

CAPISTRANO UNIFIED SCHOOL DISTRICT  
BOARD OF TRUSTEES  
MINUTES – REGULAR BOARD MEETING  
SEPTEMBER 23 2015  
EDUCATION CENTER – BOARD ROOM

Vice President Hanacek called the meeting to order at 5:42 p.m. and announced Attorney Dan Spradlin will be present during the discussion of closed session agenda item 3A, Conference with Legal Counsel – Anticipated Litigation, one case.

Superintendent Vital announced for the record that President Hatton-Hodson is not present and will not be participating in closed session.

At 5:43 p.m. the Board recessed to closed session to address items 3A through 3D; confer with Legal Counsel regarding Anticipated Litigation; confer with Labor Negotiators; discuss Public Employee Employment/Appointment; discuss Public Employee Discipline/ Dismissal/Release.

The regular meeting of the Board reconvened to open session and was called to order by Vice President Hanacek at 7:00 p.m. Vice President Hanacek read the following script for the Minutes as it relates to President Hatton-Hodson's remote teleconference participation in tonight's Board meeting.

Prior to the roll call, I would like to make clear for the record of this meeting, and it should be reflected in the Minutes, this meeting is conducted pursuant to California Government Code Section 54953, in that President Hatton-Hodson is at 11345 Conestoga Drive in Grass Valley California and will be participating by speaker phone. In accordance with the Ralph M. Brown Act, the teleconference location has been identified in the notice and agenda for this meeting. Mrs. Teichman, it would now be appropriate for you to conduct roll call, after which I will confer certain matters for the record.

ROLL CALL:

Present: Trustees Alpay, Hanacek, Hatton-Hodson, Jones, McNicholas, Trustee Pritchard, Reardon, and Student Advisor Elizabeth Sorensen

Absent: None

I would now like to request that President Hatton-Hodson respond to the following questions:

President Hatton-Hodson, can you hear me well? *President Hatton-Hodson* – Yes I can.

Were you able to hear our proceedings on this end up until now? *President Hatton-Hodson* – Yes.

Do you have a copy of the agenda for this meeting? *President Hatton-Hodson* – I do.

Have you posted the agenda at the location where you are? *President Hatton-Hodson* – I have.

Is your location reasonably accessible to the public, such that any member of the public could participate in the teleconference from your location if he or she wished to do so? *President Hatton-Hodson* - Yes.

Is there any member of the public there with you who would like to participate in the public comment portion of this meeting, or otherwise address any agenda item for this

meeting? *President Hatton-Hodson* - No.

I would now like to ask that any members of the Board of Trustees speak up at this time if a Trustee has not been able to clearly hear President Hatton-Hodson. Hearing no comment, the record should reflect that all Trustees have indicated that they were able to hear President Hatton-Hodson clearly.

I would next request that any Trustee speak up at this time if such Trustee has any reason to believe, based on voice recognition or otherwise, that the person representing themselves to be President Hatton-Hodson is not truly so. Hearing no comment, the record should reflect that no Trustee expressed doubt that President Hatton-Hodson is the party participating by teleconference with the Trustees present tonight.

I would now like to remind the Trustees and Manager of the Board that any votes taken during the teleconference portion of this meeting must be taken by roll call.

The Pledge of Allegiance was led by Trustee Reardon.

**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](http://www.capousd.org)**

**Permanent Record**

It was moved by Trustee Reardon, seconded by Trustee Jones, and motion carried by a 7-0 vote to adopt the Board agenda.

**Adoption of the Board Agenda**

ROLL CALL:

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

Vice President Hanacek reported the following action taken during closed session:

**President's Report from Closed Session Meeting**

**Agenda Item 3A: Conference With Legal Counsel – Anticipated Litigation: One Case**

Attorney Dan Spradlin was present in closed session. The Board directed staff to take appropriate action to collect on the outstanding judgment in the amount of \$167,015.60 from former Superintendent James Fleming.

**Agenda Item 3B: Conference With Labor Negotiators**

1. Capistrano Unified Education Association (CUEA)
2. California School Employees Association (CSEA)

There is no reportable action.

**Agenda Item 3C: Public Employee Discipline/Dismissal/Release:**

There is no reportable action.

**Agenda Item 3D-1: Public Employee Employment/Appointment:**

The Board voted 6-0-1 to approve the appointment of Neil Anderson, Coordinator, Visual and Performing Arts.

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

Pritchard and Reardon  
NOES: None  
ABSENT: President Hatton-Hodson

**Agenda Item 3D-2: Public Employee Employment/Appointment:**

The Board voted 6-0-1 to approve the appointment of Judith Murphine, High School Assistant Principal.

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

**Agenda Item 3D-3: Public Employee Employment/Appointment:**

The Board voted 6-0-1 to approve the appointment of Antoinette McManigal, Middle School Assistant Principal.

