

**REVISED**  
9-19-14

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

BOARD OF TRUSTEES  
Regular Meeting

September 24, 2014

Closed Session 5:30 p.m.  
Open Session 7:00 p.m.

**AGENDA**

**CLOSED SESSION AT 5:30 P.M.**

1. **CALL TO ORDER**
2. **CLOSED SESSION COMMENTS**
3. **CLOSED SESSION** (as authorized by law)

**A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

**EXHIBIT 3A**

Kirsten M. Vital/Clark Hampton/John Forney/Attorney Lynh Nguyen  
Property: Approx. 10,000 square feet of office space within the District's  
Administrative offices, located at 33122 Valle Road, San Juan Capistrano,  
California 92675 (Administration Building C)  
Negotiating Parties: IQinVision, Inc. or Authorized Representatives  
Under Negotiation: Rental Rate and Terms for Amendment to Current Lease  
of Identified Property  
(Pursuant to Education Code §54956.8)

**B. CONFERENCE WITH LABOR NEGOTIATORS**

Kirsten M. Vital/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)

**C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Julie Hatchel/Attorney Sukhi K. Ahluwalia  
Significant Exposure to Litigation – One Case  
(Pursuant to Government Code §54956.9{d}{2} and {d}{4})

**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**

*A Field Study of the San Mateo Creek completed by Students from San Clemente High School: Mackenzie Koepsell, Kirra Connolly, Marcus McGuire, Cassie Powell, Liam Pitman, Victoria Mendez, Jake Russell, Alex Zewiski, Colton Hamming, Holly Pope, Christian Morales and Advisor Lisa Kerr*

**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. SECOND READING - REVISIONS TO BOARD POLICY 1312.1, COMPLAINT PROCEDURES:**

As changes occur in Education Code or precedent-setting lawsuits, it becomes necessary to update policies. Revised Board Policy 1312.1, *Complaint Procedures*, is to provide the District, Board, and employees with up-to-date information to ensure the District meets legal provisions. There is no financial impact. Changes are underlined; deletions are struck through.

***CUSD Strategic Plan Pillar 5: Effective Operations***

***Contact: Jodee Brentlinger, Assistant Superintendent, Personnel Services***

Staff Recommendation

It is recommended the Board President recognize Jodee Brentlinger, Assistant Superintendent, Personnel Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve the revisions to Board Policy 1312.1, *Complaint Procedures*.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

DISCUSSION/  
ACTION

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**EXHIBIT 1**

**2. SECOND READING - REVISIONS TO BOARD POLICY 1312.3, UNIFORM COMPLAINT PROCEDURES:**

As changes occur in Education Code or precedent-setting lawsuits, it becomes necessary to update policies. Revised Board Policy 1312.3, *Uniform Complaint Procedures*, is to provide the District, Board, and employees with up-to-date information to ensure the District meets legal provisions. There is no financial impact. Changes are underlined; deletions are struck through

***CUSD Strategic Plan Pillar 5: Effective Operations***

***Contact: Jodee Brentlinger, Assistant Superintendent, Personnel Services***

Staff Recommendation

It is recommended the Board President recognize Jodee Brentlinger, Assistant Superintendent, Personnel Services, to present this item.

DISCUSSION/  
ACTION

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**EXHIBIT 2**

Following discussion, it is recommended the Board of Trustees approve the revisions to Board Policy 1312.3, *Uniform Complaint Procedures*.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

**3. SECOND READING - REVISIONS TO BOARD POLICY 1325 ADVERTISING AND PROMOTION:**

Board Policy 1325, *Advertising and Promotion*, states only PTA, Foundation, and Booster organizations are permitted to submit flyers for approval prior to distribution. The current policy prohibits organizations which have a relationship with the District (e.g., Orange County Sheriff's Department, American Red Cross, and others) from requesting approval for flyer distribution. This agenda item proposes policy be adopted requiring government agencies and private organizations enter into a formal agreement with the District before a request for advertising and promotion is considered. There is no financial impact. Changes are underlined; deletions are struck through.

***CUSD Strategic Plan Pillar 1: Community Relations***

***Contact: Stephen Nichols, Chief Communications Officer, Communications***

Staff Recommendation

It is recommended the Board President recognize Stephen Nichols, Chief Communications Officer, to present this item.

Following discussion, it is recommended the Board of Trustees approve the revisions to Board Policy 1325, *Advertising and Promotion*.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

**4. FIRST READING - REVISIONS TO BOARD POLICY 2111 ASSISTANTS TO THE CHIEF ADMINISTRATIVE OFFICER:**

Board Policy 2111, *Assistants to the Chief Administrative Officer* has not been revised since September 1, 2006, and some titles and positions no longer exist in the District. Changes are underlined; deletions are struck through. There is no financial impact.

***CUSD Strategic Plan Pillar 5: Effective Operations***

***Contact: Kirsten M. Vital, Superintendent***

Staff Recommendation

It is recommended the Board President recognize Kirsten M. Vital, Superintendent, 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.

**5. FIRST READING - REVISIONS TO BOARD POLICY 2210 ADMINISTRATIVE LEEWAY IN ABSENCE OF GOVERNING BOARD POLICY:**

Board Policy 2210, *Administrative Leeway in Absence of Governing Board Policy* has not been revised since September 15, 2000. Revisions to this policy will align the policy with AR 2.24. Changes are underlined; deletions are struck through. There is no financial impact.

