

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

BOARD OF TRUSTEES
Regular Meeting

February 10, 2016

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 LEGAL COUNSEL - ANTICIPATED LITIGATION**

Kirsten Vital/Clark Hampton
Significant exposure to Litigation – Two Cases
Attorney: Mark Bresee
(Pursuant to Government Code §54956.9 (d)(3))

John Roach
One Case
(Pursuant to Government Code §54956.9 (d)(2))

EXHIBIT A-1
 - B. PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT**

Assistant Superintendent, Human Resource Services
(Pursuant to Government Code §54957)

EXHIBIT B
 - C. CONFERENCE WITH LABOR NEGOTIATORS**

Kirsten Vital/John Roach/Clark Hampton
Employee Organizations:
 - 1) Capistrano Unified Education Association (CUEA)
 - 2) California School Employees Association (CSEA)
 - 3) Teamsters
 - 4) Unrepresented Employees (CUMA)(Pursuant to Government Code §54957.6)

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.

CALL TO ORDER – ROLL CALL

PLEDGE OF ALLEGIANCE

ADOPTION OF THE AGENDA

REPORT ON CLOSED SESSION ACTION

SPECIAL RECOGNITIONS

Associated Student Body Report – Tesoro High School:

Bill Mocnik, Principal, Ryan Schreiber, Activities Director and Tony Tacheny, Student Body President of Tesoro High School

Extra Milers:

Michelle Hart, Foundation Executive Director, CUSD Foundation

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. THIRD READING – REVISIONS TO BOARD POLICY 5111.5, LANGUAGE IMMERSION AND INTERNATIONAL BACCALAUREATE ADMISSIONS:

Board Policy 5111.5, *Language Immersion and International Baccalaureate Admissions*, has been updated to outline the proposed matriculation pathways for the Spanish Immersion Program, the Mandarin Immersion Program and the International Baccalaureate Program. Determining the pathways will help provide more predictable enrollment counts for staffing purposes and eliminate the need for School of Choice application to middle and high school for Language Immersion and International Baccalaureate students. Having the matriculation pathways and a defined Kindergarten enrollment process which takes place outside of School of Choice helps alleviate concerns around guaranteed placement and program continuation as students matriculate to the different levels. The proposed matriculation pathways have been determined based on the geographic location of the Language Immersion (LI) and International Baccalaureate (IB) schools and the high school attendance boundaries as well as by the enrollment geographical trends of Mandarin Immersion Program (MIP) families. The transition plan, *Grandfather Clause*, for currently enrolled Language Immersion students will be implemented 2016-2024 to provide adequate time for parents and student to select the Middle and High school to continue their Language Immersion program participation. The guaranteed matriculation pathways will begin with the newly enrolled Kindergarten students in the 2016-2017 school year and will be in full effect the 2024-2025 school year. Staff will update the SOC policy to add a priority for LI students to provide options to enroll in a LI program outside of the guaranteed pathway. The potential future fiscal costs include but are not limited to additional staff, additional sections, materials and

DISCUSSION/
ACTION
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EXHIBIT 1

professional development for program expansion. Changes are underlined, deletions are struck-through.

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

Contact: Susan Holliday, Assistant Superintendent, Education Services

Staff Recommendation

It is recommended the Board President recognize Susan Holliday, Assistant Superintendent, Education Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve Board Policy 5111.5, *Language Immersion and International Baccalaureate Admissions*.

Motion by _____ Seconded by _____

2. SPECIAL EDUCATION COMMUNITY ADVISORY COMMITTEE ANNUAL REPORT:

California Education Code §§56190-56194 specifies that each Special Education Local Plan Area must establish a Community Advisory Committee (CAC) with parents of students with special needs forming the majority of membership. Other members include parents of other students in the District, general education and special education teachers, school personnel, representatives of public and private agencies, and persons concerned with individuals with exceptional needs. CAC members are appointed by the Board of Trustees for a period of two years in an advisory capacity. CAC responsibilities include: advising the District on the plan for special education, recommending annual priorities, assisting in parent education, recruiting parents and other volunteers, encouraging community involvement in special education, supporting activities on behalf of individuals with special needs, and assisting in parent awareness of the importance of regular school attendance. This presentation will highlight the 2014-2015 CAC accomplishments as well as an update on the 2015-2016 CAC activities.

CUSD WIG 2: Communications – Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions.

Contact: Mark Miller, Assistant Superintendent, SELPA and Special Education Services

Staff Recommendation

It is recommended the Board President recognize Mark Miller, Assistant Superintendent, SELPA and Special Education Services, 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.