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

Mr. Ryan Burris, Public Information Officer, recognized Student Advisor Elizabeth Sorensen and shared information on Elizabeth's impressive personal and academic accomplishments. **Special Recognition**

Mr. Burris recognized Teacher Lindsey Pellow for her leadership of the Peer Assistance Leadership Program (PAL) at Newhart Middle School.

Superintendent Kirsten Vital welcomed everyone and stated she recognizes many in the audience tonight from the recent Community Engagement meetings and acknowledged the emotions and difficulties relating to the decision to close a school. The Superintendent reminded everyone we are one community and role models to our children by how we work together. The Superintendent also addressed the 2016-2017 School Calendar being discussed this evening and shared factors which make this the best calendar for all students in the District, not only high school seniors. Finally, the Superintendent highlighted the high schools which were recently ranked as some of the best high schools in the country by U.S. News & World Report, based on College Readiness and API scores. Superintendent Vital stated this is a wonderful testament to the hard work and dedication of the principals, teachers and staff and speaks to the collective commitment of the District and Board. **Board and Superintendent Comments**

Vice President Hanacek recognized Student Advisor Elizabeth Sorensen and thanked her for her service and stated she is a reminder to all of the reason we are here in our support of students. Vice President Hanacek recognized Las Palmas Elementary Schools' 'Watch Dog Dads' creative program and acknowledged their presence as a part of the schools daily life and wonderful role models for all students.

Trustee McNicholas commented on the wonderful musical which she and other Trustees attended at San Clemente High School. Trustee McNicholas shared a recap

of the recent football game between Aliso Niguel High School and Dana Hills High School.

Trustee Alpay clarified The 'Dogs' in *Watch Dog Dads* stands for *Dads of Great Students*. Trustee Alpay Reiterated how wonderful the musical was at San Clemente High School (SCHS) and commented on how a new theater would further enhance the experience. Trustee Alpay congratulated SCHS football team on their recent win over La Mirada High School.

Trustee Jones shared information relating to another agenda item tonight, Technology Plan 2015-2018 and urged the audience to stay at the meeting to find out more about the District's upcoming Technology Plan.

The following speakers addressed the Board:

- *Jennifer Miramontes addressed class size maximums in the school district, and provided data specific to Ladera Ranch Elementary School.*

**Oral  
Communications**

Vice President Hanacek announced the Public Hearing open at 7:21 p.m. regarding Resolution No 1516-22, Convey an Easement to the Moulton Niguel Water District for the Purpose of Constructing and operating Certain Water, Reclaimed Water, and Sewer Facilities at Aliso Viejo Transportation Facility. Seeing no members of the audience present wishing to address the Board, Vice President Hanacek declared the Public Hearing closed at 7:21 p.m.

**Public Hearing:  
Resolution No.  
1516-22, To  
Convey an  
Easement  
Agenda Item 1**

Clark Hampton, Deputy Superintendent, Business and Support Services provided information relating to the need by the Moulton Niguel Water District to connect water and sewer facilities for a new development occurring on the 2C Liberty property in Aliso Viejo.

**Resolution No  
1516-22, To  
Convey an  
Easement  
Agenda Item 2**

It was moved by Trustee Reardon, seconded by Trustee McNicholas, and motion carried by a 7-0 vote to approve Resolution No 1516-22, Convey an Easement to the Moulton Niguel Water District for the Purpose of Constructing and Operating Certain Water, Reclaimed Water, and Sewer Facilities at Aliso Viejo Transportation Facility.

**ROLL CALL:**

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

### **DISCUSSION/ACTION ITEMS**

Principal Michelle Benham introduced this item and provided information on the rationale of the Committee to arrive at tonight's recommendation. Principal Benham reviewed the 2016-2017 School Calendar and stated this calendar would allow all District programs, from TK through K-12 to start school on the same day with a one-day instructional interruption during the first quarter for Labor Day. Principal Benham explained the benefit of a school calendar which allows for student testing prior to the winter break and the positive impact for all secondary students and teachers. Principal Benham addressed benefits for Capistrano Unified School District's (CUSD) Advanced Placement (AP) students including the equal competitive advantage which CUSD's AP students could realize as compared to other high schools around the nation. Ms. Benham stated an early release will better align with

**2016-2017 School  
Calendar  
Agenda Item 3**

schools in Orange County and California and provided a spreadsheet showing the start dates for the other School Districts in Orange County. Ms. Benham stated ending the school year closer to the end of the assessment period will allow students to test better during finals. Ms. Benham reviewed the three options being presented to the Board for consideration.

Due to the number of Blue Cards submitted, Vice President Hanacek asked Trustees if they wished to waive the Board policy maximum time limit of 20 minutes for all speakers, or limit the number of speakers or the amount of time of each speaker to two minutes.

After discussion amongst Trustees, it was moved by Trustee Reardon, seconded by Trustee Jones, and motion carried by a 7-0 vote to waive Board Policy 9323 and allow each speakers two minutes to address the Board.

