

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

President Hatton-Hodson called the meeting to order at 5:00 p.m.

At 5:03 p.m. the Board recessed to closed session to: confer with Legal Counsel regarding Anticipated Litigation and Attorney Jeanne Blumenfeld will be present for this item; confer with Legal Counsel regarding Existing Litigation; confer with Labor Negotiators; discuss Public Employee Employment/Appointment; Conference with Real Property Negotiators; discuss Student Discipline; Public Employee Performance Evaluation.

The regular meeting of the Board reconvened to open session and was called to order by President Hatton-Hodson at 7:00 p.m.

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

Absent: None

The Pledge of Allegiance was led by Lori Sturdevant-Brown.

**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**

Prior to the adoption of the agenda, President Hatton-Hodson stated staff has pulled Agenda Item 2: Authorization of Coaches to Provide First Semester Physical Education Credit; Agenda Item 3: Quarterly Report – Williams Settlement Uniform Complaint; and Agenda Item 6: Esencia K-8 School, Educational Specification Plan.

**Adoption of the Board Agenda**

It was moved by Trustee Reardon, seconded by President Hatton-Hodson, and motion carried by a 7-0 vote to adopt the Board agenda as amended.

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

President Hatton-Hodson stated Trustee Jones arrived to Closed Session at 5:07 p.m. President Hatton-Hodson reported the following action taken during closed session:

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

There is no reportable action.

**Agenda Item 3B: Conference with Legal Counsel – Anticipated Litigation:**

Attorney Jeanne Blumenfeld was not present for this item. There is no reportable action.

**Agenda item 3C-1: Public Employee Employment/Appointment**

The Board voted 7-0 to approve the appointment of Sean McNamara, Middle School Principal.

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

**Agenda item 3C-2: Public Employee Employment/Appointment**

The Board voted 7-0 to approve the appointment of Robert Miller, Director VI, Personnel Services.

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

**Agenda item 3D: Conference with Real Property Negotiations:**

The Board provided guidance to staff.

**Agenda item 3E-1: Student Discipline:**

The Board voted 7-0 to ratify the Stipulated Agreement on Student Expulsion Case# 2016-004.

**Agenda item 3E-2: Student Discipline:**

The Board voted 7-0 to ratify the Stipulated Agreement on Student Expulsion Case# 2016-002.

**Agenda item 3E-3: Student Discipline:**

The Board voted 7-0 to ratify the Stipulated Agreement on Student Expulsion Case# 2016-003.

**Agenda item 3F: Conference with Legal Counsel – Existing Litigation:**

Attorney Dan Spradlin was present in closed session for this item. There is no reportable action.

**Agenda Item 3G: Public Employee Performance Evaluation:**

There is no reportable action.

Lori A. Sturdevant-Brown, Outstanding Commitment to Jerri (the Dog) and the Beautiful Children at R.H. Dana ENF.

**Special  
Recognitions**

Superintendent Kirsten Vital shared that the ROP Restaurant Management class opened a restaurant last week at Alison Niguel High School which is open to the public each Wednesday evening. The Superintendent provided information and thanked Community Facilities Committee Members for their participation stating the engagement meetings are halfway through and a consensus report will be developed. Superintendent Vital thanked committee members, volunteers, and staff for making the CUSD/CUCPTSA College Fair at Aliso Niguel High School a huge success with over 5,000 students and their families in attendance. The Superintendent stated the District received the "Excellence in Disaster Preparedness" award from the American Red

**Board and  
Superintendent  
Comments**

Cross and recognized Mike Beekman, Executive Director of Student Services and Safety, and his staff for the District's comprehensive emergency operation plans. The Superintendent announced that the Dual Immersion program has been removed from the School of Choice Policy and will be addressed in a separate policy. Lastly, the Superintendent recognized and thanked Leona Olson, Assistant Superintendent, Personnel Services, for her service to the District.

Vice President Hanacek complemented all of the people involved in the recent College and Career Fair and relayed the positive comments from the Harvard College Representative in attendance regarding the preparedness and engagement of the students present and noted the large turnout for the event. Vice President Hanacek shared highlights from her recent attendance at the Cameron Brown Memorial Concert at San Clemente High School and the Broadway Nights Play at Dana Hills High School. Vice President Hanacek commented on the wonderful San Clemente High School Homecoming Parade, organized and supported by the students, and the dazzling homecoming dance that evening. In support of Red Ribbon Week, Vice President Hanacek and her dog Scout participated in the Palisades Elementary School Red Ribbon Parade.

