

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

BOARD OF TRUSTEES
Special Meeting

October 21, 2015

Open Session 4:00 p.m.

AGENDA

OPEN SESSION AT 4:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF THE AGENDA – ROLL CALL

PUBLIC COMMENTS TO AGENDA ITEMS ONLY

DISCUSSION/ACTION ITEMS

1. AGREEMENT TO DEFER PROPOSITION 39 TIMELINE BY AND BETWEEN CAPISTRANO UNIFIED SCHOOL DISTRICT AND COMMUNITY ROOTS ACADEMY:

DISCUSSION/
ACTION
Page 1
EXHIBIT 1

The Agreement for consideration allows for the extension of the Proposition 39 deadlines while the District and Community Roots Academy negotiates a long-term Facilities Use Agreement at the Crown Valley Elementary School site beginning the 2016-2017 school year.

CUSD WIG 3: Facilities – Optimize facilities and learning environments for all students.

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

Staff Recommendation

It is recommended the Board President recognize Clark Hampton, Deputy Superintendent, Business and Support Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve Agreement to Defer Proposition 39 Timeline By and Between Capistrano Unified School District and Community Roots Academy.

Motion by _____ Seconded by _____

CLOSED SESSION IMMEDIATELY FOLLOWING OPEN SESSION

CLOSED SESSION (as authorized by law)

A. PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT

EXHIBIT A1-A2

1. Elementary School Principals
 2. High School Principal
- (Pursuant to Government Code §54957)*

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Attorney Mark Bresee
Significant Exposure to Litigation – One Case
(Pursuant to Government Code §54956.9 (d) (2))

REPORT OUT OF CLOSED SESSION

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.

2. RESIGNATIONS/RETIREMENTS/EMPLOYMENT – CERTIFICATED EMPLOYEES:

EXHIBIT 2

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 WIG 1: Teaching and Learning – Engage students in meaningful, challenging, and innovative educational experiences to increase post-secondary options for all students.

Contact: Leona Olson, Assistant Superintendent, Personnel Services

Motion by _____ Seconded by _____

ADJOURNMENT

Motion by _____ Seconded by _____

THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS WEDNESDAY, OCTOBER 28, 2015, 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

RECORDING OF SCHOOL BOARD MEETINGS

In accordance with Board Policy 9324, Board Minutes, all Regular School Board Meetings will be audio recorded

**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.

**AGREEMENT TO DEFER PROPOSITION 39 TIMELINE
BY AND BETWEEN
CAPISTRANO UNIFIED SCHOOL DISTRICT AND
COMMUNITY ROOTS ACADEMY**

This DEFERRAL AGREEMENT (“Agreement”) is made and entered into effective on the 14th day of October, 2015 (the “Effective Date”) by and between COMMUNITY ROOTS CHARTER SCHOOL, a California nonprofit public benefit corporation that operates Community Roots Academy (“CRA”), and CAPISTRANO UNIFIED SCHOOL DISTRICT, a public school district duly organized and existing under the laws of the State of California (“District”), (collectively, the “Parties”).

RECITALS

WHEREAS, the Board of Trustees of District has determined to enter into a long term facility use agreement with CRA for the entire Crown Valley Elementary School site (except portables owned by non-District entities); and

WHEREAS, Education Code section 47614 provides that, upon the making of a timely request, District is required to offer facilities to CRA to accommodate its students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other public schools of District;

WHEREAS, California Code of Regulations, title 5, section 11969.9 sets out certain procedures and deadlines for the request and provision of facilities required under Education Code section 47614;

WHEREAS, pursuant to California Code of Regulations, title 5, section 11969.1(b) the Parties may agree to an alternative to specific compliance with the procedures and deadlines under section 11969.9; and

WHEREAS, in accordance with California Code of Regulations, title 5, section 11969.1(b), the Parties desire to defer and toll all of the deadlines under section 11969.9 from the Effective Date of this Agreement during negotiation of the terms of the long-term facility use agreement for the Crown Valley Elementary School campus to CRA;

AGREEMENT

NOW THEREFORE, District and CRA hereby agree:

1. **Effective Date.** The Effective Date of this Agreement shall be October 14, 2015, which marks the beginning of the Deferral Period.

2. **Term.** The term of this Agreement shall run from and include the Effective Date and shall continue until the “Termination Date,” which shall be the earliest of fourteen (14) days after the date either party provides written notice of its decision to terminate this Agreement, the execution of a facility use agreement between the Parties for the Crown Valley Elementary

School campus, or December 15, 2015, whichever occurs first. Either party may terminate this Agreement for any reason by providing proper notice in accordance with Paragraph 4 below.

3. **Deferral Agreement.** The Parties agree that the running of time for all deadlines under California Code of Regulations, title 5, section 11969.9 shall be deferred (tolled) as of, and shall cease to run from, the Effective Date through and including the Termination Date (“Deferral Period”). All deadlines under section 11969.9, including but not limited to for requests, objections, responses, or notifications, related to the provision of facilities from District to CRA for the fiscal year beginning July 1, 2016 are hereby extended for a period equaling the length of the Deferral Period.

4. **Notice.** Any notice sent pursuant to this Agreement, including the notice of termination provided above, shall be provided by electronic mail concurrently to both persons as indicated below:

As to CRA:

Eve Fein, Executive Director of Resource Development
Community Roots Charter School
E-mail: efein@communityrootsacademy.org

Gregory V. Moser, Counsel for Charter School
Procopio, Cory, Hargreaves & Savitch
E-mail: greg.moser@procopio.com

As to District:

Clark Hampton, Deputy Superintendent
Capistrano Unified School District
E-mail: cdhampton@capousd.org

Mark R. Bresee, Counsel for District
Atkinson, Andelson, Loya, Ruud & Romo
E-mail: mbresee@aalrr.com

5. **Warranty.** The Parties each represent and warrant that: (i) they have the power and are duly authorized to enter into this Agreement described herein and upon the terms set forth herein, and (ii) upon being duly executed and delivered, this Agreement shall constitute a legal, valid, and binding obligation enforceable against the Parties in accordance with the terms of this Agreement.

6. **Entire Agreement.** This Agreement constitutes the entire agreement by and among the Parties concerning the tolling of the deadlines under California Code of Regulations, title 5, section 11969.9. No oral representation, understanding or agreement not incorporated in this

CAPISTRANO UNIFIED SCHOOL DISTRICT
San Juan Capistrano, California

Personnel Activity List Board of Trustees Regular Meeting of October 21, 2015
Certificated Employees

ACCEPT RESIGNATIONS/TERMINATIONS

<u>Name</u>	<u>Position Title</u>	<u>Reason</u>	<u>Original Hire Date</u>	<u>Date of Separation</u>
1. Olson, Leona	Assistant Supt., Personnel	Other Employ	07/02/2012	10/30/2015

APPROVE EMPLOYMENT

<u>Name</u>	<u>Position</u>	<u>Annual Salary</u>	<u>Column/ Step</u>	<u>Effective Date</u>
1. Darrow, Heather	Assistant Principal, Elementary	\$84,433	52-1	10/22/2015
2. Pompetti, Alissa	Assistant Principal, Elementary	\$84,433	52-1	10/22/2015
3. Roach, John	Interim Assistant Supt., Personnel	\$ 1,000/per diem		10/22/2105
4. Tanioka, Christopher	Assistant Principal, Elementary	\$84,433	51-1	10/22/2015