**ROLL CALL:**

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

The following speakers addressed the Board:

- Harvey Ivory asked the Board to consider modifying the 2016-2017 School Calendar by moving the start date out and removing some of the vacation days which occur throughout the year. Mr. Ivory shared the impact on working parents relating to their use of vacation days.
- Brook Wilkins shared later start dates for other schools and suggested looking at removing late start and early dismissal days along with days off throughout the year. Ms. Wilkins stated her main concern is that the Calendar was decided without significant parent involvement.
- Jen Bruni stated she has not seen any benefit for her two advanced placement students by this later start date. Ms. Bruni stated education is important in her family and that she does not feel included in the process.
- Jenny Minor stated her main concern is that no one asked the parents what they thought about an earlier start date. Ms. Minor asked the Trustees to find a middle ground solution that will work for everyone.
- Jessica Weaver stated this change was not handled right from the beginning including the notification of this drastic change. Ms. Weaver asked the Board if these early start dates of school will continue to slide back.
- Nicole Carlson stated our climate and ecosystem should impact our start date decision because it does impact the learning ability of students. Ms. Carlson stated a drastic change was made without taking into account the broad views of the entire community and requested that the Board consider a committee to receive input from the entire community for the consideration of all of Capistrano Unified students, not just Advanced Placement (AP) students.
- Brad Barber reminded the Board of their job to represent all students and commented that the statistics provided by the Superintendent are based on data obtained from periods which had the later start dates of the school year.
- Abi Wilson shared her feelings on not being included in the school calendar process and decision and expressed to the Board she hopes they have an open mind to reconsider this decision and suggested condensing the school year. Ms. Wilson stated that AP students know what they are signing up for.
- Tarah Heineon stated she is here because she does not feel she was provided a

democratic opportunity to participate. Ms. Heineon addressed the impact on the environment relating to CO2 in classrooms caused by starting school earlier.

- Summer Thacker requested the Board poll everyone and majority rules and then people will feel this was done fairly and they were provided the opportunity to vote.
- Tasha Fischer shared her disappointment in finding out about the calendar change and not being provided an opportunity to participate. Ms. Fischer suggested the Board trim the fat off the minimum days and possibly the Christmas holiday.
- Emily Boyer asked the Board to listen to the voices of the community and make a compromise.
- Melinda Ferraro shared her disappointment to learn of the new school start date, not having an opportunity to participate, and how the information was disseminated. Ms. Ferraro requested the Board to poll the community and listen to what they hear; but not to start in mid-August.
- Michelle Dinger stated she shares the same disappointment as previous speakers relating to the process of the school calendar decision and asked the Board to implement a more inclusive process to hear from parents and teachers.
- John Johnston shared information he learned from his neighbors and his view of the numerous holidays, minimum days, and days off. Mr. Johnston asked the Board to consider a calendar with fewer days off.
- Cherly Deacon stated the Board failed to ask the parents what they want and addressed the success acknowledged tonight came from the years with a later start date of school.
- Katherine Arthur stated a drastic calendar change should not be made without the input of parents and families and stated to the Board she is in support of revisiting the start date of the 2016-2017 School Calendar.
- Taryn Bentley stated she is not in favor of this calendar change and does not personally know of anyone who is. Ms. Bentley stated she is most upset about the process; of not being included in the process. Ms. Bentley asked the Board to reconsider the start date and to keep it late August until the parents have had an opportunity for input.

Vice President Hanacek asked questions of staff relating to establishing a consistent length of summertime and the timing of finals prior to winter break.

Trustee Jones stated she plans to vote for Option 2 which mirrors this year's calendar. Trustee Jones addressed the need for academic improvement of low and middle scoring students and agrees that a more inclusive school calendar process is needed.

Trustee discussion occurred relating to a polling process, multiple calendar options, and proposed motions.

Vice President Hanacek read a recap statement which was provided to her by President Hatton-Hodson:

*At the last meeting I was struck with not only a speaker but also one of our Trustees said there was not enough compelling data to stick with the calendar we all already agreed was best for our students. As you have heard in the presentation, all of the data clearly supports an earlier start date and this calendar not only does that but perhaps most importantly provides for the most days of uninterrupted instructional time we have had. I would also like to iterate the data showing 50 percent of high*

*school kids taking an AP class, that really is half of our population since we all know by our graduation rates, our elementary kids become high school kids and that number will only increase with the new accountability system; meaning this will positively impact at the most rigorous and pivotal point in their education the majority of our students. Also, please recognize the input from our current student advisor who was chosen to represent all students in our district and our immediate past student advisor and the Associated Student body Vice President who spoke at our last meeting. All of them urged us to keep the calendar as they know it is focused on what is best for them. Finally, regarding nationally-recognized school districts that start later as I mentioned in our last meeting, please note that they also take only two days at Thanksgiving and have a shorter winter break.*

Student Advisor Sorensen spoke as a representative of high school students and shared her experience of finals after the winter break. Student Advisor Sorensen stated she agrees with the Board President that finals need to occur prior to the winter break along with an earlier start and release date for all students.