President Hatton-Hodson shared how excited she is during this time of year as students prepare for college and careers after high school and complemented the efforts by all to make the College Fair a huge success. President Hatton-Hodson shared information relating to a manufacturing class coming to our schools, Capistrano Valley High School in particular, through collaboration with Saddleback College, so that students may earn a certificate along with the ability to take basic engineering classes. President Hatton-Hodson recognized the efforts by Principal Josh Hill for spearheading these efforts. President Hatton-Hodson shared information relating to the Federal Government putting less emphasis on standardized tests and how the District is moving towards college and career readiness, along with evidence of learning, which can be demonstrated in other ways than a multiple choice test.

Trustee McNicholas thanked the Capistrano Unified Counsel of PTA's and provided information on the upcoming Reflections Art Gallery event being held at the District.

Trustee Jones complemented Mike Beekman for his work and efforts on behalf of the District in being recognized for "Excellence in Disaster Preparedness." Trustee Jones shared information from the attendance at a K-12 Partnership meeting with Saddleback College and addressed concurrent enrollment. Trustee Jones also shared highlights from the recent Carl Hankey Hawk-Trot.

The following speakers addressed the Board:

- *Dawn Urbanek reminded the Board they were elected to represent tax-payers and students on all matters before the Board. Ms. Urbanek shared information with the Trustees relating to a new group, People for Student Rights. The goal is to challenge the constitutionality of the States Local Control Funding Formula and to challenge the manner in which the state raises and distributes local tax revenues. Ms. Urbanek requested that the Board be honest with the people so that things can be changed at the State level.*
- *Cindy Dopf discussed the status and timing of the transition plan for the students and families of Crown Valley Elementary School. Ms. Dopf requested the Board work together with staff and families to shorten the process and send out confirmation letters regarding school of attendance for next year.*

**Oral  
Communications**

**DISCUSSION/ACTION ITEMS**

Amanda McKay addressed the Board and introduced this item regarding implementation of SB277 Vaccination Bill for the 2016-2017 School Year. Ms. McKay provided information on the new Vaccination Bill and stated she would like to voice concerns about miscommunication surrounding vaccines, diseases, and how the new law will be enforced. Ms. McKay stated Dr. Bod Sears, Pediatrician in Dana Point, along with Ms. Melissa Floyd will also be speaking about this item.

**Citizen's Request  
Agenda Item 1**

The following speakers addressed the Board:

Anand Rao addressed the issue of students on Individual Education Plans (IEPs) and asked the Board if the adoption of SB277 by the District takes precedence of the agreement of the IEP and asked the District if there is a plan on how to address this issue as it relates to the District providing services to students with IEPs along with a plan on how to implement the plan to home-schooled students.

- Jennie Balck shared her personal experience and her reasons for being in favor of the Vaccination Bill and requested the Trustees consider the grey areas which will be presented tonight.
- Susan Born, Dr. Bob Sears, Melissa Floyd, Hector Magna, Michelle Monica Magno, Ian McKay, Maria Rivera, Kenneth Nadan, and Nicole Rafferty all spoke against the implementation of SB277 and shared information relating to: principled reasons for parents objections to mandatory vaccinations; current exemption rates; explanation of the Grandfathering Clause; misconceptions about the timeline of the implementation; the impact on students with IEPs; discrimination against students based on perceived contagions; children's reactions to vaccines; partially vaccinated students; personal experiences were shared; the lack of liability for pharmaceutical companies; miscommunications sent from the District regarding the need to vaccinate as a condition of attendance; the lack of vaccine record tracking. The speakers asked the Board to; interpret the law as broadly as possible, to recognize vaccine reactions are real; treat families with love, respect, and understanding in their choices; do not discriminate against those choosing not to be vaccinated; for the District to take as much time as needed to handle this matter compassionately; and to clearly communicate the rules before enforcing them.

This item was pulled by staff prior to the adoption of the agenda.

**Coaches to  
Provide First  
Semester Credit  
Agenda Item 2**

This item was pulled by staff prior to the adoption of the agenda.

**Williams  
Settlement  
Uniform  
Complaint  
Agenda Item 3**

Susan Holliday, Interim Assistant Superintendent, Education Services introduced this item and stated the policy has been updated to align to California School Board Association (CSBA) policies, Education Code language has been added and that this Policy specifically addresses limits on students transferring out of the District to a school of choice.

**Interdistrict  
Attendance  
Agreements  
Agenda Item 4**

Trustees asked questions of staff, discussed several aspects of the policy and requested additional data from staff relating to the number of students entering and leaving the

District. Trustees provided edits to staff to implement prior to the next reading.

