP) and the Smarter Balanced Assessment Consortium (SBAC) testing. Dr. Hatchel summarized the CAASPP; preparing students for SBAC testing; District assessment results from the fall; and formative and performance assessments. Following the presentation, staff answered Trustee questions. (The PowerPoint is available for viewing on the District website at www.capousd.org).

**SBAC Update
Agenda Item 7**

Assistant Superintendent Julie Hatchel stated Board Policy 6151, *Class Size*, was brought to the Board for first reading at the January 14, 2015, Board meeting. Changes requested by the Trustees during the first reading of this item have been included in the policy presented to the Board for second reading.

**Board Policy
Revision
Agenda Item 8**

Following discussion, it was moved by Trustee Alpay, seconded by Trustee Reardon, and motion carried by a 6-0 vote to approve revised Board Policy 6151, *Class Size*, as amended.

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

Assistant Superintendent Michelle Le Patner stated Board Policy 5180, *Non-Discrimination*, is the governing policy which prohibits discrimination, intimidation, or harassment of any student by any employee, student, or other person in the District.

**Board Policy
Revision
Agenda Item 9**

Following discussion, Trustees requested this policy be brought back for a second reading after staff reviews the CSBA draft policy on non-discrimination.

Superintendent Kirsten Vital stated Board Bylaw 9000, *Powers & Responsibilities*, has been revised to include the protocols developed in the two Board and Superintendent Workshops, facilitated by Leadership Associates, for Board and Superintendent operating procedures.

**Board Policy
Revision
Agenda Item 10**

Following discussion, Trustees directed staff to bifurcate the Bylaw and create a new Board Bylaw for Board and Superintendent Protocols. Trustees also requested revisions to Board Bylaw 9000 after staff reviews the CSBA draft policy for Powers and Responsibilities. Both Bylaws will be brought back to the Board at a future meeting.

Vice President Hanacek asked Trustees for items they wished to pull from the Consent Calendar. Agenda items 13A, 23, and 26 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 6-0 vote to approve the following Consent Calendar items:

Minutes of the January 14, 2015, regular Board meeting.

**Minutes
Agenda Item 11**

Readmission of students from expulsion: Case #2014-026 and #2014-043.

**Expulsion
Readmissions
Agenda Item 12**

Adjusted Expenditure Plan for One-Time Funds for Common Core State Standards.

**Adjusted
Expenditure Plan
Agenda Item 13**

Unpaid fieldwork agreement with Chapman University for placement of counseling candidates

**School Counseling
Fieldwork
Agenda Item 14**

Purchase orders, warrants, and previously Board-approved bids and contracts as listed.

**Purchase
Orders/Warrants
Agenda Item 15**

Donations of funds and equipment.

**Donations
Agenda Item 16**

Ratification of District standardized Independent Contractor, Master Contract, and Professional Services Agreements.

**Professional
Services
Agreements
Agenda Item 17**

Ratification of special education Informal Dispute Resolution Case #091714 and Case #123014.

**Informal Dispute
Resolution
Agenda Item 18**

Ratification of special education Informal Dispute Resolution Case #123114.

**Informal Dispute
Resolution
Agenda Item 19**

Memorandum of Understanding (MOU) between the District and Santa Ana Unified School District to provide special education Deaf and Hard of Hearing programs and services for District students referred by their Individualized Education Program (IEP) team.

**MOU with SAUSD
Agenda Item 20**

Ratification of the Income Agreement No. 41375 with the Orange County Superintendent of Schools to provide translation services for the District.

**Income Agreement
Agenda Item 21**

Amendment to Independent Contractor Agreement to Paradigm Health Care Services for Medi-Cal billing services, specifically related to the Medi-Cal Administrative Activities (MAA) Program.

Independent Contractor Amendment Agenda Item 22

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

Acceptance of Williams Settlement Second Quarter Report.

Williams Settlement Agenda Item 27

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

Michelle Hart, on behalf of the CUSD Foundation, addressed the Board in support of the approval of the Science of Sport Agreement for the voluntary STEM program the Foundation has developed with the University of Arizona's Science of Sport and Angels' Foundation.

Science of Sport Agreement Agenda Item 13A

It was moved by Trustee Alpay, seconded by Trustee Reardon, and motion carried by a 6-0 vote to approve Resolution No. 1415-33, Science of Sport Agreement.

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

Trustee Reardon shared his concerns regarding the District relying on the Orange County Department of Education's (OCDE) ability to handle the SBAC testing for all Orange County school districts and requested staff research the possibility of a direct fiber to bypass OCDE for SBAC testing from Cox Communications next year.

Commercial Service Agreement Amendment Agenda Item 23

Following discussion, it was moved by Trustee Reardon, seconded by Trustee Alpay, and motion carried by a 6-0 vote to approve Amendment No. 1 to Commercial Service Agreement relating to RFP No. 10-1314 for wide-area network services provided by Cox Communications Rancho Santa Margarita, LLC.

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

Trustee Reardon stated he would like to know the cost and savings for installing GPS in the District's white fleet, before it is implemented, to justify the purchase.

**MOU with CSEA
Agenda Item 26**

Following discussion, it was moved by Trustee Reardon, seconded by Trustee Alpay, and motion carried by a 6-0 vote to approve the Memorandum of Understanding (MOU) with the California School Employees Association (CSEA), Chapter 224 for November 1, 2014 - June 30, 2015, regarding the use of GPS on District vehicles.

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

At 9:25 p.m. Vice President Hanacek announced the Board would recess to closed session to address Agenda Item 3F, Conference with Labor Negotiators.

**Recess to Closed
Session**

The Board reconvened to open session at 9:57 p.m. and Vice President Hanacek reported the following action taken in closed session:

**Report Out from
Closed Session**

Agenda Item #3 F – Conference with Labor Negotiators:

The Board gave direction to staff.

It was moved by Trustee Alpay, seconded by Trustee Reardon, and motion carried by a 6-0 vote to adjourn the meeting.

Adjournment

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

Vice President Hanacek announced the meeting adjourned at 9:58 p.m.



Board Clerk



Secretary, Board of Trustees

Minutes submitted by Jane Boos, Manager, Board Office Operations