Trustee Alpay stated this is really about the process and acknowledged the deficiency in the process used to select this new calendar. Trustee Alpay discussed holding the calendar planning meetings in a more public forum in order to allow for more input by a larger group of people. Trustee Alpay addressed the proposed calendars as it relates to uninterrupted instructional days and asked questions of staff. Staff provided tentative information relating to holidays and allowable days off and clarified that days off would need to be looked into more. Superintendent Vital reminded the Board that staff cannot negotiate days off and that the District deeply value our bargaining units when it comes to negotiating time off. The Superintendent clarified instructional day credit for teachers and students as it relates to the required 180 days of instruction.

Vice President Hanacek stated she believes that in order for the District to do community engagement correctly, more time will be needed and that Option 2 will accomplish what people have asked and will provide true breaks to students.

Superintendent Vital clarified the instruction to Staff from the Board is to create a calendar for the 2016-2017 School Year that ends the first semester by winter break and ends the school year by June 2 or thereabouts. The Superintendent further clarified that Ms. Benham feels this is do-able and the issues of semesters being 14 days different will need to be looked at. The Superintendent stated another item to consider is if the District can be in session up to December 22 and if the District can take days out of the current Thanksgiving break schedule and to start the school year on approximately August 22. The Superintendent stated this is an approximation for Staff to take back and create a calendar and addressed a potential polling process.

Further Trustee and Superintendent discussion and comments ensued.

Trustee Reardon addressed the conflict in the District's School Calendar with that of Saddleback College School Calendar along with military camp dates based on the District's end date of school.

Trustee Pritchard suggested the Superintendent speak with the Superintendent and Cabinet of Saddleback College relating to realignment of dates. Superintendent Vital stated she would be happy to discuss this matter with Saddleback College.

Principal Benham created a rough calendar which reflects input and changes suggested by Trustee discussion tonight. Principal Benham displayed a potential calendar with a start date of August 22, a two-day Thanksgiving break, testing on December 19-22, ending the first semester prior to winter break and date options for returning from winter break.

Superintendent Vital reiterated to the Board that they are not voting on a calendar tonight but rather voting on the values and concepts of Option 2.

Trustee and Staff discussion continued clarifying the differences in the proposed calendar options.

Trustee Alpay made a motion to direct Staff to come back with two potential calendars for consideration for adoption at the next Board meeting with an August 22 start date and ending the semester at the beginning of the winter break. Trustee Alpay requested that Version One would reflect an entire week vacation for Thanksgiving and Version Two would reflect a Thursday and Friday Thanksgiving break.

Trustee Reardon seconded the motion with an amendment that the matter of the semester break ending at winter break is left to Staff to provide in the different calendar options provided on October 14.

Trustees made comments and asked further questions of Staff and the Superintendent.

Motion carried by a 6-1 vote to direct Staff to come back with two potential calendars for consideration for adoption at the October 14 Board meeting. One option would reflect an August 22 start date with an entire week vacation for Thanksgiving. The second option would reflect a Thursday and Friday Thanksgiving break and Staff will provide dates reflecting the end of the first semester for both options.

**ROLL CALL:**

AYES: Trustees Alpay, Hanacek, Jones, McNicholas, Pritchard, Reardon, and Student Advisor Sorensen  
NOES: President Hatton-Hodson

It was moved by Vice President Hanacek, seconded by Trustee Reardon, and motion carried by a 7-0 vote to move Items 5, 6, 7, 10, and 11 to the October 14 Board meeting in consideration of overall length of Board meeting time.

**ROLL CALL:**

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

Assistant Superintendent, Education Services, Susan Holliday introduced this item and stated that she and Assistant Superintendent, Special Education, Mark Miller will be providing a draft overview of a potential plan for providing Community Roots Academy (CRA) space and stressed that tonight's presentation is a proposed transition plan in draft form.

**Lease with  
Community  
Roots Academy  
Agenda Item 4**

Ms. Holliday provided a Power Point presentation and discussed the transition factors considered including enrollment, projected enrollment, capacity of area schools,



boundaries, before and after school care, community programs and services, and the feeder patterns of middle and high schools. Ms. Holiday provided details relating to Wood Canyon Elementary School's (WCES) boundaries, 2016-2017 projected enrollments, nearby elementary schools and their capacities. Ms. Holliday discussed information relating to re-imaging possibilities and expansion of WCES if CRA is no longer at that site. Ms. Holliday touched on some of the ideas which were provided as feedback at the September 14 meeting including special education collaboration with general education, highlighting the Performing Arts program, return the Transitional Kinder program, expanding Physical Education and the Science & Technology opportunities, highlighting and marketing of the broadcasting and multi-cultural programs.