***CUSD Strategic Plan Pillar 5: Effective Operations***

***Contact: Kirsten M. Vital, Superintendent***

Staff Recommendation

It is recommended the Board President recognize Kirsten M. Vital, Superintendent, 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.

DISCUSSION/  
ACTION

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**EXHIBIT 3**

INFORMATION/  
DISCUSSION

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**EXHIBIT 4**

INFORMATION/  
DISCUSSION

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**EXHIBIT 5**

## 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 September 10, 2014, regular Board meeting.

*Contact: Jane Boos, Manager, Board Office Operations*

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**EXHIBIT 6**

### BUSINESS & SUPPORT SERVICES

**7. PURCHASE ORDERS, COMMERCIAL WARRANTS, AND PREVIOUSLY BOARD-APPROVED BIDS AND CONTRACTS:**

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 \$5,280,968.73 and the commercial warrants total \$8,002,170.70. 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*

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**EXHIBIT 7**

**8. DONATION OF FUNDS AND EQUIPMENT:**

Approval of donations of funds and equipment. A number of gifts have been donated to the District, \$89,203.59 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*

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**EXHIBIT 8**

**9. INDEPENDENT CONTRACTOR, PROFESSIONAL SERVICES, FIELD SERVICE, AND MASTER CONTRACT AGREEMENTS:**

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 five ratifications to new agreements totaling \$178,400, one amendment to an existing agreement totaling \$5,000, and two amendment ratifications to existing agreements totaling \$36,986. 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 and 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*

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**EXHIBIT 9**

**10. SPECIAL EDUCATION INFORMAL DISPUTE RESOLUTION AGREEMENT:**

Approval of the ratification of special education Informal Dispute Resolution Case #081314. Due to the confidential nature of the Agreement, supporting information is provided to Trustees under separate cover. There is no financial impact.

*CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment*

*Contact: Sara Jocham, Assistant Superintendent, SELPA and Special Education Operations*

**11. SPECIAL EDUCATION SETTLEMENT AGREEMENT:**

Approval of the ratification of special education Settlement Agreement Case #2014061109. Due to the confidential nature of the Agreement, supporting information is provided to Trustees under separate cover. There is no financial impact.

*CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment*

*Contact: Sara Jocham, Assistant Superintendent, SELPA and Special Education Operations*

**12. MEMORANDUM OF UNDERSTANDING WITH SANTA ANA UNIFIED SCHOOL DISTRICT:**

Approval of the Memorandum of Understanding with Santa Ana Unified School District (SAUSD) for the purpose of implementing special education services and programs. The Agreement grants funding to SAUSD to provide Adult Transition Program services to a District student currently residing in an adult-group facility within SAUSD boundaries. The student's permanent residency is within District boundaries. The Agreement allows SAUSD to provide all direct services to the student, including access to local community supports and independent living. The District will provide oversight of the program and collaborate in decisions related to educational services. Expenditures under this Agreement are estimated to be \$28,089, funded by special education funds.

*CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment*

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

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**EXHIBIT 12**

**13. AMENDMENT NO. 3 TO THE USE OF FACILITIES AGREEMENT FOR 2014 WITH OXFORD PREPARATORY ACADEMY, SOUTH ORANGE COUNTY:**

Approval of Amendment No. 3 to the Use of Facilities Agreement for 2014 with Oxford Preparatory Academy, South Orange County at the Barcelona Campus. Amendment No. 3 to this Agreement allows the term of the Agreement to be extended through November 30, 2014. The rental payment for each month shall be 1/12 of the annual rental fee for the period July 1, 2013, to June 30, 2014, set forth in Section 9 of the Agreement. Thus, the rental payment for October shall be \$9,890.02 (118,680.25/12=\$9,890.02) and the rental payment for November shall be \$9,890.02 (118,680.25/12=\$9,890.02). The proposed Amendment No. 3 to the Use of Facilities Agreement has been previously reviewed and approved by the District's legal counsel.

*CUSD Strategic Plan Pillar 5: Effective Operations*

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

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**EXHIBIT 13**

**14. STATE OF CALIFORNIA MULTIPLE AWARD SCHEDULE CONTRACT NO. 4-14-72-0057A, GSA SCHEDULE NO. GS-27F-0504H, PURCHASE, WARRANTY, AND INSTALLATION OF FLOOR COVERING AND RELATED PRODUCTS, AWARDED TO KYA SERVICES, LLC:**

Approval to utilize the State of California Multiple Award Schedule Contract No. 4-14-72-0057A, GSA Schedule No. GS-27F-0504H, awarded to KYA Services, LLC, for the purchase, warranty, and installation of floor covering and related products, as needed by the District. The District can utilize such contracts pursuant to California Public Contract Code §§10298, 10299, and 12100 et. seq. without going to bid. The prices offered by the contractor have been assessed to be fair, reasonable, and competitive. Staff has determined that it is in the best interest of the District to utilize the state contract for the purchase, warranty, and installation of floor covering.

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**EXHIBIT 14**

Due to the size of the contract and award documentation, it 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**

**15. RESIGNATIONS/RETIREMENTS/EMPLOYMENT – CLASSIFIED EMPLOYEES:**

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**EXHIBIT 15**

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

**16. RESIGNATIONS/RETIREMENTS/EMPLOYMENT – CERTIFICATED EMPLOYEES:**

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**EXHIBIT 16**

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 Akhil Patel \_\_\_\_\_

Trustee Addonizio \_\_\_\_\_ Trustee Hatton-Hodson \_\_\_\_\_

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, OCTOBER 8, 2014, 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](http://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.*