3. SECOND READING - APPROVAL OF SUBSTITUTE DAILY RATE OF PAY INCREASE:

The District substitute teachers currently receive the lowest daily rate of pay of districts surveyed in the county. Raising the daily rate for substitute teachers would make the District more competitive with neighboring districts, encouraging local substitutes to serve in their own district. The Board will be presented with further data and analysis following questions asked at the January 27 Board meeting.

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

INFORMATION/
DISCUSSION

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EXHIBIT 2

DISCUSSION/
ACTION

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EXHIBIT 3

Contact: John Roach, Interim Assistant Superintendent, Personnel Services/Compliance

Staff Recommendation

It is recommended the Board President recognize John Roach, Interim Assistant Superintendent, Personnel Services/Compliance, to present this item.

Following discussion, it is recommended the Board of Trustees approve the recommendation to increase the daily rate of pay for substitute teachers.

Motion by _____ Seconded by _____

4. SECOND READING – BOARD POLICIES 4111; 4211; 4311; RECRUITMENT, SELECTION AND APPOINTMENT: DISCUSSION/
ACTION

Education Code §35161 authorizes the Board of Trustees to delegate any of its powers or duties to any officer or employee of the District provided that the Board retains ultimate responsibility over the performance of those powers and duties delegated.

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EXHIBIT 4

In the efficient operation of the District, students are best served when positions are filled with high quality individuals quickly. This amendment authorizes the Superintendent to hire employees subject to ratification by the Board, bridging the time between Board meetings in an effort to ensure staff is in place to provide instruction and support services efficiently and without delay. Changes are underlined, deletions are struck through.

CUSD WIG 2: Communications – Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions.

Contact: John Roach, Interim Assistant Superintendent, Personnel Services/Compliance

Staff Recommendation

It is recommended the Board President recognize John Roach, Interim Assistant Superintendent, Personnel Services/Compliance, to present information on this item and answer any questions Trustees may have.

Following discussion, it is recommended the Board of Trustees approve Board Policies 4111; 4211; 4311; *Recruitment, Selection and Appointment*.

Motion by _____ Seconded by _____

5. NOMINATING SUBCOMMITTEE FOR BOARD POLICY UPDATES AND REVISIONS: DISCUSSION/
ACTION

A subcommittee to manage the process of prioritizing, reviewing and revising Board Policies over the next eighteen months. The subcommittee ensures policies are fully reviewed prior to Board's evaluation and final approval. This agenda item requires the Board of Trustees to select three members to serve on this subcommittee. There is no financial impact.

EXHIBIT 5

CUSD WIG 2: Communications – Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions.

Contact: Kirsten M. Vital, Superintendent

Staff Recommendation

It is recommended the Board of Trustees review the committee listed and reaches a consensus and/or take a formal vote on which Trustees will participate on the Board Subcommittee on Board Policy Updates and Revisions.

Following discussion, it is recommended the Board of Trustees approve the Selection of Trustee Participation on Board Subcommittee on Board Policy Updates and Revisions.

Motion by _____ Seconded by _____

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.

BUSINESS & SUPPORT SERVICES

6. SPECIAL EDUCATION INFORMAL DISPUTE RESOLUTIONS:

Approval of the ratification of special education Informal Dispute Resolution Case #20160104, Case #20160105, and Case #20160108. Due to the confidential nature of the Agreements, supporting information is provided to Trustees under separate cover. There is no financial impact.

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

Contact: Mark Miller, Assistant Superintendent, SELPA and Special Education Services

7. SPECIAL EDUCATION SETTLEMENT AGREEMENT:

Approval of special education Settlement Agreement Case #2015071129. Due to the confidential nature of the Agreement, supporting information is provided to Trustees under separate cover. Expenditures under this Agreement are limited to \$25,000, funded by special education funds.

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

Contact: Mark Miller, Assistant Superintendent, SELPA and Special Education Services

8. ARCHITECTURAL AND RELATED SERVICES AGREEMENT–WLC ARCHITECTS, INCORPORATED–BERGESON ELEMENTARY SCHOOL MODULAR PORTABLES:

Approval of the Agreement for Architectural and Related Services with WLC Architects, Incorporated to provide services related to the design and construction of two portable classrooms and associated site work at Bergeson Elementary School to accommodate additional enrollment projections. The fixed fee for basic services is \$23,000 plus reimbursable expenses in the amount of \$5,046 as detailed in the Agreement. Due to the size of the Agreement for Architectural and Related Services, it will be posted online in the District Board Agendas and Supporting Documentation page. This project is funded by Developer Fees fund 25.