Ms. Holliday provided a summary of Crown Valley Elementary School's (CVES) current and projected enrollment, nearby elementary schools and T-K programs, feeder patterns and school boundaries. Ms. Holliday spoke about schools for CVES students to potentially attend in the future which include Moulton, George White, and Hidden Hills Elementary Schools along with the School of Choice (SOC) option which will include language specific for CVES students. Ms. Holliday provided data showing where CVES students currently attend through SOC options. Ms. Holliday stated each of the school sites are stable and have the capacity, based on information provided by Decision Insite, to welcome CVES students and stated further studies will need to be completed relating to growth for the next five to ten years. Ms. Holliday provided background information relating to peak enrollment numbers at each of these Laguna Niguel Elementary Schools and noted each school would have the capacity to welcome CVES students as a cohort or individually through SOC.

Ms. Holliday presented and explained several potential scenario options for CVES students to transition to nearby school sites. Ms. Holliday discussed the unique programs and services at CVES which will be transitioned as appropriate by working with school administrators and parent groups.

Mr. Miller continued the Power Point presentation and stated the Special Education Department has begun to identify a draft transition plan in the event CVES is the selected site for CRA. Mr. Miller provided information relating to District Hubs and the high percentage ratios at CVES due to a decline in the general education enrollment. Mr. Miller stated in the analysis of developing a proposed transition plan for Special Education Services, Staff took into consideration the Hub Program for the students served in the SAI Self-Contained Program as well as the Non-Hub Programs located on the CVES campus. The proposed location for CVES SAI Self-Contained student is WCES. Mr. Miller provided background on WCES experience with SAI Services and in mainstreaming opportunities. Mr. Miller also addressed proposed transition sites for Non-Hub programs within the District.

Superintendent Vital recommended to the Board that the District enter into a long-term lease agreement with CRA, at the CVES site and move forward with the proposed CVES transition plans.

The following speakers addressed the Board:

- Sally White stated whatever decision is made tonight Capistrano Unified Employee Association will stand behind the teachers and asked the Board to support the staff and students completely through every step moving forward. Ms. White specifically requested the Board give direction and special

consideration for support at a neighboring school or the school site which becomes the new home for the majority of the students and requested the Union be kept abreast of the transition plans along the way and offered her assistance.

- Felicia Cunningham spoke regarding her special education children and the wonderful program at CVES.
- Harvey Ivory spoke to the success of CRA and asked the Board to consider this charter and others charters success and plan through facilities for potential future needs to avoid a similar situation in the future.
- Jeremy Cavallaro spoke to the integrity of CRA and its collaborative approach and respectfully requested that the Board make a decision tonight.
- Michele Ploessel-Campbell provided a handout to Trustees and stated the decision being made tonight is a business decision which will impact children's lives and discussed projected capacity numbers at both Wood Canyon and Crown Valley Elementary School.
- Bruce Campbell addressed what a realistic capacity really is at CVES.
- Jon Russell spoke in favor of keeping CVES open and encouraged the Board to look at displacing the lease amount of students by selecting WCES as the site for CRA.
- Mercedes Wagner stated she is here on behalf of her special needs child and stated she feels data was gathered and disseminated in an inconsistent and fragmented manner. Ms. Wagner asked the Board to vote no and to save CVES.
- Rachelle Rodriguez shared information relating to choices her family has made in order to live and work close to WCES and stated Aliso Viejo children deserve to have schools in their neighborhoods to attend.
- Deana Lang spoke in favor of keeping WCES open.
- Brandi Newell asked the Board to repair the damage in the Aliso Niguel community and with Wood Canyon families and to return WCES to the Blue Ribbon School it once was by investing back into WCES. Ms. Newell asked the Board to bring back the special need students, offer TK classes and other programs and to not close WCES.
- Charis Williams spoke in favor of keeping Hidden Hills Elementary School open and highlighted the unique programs at that site as well as within the neighborhood community.
- Steven Luboviski, Stephanie Bashoor, Julia McDonnell and Cindy Dopf, spoke in favor of keeping CVES open and stated to the Board the desire to harness the collective energy towards improving CVES programs to address the District's concerns. Mr. Luboviski provided a handout showing a vision to revitalize CVES as a STEAM/GATE Magnet Concept. Each speaker provided further details on the visions and programs including a science lab, weather station technology, 5<sup>th</sup> grade science camp, sign language, computer labs, engineering, arts and mathematics. The speakers stated these programs would augment existing programs and execute the Districts Teaching and Learning WIGs. Ms. Dopf stated CVES unique policy of inclusion means general education and special education students will benefit by this program.
- Melissa Caldwell addressed capacity issues and provided data relating to future new housing developments in the Laguna Niguel area. Ms. Caldwell asked the Board where all these students will go to school if CVES is closed and asked if the District has addressed the new Senate Bill relating to immunization requirements with Journey Charter School.
- Anand Rao stated his issue is with the way the District treats Special Education Students.
- Cindy McCormick shared background information on declining enrollment at

CVES and urged the Board to find out why schools are in decline.

- Robin Cashion spoke about the housing growth in the City of Laguna Niguel and provided data on developments under construction and the home school for each site as it relates to capacity and overcrowding within the elementary schools in Laguna Niguel.
- Stephanie Tarzia stated this decision would set precedence in the District for providing charter schools space and asked the Trustees to set a precedence to not vote for a long-term, multi-year lease until a long-term, multi-year transition plan is presented. Ms. Tarzia asked the Board what the anticipated cost of the transition plan is.
- Donyisia Green-Gilmore spoke in favor of WCES and shared with the Board and the CVES parents that WCES is excited for the possibility of sharing a Special Needs Hub and a Deaf and Hard of Hearing Program.
- Mark Huckabee spoke in favor of WCES and expressed open arms to the CVES families and suggested combining the wonderful programs of these two schools.
- Wendy Lowry spoke in favor of keeping CVES open and spoke to the daily lives of special needs students and families and requested the Board keep the CVES Special Needs Program intact.
- Maribel Buzzetta shared her experience as the Attendance Clerk at WCES over the years.
- Sandy Acevedo spoke in favor of Hidden Hills Elementary School and spoke about benefits of the English Learners Program.
- Brandi Chastain spoke in favor of WCES and provided suggestions of how to make it a totally awesome school.
- Meredith Drews spoke in favor of WCES and asked the Board to move forward with the staff recommendation to close CVES and to reinvest in WCES in a meaningful way.
- Robyn Leingang wanted to remind the Board of all the District research performed to arrive at this recommendation and the Board's unanimous agreement that WCES is not the recommended site for closure.
- Kimberly Ehert quoted information from the September 22 Community Roots Academy's website update which contained a quote from Superintendent Vital. Ms. Ehert asked the Board why they are not entering into a Proposition 39 Agreement but instead negotiating a long-term tenant-landlord lease.
- Wendy Mattox spoke to the negative unintended consequences of closing CVES and addressed safety concerns and asked the Board not to further exacerbate the situation in Laguna Niguel schools.
- Dan Daley cited the Districts WIGS and provided data on the number of potential relocated students and cited Education Code 5600 to keep the special needs kids within their local neighborhood.
- Wendy Shrove handed out data to the Trustees relating to District attendance data relating to charter school enrollment. Ms. Shrove pointed out the exponential growth of charter schools in this District as compared to other Districts and asked the District why this may be.
- Kim Fuchs stated she will be reading an e-mail which was sent to the Trustees and Superintendent on behalf of a Moulton Niguel parent. The correspondence expressed disappointment in the lack of informing to the parents at Moulton Elementary School and the community at large and asked if the District has completed a traffic study on Highland Avenue.

Trustee Reardon asked questions of Staff relating to sufficient capacity and classroom space at CVES to meet the needs of CRA. Staff provided data and stated there is sufficient capacity up to CRAs approved charter limit. Further discussion occurred

relating to CRA establishing an enrollment process which would give preference to CUSD residents in their new enrollment process.

Superintendent Vital explained that there is an expectation to have a certain percentage of District children in order to keep the facility space along with Due Process and Charter Law.

Trustee Reardon stated his position is that CVES is destined to close due to regular education student percentages having fallen too far and remaining there. Trustee Reardon requested that if this is approved tonight, he would like to see a comprehensive status report delivered to the Board of Trustees by the end of April that includes whatever resource request might be needed to assure that this transition, for all the affected groups, can be processed smoothly and all parents know well before school is out where they are going, what types of programs they will be involved in and how the District can assist and support them over summer.

It was moved by Trustee Pritchard, seconded by Trustee McNicholas, to move staff recommendation for Crown Valley Elementary School as the site to negotiate a long-term Facility Lease Agreement with Community Roots Academy.

Trustee McNicholas asked questions relating to CRAs original and renewal charter documents as it relates to the reference of CRA being a small school. Trustee McNicholas said it is stated in CRAs petition to have no more than 300 students in Grades K-5 and less than 300 students in Grades 6-8. Trustee McNicholas stated that CRA's Charter Renewal has projections of 444, 474 and over 500 students for 2015-2018. Trustee McNicholas said the renewal specifically states CRA will ensure that approximately 85-percent of spots for admission will be allocated for in District zip codes with a weighting mechanism and further emphasized the importance of monitoring all charter schools. Trustee McNicholas requested that negotiations with CRA include consideration for displaced students from CVES be provided priority preference.

Mr. Jeremy Cavallaro addressed 'small school' statement relating to CRAs chart documents and stated it is a movement about how the school operates and relationships and has nothing to do with the aggregate size of the school.

Vice President Hanacek shared concern relating to the potential relocation of Language Builders to Marblehead Elementary School in San Clemente which would put all Language Builder classes in the southern end of our District. Mr. Miller replied this is only a recommendation and more research will be done on this and brought back to the Board.