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

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

9. **QUARTERLY REPORT – WILLIAMS SETTLEMENT UNIFORM COMPLAINT:** Page 10
EXHIBIT 9

Acceptance of Williams Settlement First Quarter Report. As a result of the Williams Settlement, Education Code §35186 mandates school districts establish policies and procedures to resolve deficiencies related to textbooks and instructional materials, teacher vacancies or misassignments, facility conditions posing a threat to student/staff health or safety, and instruction and services for the California High School Exit Examination. Furthermore, the law requires any deficiencies or complaints be reported to the Board of Trustees at a regularly scheduled public meeting each quarter. During the second quarter, two complaints were filed.

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

Contact: John A. Roach, Interim Assistant Superintendent, Personnel Services

GENERAL FUNCTIONS

10. **SCHOOL BOARD MINUTES:** Page 11
EXHIBIT 10

Approval of the minutes of the December 9, 2016 - December 14, 2016 - January 13, 2016 and January 27, 2016 regular Board meetings.

Contact: Colleen Hayes, Manager IV, Superintendent’s Office

BUSINESS & SUPPORT SERVICES

11. **DONATION OF FUNDS AND EQUIPMENT:** Page 45
EXHIBIT 11

Approval of donations of funds and equipment. A number of gifts have been donated to the District, including \$407,227.50 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 WIG 1: Teaching and Learning – Engage students in meaningful, challenging, and innovative educational experiences to increase post-secondary options for all students.

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

12. **EXTENSION OF AGREEMENT FOR BID NO. 1314-18, ELECTRICAL SERVICE – GILBERT & STEARNS, INCORPORATED:** Page 48
EXHIBIT 12

Approval of the Extension of Agreement of Bid No. 1314-18, Electrical Service with Gilbert & Stearns, Incorporated to provide repairs related to electrical services for all sites throughout the District. The vendor is requesting an increase to their current hourly labor rates for the renewal period of January 1, 2016 through December 31, 2016, due to wage increases by the National Electrical Contractors Association Agreement Wage and Contribution Schedules, August 2015 and February 2016 shown in Exhibit A attached. Annual expenditures under this contract are estimated to be \$600,000 funded by deferred maintenance and routine restricted maintenance accounts. Actual expenditures under this bid will vary depending on the needs of the District and availability of funding.

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

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

13. **INDEPENDENT CONTRACTOR, PROFESSIONAL SERVICES, FIELD SERVICE, AND MASTER CONTRACT AGREEMENTS:** Page 63
EXHIBIT 13

Approval of the District standardized Independent Contractor, Professional Services, Master Contract, and Field Service Agreements. The expenditures related to the listed agreements were previously authorized as part of the District’s budget approval process. The exhibit shows ten new retroactive agreements totaling \$344,150 and two amendments totaling \$6,498. 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. Agreement listing is attached.

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

CUSD WIG 2: Communications – Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions.

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

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

14. AWARD REQUEST FOR PROPOSALS NO. 5-1516, ENERGY AUDIT SERVICES:

Approval of the award of Request for Proposal (RFP) No. 5-1516, to provide energy audit services to capitalize on the available funding available through Proposition 39 (Prop 39) - California Clean Energy Jobs Act. In response to the RFP, the District received seven proposals: Alliance Building Solutions, Inc.; Climatec, LLC; Enviser; Farmand, Inc., dba Indoor Environmental Services; OpTerra Energy Services, Inc.; Schneider Electric Buildings Americas, Inc. (Schneider Electric); and SmartWatt Energy, Inc. Schneider Electric was selected based on the company's experience, costs/fees, qualifications of staff and other factors enumerated in the RFP. Services under this contract are estimated to be approximately \$500,000 at the proposed rates contained in Schneider Electric's proposal, funded by Prop 39 funds with no impact on the general fund. The term of the contract will be one year, beginning February 15, 2016 through February 14, 2017, with the option to extend at the end of the term. Due to the size of the proposal and contract, all documents will be posted online on the District Purchasing Supporting Documentation page.

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

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

15. 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 \$1,248,145.96 and the commercial warrants total \$4,224,884.74. 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 warrants, by vendor, exceeding \$250,000.

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

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

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EXHIBIT 15

PERSONNEL SERVICES

16. RESIGNATIONS/RETIREMENTS/EMPLOYMENT – CLASSIFIED EMPLOYEES:

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

Contact: John A. Roach, Interim Assistant Superintendent, Personnel Services

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EXHIBIT 16

17. RESIGNATIONS/RETIREMENTS/EMPLOYMENT – CERTIFICATED EMPLOYEES:

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EXHIBIT 17

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: John A. Roach, Interim Assistant Superintendent, Personnel Services

ADJOURNMENT

Motion by _____ Seconded by _____

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS
WEDNESDAY, FEBRUARY 24, 2016, 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

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.