Trustee Alpay asked questions of staff relating to special education and the potential for duplicative services. Trustee Alpay also asked questions of staff relating to Crown Valley Elementary Schools ability to house CRA with the current facilities/structures in place. The Superintendent clarified minor repairs could be needed and/or CRA may convert current offices to a classroom as an example. The Superintendent further clarified for Trustees that tonight's vote would determine the site for CRA and instruct Staff to begin negotiating a Facilities Use Agreement and would start to represent some values which have been heard through this process and would ultimately come back to the Board for approval.

Trustee Reardon asked questions relating to school assets.

At 10:58 p.m. it was moved by Trustee Jones, seconded by Trustee McNicholas, and motion carried by a 7-0 vote to extend the Board meeting beyond 11:00 p.m. per Board policy 9323.

**ROLL CALL:**

**AYES:** Trustees Alpay, Hanacek, Hatton-Hodson, Jones, McNicholas,  
Pritchard, Reardon, Student Advisor Sorensen  
**NOES:** None

Following Trustee discussion, a roll call vote was taken on Trustee Pritchard's motion, seconded by Trustee McNicholas, and passed 7-0 to approve staff recommendation for Crown Valley Elementary School as the site to negotiate a long-term Facility Lease Agreement with Community Root Academy.

**ROLL CALL:**

**AYES:** Trustees Alpay, Hanacek, Hatton-Hodson, Jones, McNicholas,  
Pritchard, Reardon, Student Advisor Sorensen  
**NOES:** None

At 11:02 p.m. President Hatton-Hodson disconnected her phone and ended her participation by remote teleconference in to the October 14, 2015 regular Board meeting.

Student Advisor Sorensen left the Board meeting at 11:03 p.m.

Trustee Alpay left the Board meeting at 11:03 p.m.

Deputy Superintendent, Business and Support Services, Clark Hampton introduced this item and stated on June 29, 2015 the Orange County Grand Jury released two reports that included school districts and other government agencies entitled *Joint Powers Authorities: Issues of Viability, Control, Transparency and Solvency* and *Mello-Roos: Perpetual Debt Accumulation and Tax Assessment Obligation*. Mr. Hampton introduced Keith Weaver from Government Financial Strategies as the District's fiscal advisor to provide a summary on each of the Grand Jury reports along with the District's responses. Mr. Hampton noted the title of the Mello-Roos Grand Jury report '*Perpetual Debt Accumulation*' is misleading in the context that the District ended two Community Facilities Districts (CFD) last year and is slated to end another one this year and that all of the CFDs have a designated end point. Mr. Weaver clarified this was a County wide review by the Orange County Grand Jury and not specific to Capistrano Unified School District. Mr. Weaver provided information relating to the Capistrano Unified Financing Authority Joint Power Authority (JPA) referenced in the Grand Jury report and confirmed the JPA has been inactive since 2006 and therefore, the District agrees with the Grand Jury recommendation and will be bringing a resolution to the Board to authorize staff to proceed with dissolving the JPA. Mr. Weaver recapped to the Board the Grand Jurys recommendation relating to a separate oversight and stated this item will be discussed at the upcoming community engagement meetings and feedback will be brought back to the Board for consideration. Mr. Weaver suggested that the District research the cost and time for additional reporting, as recommended in the Grand Jury Report.

**Grand Jury  
Reports  
Agenda Item 8**

Trustee Reardon stated that some school district do not answer these Grand Jury

Reports. Trustee Reardon expressed support of a community oversight committee on CFDs. Trustee Hanacek expressed concern relating to the Grand Jury's comment that many people do not understand CFD's or understand how and why they were formed and ask that the District be conscious of special interest groups. Trustee Reardon shared his thoughts on the purpose of oversight groups. This is an information item only.

Assistant Superintendent, Personnel Services, Leona Olson introduced this item and stated before the Board tonight is the first reading of *Board Policy 2400, Whistleblowing and Reports of Suspected Wrongdoing*. Ms. Olson provided background and stated that staff was given direction to create a Board Policy that outlined a method for staff, as well as others, to report improper conduct and specially a whistleblower policy. Ms. Olson stated the policy was developed incorporating key aspects heard from Trustees at previous meetings. Ms. Olson stated first and foremost was the purpose to create a process which provides the ability to report suspected wrongdoing without the fear of retaliation. Ms. Olson provided an explanation of general principals, discussed different sections of the proposed Policy, other policies that exist to address some of the same topics, options on how a concern could be reported, and the possibility of a Board Attorney to report to. Ms. Olson addressed the issue of confidentiality and stated that the Board would receive a quarterly report.

**First Reading –  
Board Policy  
2400  
Agenda Item 9**

Trustee Reardon requested that District staff and the District's Associations all provide input prior to the next reading.

Trustees asked questions relating to details on reporting under this policy and Ms. Olson responded that those details will be brought back to the Board. This is an information item only.

There were no items pulled from the consent calendar.

**Items Pulled from  
the Consent  
Calendar**

## **CONSENT CALENDAR**

It was moved by Trustee McNicholas, seconded by Trustee Reardon, and motion carried by a 5-0-2 vote to approve the following Consent Calendar items.

### **ROLL CALL:**

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

Minutes of the August 12, 2015 regular Board meeting.

**Minutes  
Agenda Item 12**

Extended School Year Program for 2016.

**Extended –  
School-Year  
Proposal for 2016  
Agenda Item 13**

Agreement Field Experience/Student Teaching Agreement with the University of Southern California.

**Agreement  
Agenda Item 14**

Purchase orders, warrants, and previously Board-approved bids and contracts as listed.	<b>Purchase Orders/Warrants Agenda Item 15</b>
Ratification of District standardized Independent Contractor, Master Contract, and Professional Services Agreements.	<b>Professional Services Agreements Agenda Item 16</b>
Donations of funds and equipment.	<b>Donations Agenda Item 17</b>
Resolution No. 1516-20, Declaring an Intention to Consider the Conveyance of an Easement to the City Of San Clemente.	<b>Resolution NO. 1516-20 To Consider Conveyance Agenda Item 18</b>
Esencia K-8 School Site Master Plan and the Pavilion Joint Use Multipurpose Building Plans, per School Facilities Funding Agreement executed August, 2013.	<b>Esencia K-8 School Site Master Plan Agenda Item 19</b>
Memorandum of Understanding between the District, Rancho Mission Viejo Community Development, LLC, and Rancho Mission Viejo PA2 Development, LLC for Esencia K-8 School.	<b>MOU Agenda Item 20</b>
Approval of special education Informal Dispute Resolution Case #061115.	<b>Special Education Informal Dispute Resolution Agenda Item 21</b>
Ratification of special education Informal Dispute Resolution Case #050415, Informal Dispute Resolution Case #060715, Informal Dispute Resolution Case #071115, Informal Dispute Resolution Case #071215, Informal Dispute Resolution Case #082415, Informal Dispute Resolution Case #082615.	<b>Special Education Informal Dispute Resolutions Agenda Item 22</b>
Award of State of California Multiple Award Schedule Contract No. 4-14-58-0074A, General Services Administration Schedule No. GS-03F-0032T, Non Information Technology Goods, Digital Networks Group, Incorporated.	<b>Award Schedule Contract No. 4- 14-58-0074A Agenda Item 23</b>
Final Acceptance and Filing of Notice of Completion for Bid No. 1415-18, Exterior Paint at Palisades Elementary School – Tony Painting, Incorporated.	<b>Notice of Completion: Bid No. 1415-18 Agenda Item 24</b>
Final Acceptance and Filing of Notice of Completion for Bid No. 1415-19, Las Flores Elementary School New Portable Restroom Building and Associated Site Work – George A. Dominguez dba G.A. Dominguez.	<b>Notice of Completion: Bid No. 1415-19 Agenda Item 25</b>
Final Acceptance and Filing of Notice of Completion for Bid No. 1415-20, Dana Hills High School New Portable Wrestling Room Building, New Portable Restroom	<b>Notice of Completion: Bid</b>

Building, and Associated Site Work – R. Jensen Company, Incorporated.	<b>No. 1415-20 Agenda Item 26</b>
Final Acceptance and Filing of Notice of Completion for Bid No. 1415-21, Oxford Preparatory Academy New Portable Restroom Building and Associated Site Work – George A. Dominguez dba G.A. Dominguez.	<b>Notice of Completion: Bid No. 1415-21 Agenda Item 27</b>
Approval of Income Agreement No. 42018 with Orange County Superintendent of Schools to provide the services of Jane Vogel for functional vision assessment and consultations for District students.	<b>Agreement No. 42018 Agenda Item 28</b>
Approval of Income Agreement No. 42073 with Orange County Superintendent of Schools to provide the services of Hope Therapies for speech and language services, including assessment and consultations for District students.	<b>Agreement No. 42073 Agenda Item 29</b>
Approval of Income Agreement No. 42078 with Orange County Superintendent of Schools to provide Leadership Development training for administrative coaching services to District administrators.	<b>Agreement No. 42078 Agenda Item 30</b>
Approval of Licensing Agreement with Document Tracking Services to provide a license to use a proprietary web-based application.	<b>Licensing Agreement Agenda Item 31</b>

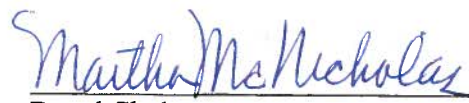
**PERSONNEL SERVICES**

Resignations, retirements, and employment of classified personnel.	<b>Resignation Retirement Employment Classified Employees Agenda Item 51</b>
Resignations, retirements, and employment of certificated personnel.	<b>Resignation Retirement Employment Certificated Employees Agenda Item 52</b>


It was moved by Trustee Jones, seconded by Trustee Reardon and motion carried by a 5-0-2 vote to adjourn the meeting.

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

Vice President Hanacek announced the meeting adjourned at 11:22 p.m.

  
 Board Clerk



  
Secretary, Board of Trustees

*Minutes submitted by Teresa Teichman, Manager, Board Office Operations*