Susan Holliday, Interim Assistant Superintendent, Education Services introduced this item and addressed the recommended edits which have been made to this policy. Ms. Holiday stated language was added specifically around Education Codes and aligning to California School Board Association (CSBA) language and pointed out the CFD language remains the same as directed by the Board in February 2015. Ms. Holiday explained priorities A and B are different pieces of language which also align to Education Code and Policy. Priority C addresses persistently dangerous sites and is deemed by CED and not the District. Priority D adds language to address students who move residence outside of the School of Choice window. Priority E adds back the school closure language which was language in previous policy versions and is standard language which aligns with CSBA policy guidelines. Priority F adds language to ensure students who are transferred through the IEP process allows priority for siblings to co-enroll. Ms. Holliday stated it is the goal to have School of Choice window take place in the month of February. Ms. Holliday stated Two-Way Immersion language was removed as the School of Choice window precludes students from enrolling throughout the year.

**School of Choice  
Agenda Item 5**

The following speakers addressed the Board:

- Roni Schwartz shared her personal experience with the Board relating to School of Choice policy as it relates to teachers within the District. Ms. Schwartz asked the Board if they have tracking data on how many teachers apply for School of Choice for their children. Ms. Schwartz recommended to the Board that this topic be a negotiation point in order to attract and retain qualified teachers.

Trustees had lengthy discussion and asked questions of staff on a number of topics including; school closures, placement of teachers' children, language immersion program placement, CFD consideration, and consideration of items to take out of this policy and address in a separate policy. Trustees provided written edits for staff to incorporate and instructed staff to implement the discussed changes and bring back to the Board in November.

This item was pulled by staff prior to the adoption of the agenda.

**Esencia k-8  
School  
Agenda Item 6**

Ryan Burris, Public Information Officer introduced this item and provided a Power Point presentation depicting revised WIG 2: Communication goals which focus on increasing opportunities for open dialogue with District stakeholders; showcasing and promoting student, employee, and District leadership and success; and to develop a comprehensive communication plan by December 15, 2015.

**WIGS  
Agenda Item 7**

Susan Holliday, Interim Assistant Superintendent, Education Services continued the Power Point presentation and presented a draft of WIG 1: Teaching and Learning. Ms. Holiday stated that in order to accomplish this WIG, Education Services is focusing on three main areas; a rigorous, data-driven Pre-K through 12<sup>th</sup> grade instructional program focused on increasing access to a higher depth of knowledge, instruction, and educational experiences; implementation of the Multi-Tiered System of Support (MTSS) program to improve student engagement, attendance, and ultimately academic performance; and finally to increase student enrollment in career pathways to increase post-secondary options for all students.

Mark Miller, Assistant Superintendent, SELPA and Special Education Operations, continued the Power Point presentation and addressed students served through an Individualized Education Program (IEP). Mr. Miller stated the Special Education Team members will be using the same CIA and SBA data set and in addition will use interim assessment data with a unique learning system curriculum for students taking the California Alternate Assessment. Mr. Miller stated special education specific areas of focus will be on the area of transition planning which will include looking at student achievement which may include college, career, and/or independent living skills.

Ms. Holliday discussed the utilization of lead and lag measures in order to evaluate the progress of the desired goals.

Trustees made comments and asked questions of staff. This is an information item only and will be brought back to the Board in November.

Susan Holliday, Interim Assistant Superintendent, Education Services introduced this item stating this is a first reading and that this Policy eliminates specific year spans which have already passed and has language which addresses homeless and foster youth.

**Admissions  
Agenda Item 8**

Trustees made comments and provided edits for staff to incorporate prior to the next reading. This is an information item only and will be brought back to the Board in November.

Susan Holliday, Interim Assistant Superintendent, Education Services introduced this item stating this is a first reading and revisions include specific procedures leading to investigation of suspected fraudulent addresses and also addresses the use of an outside investigator along with the parameters of the investigation.

**District  
Residency  
Agenda Item 9**

Trustees asked questions of staff, provided suggested changes and edits for staff to incorporate prior to the next reading. This is an information item only and will be brought back to the Board in November.

President Hatton-Hodson asked Trustees for items they wished to pull from the Consent Calendar. Items 11, 16 and 20 were pulled.

**Items Pulled from  
the Consent  
Calendar**

### **CONSENT CALENDAR**

It was moved by Trustee McNicholas, seconded by Trustee Hanacek, and motion carried by a 7-0 vote to approve the following Consent Calendar items:

Minutes of the September 23, 2015 Board Meeting.

**Minutes  
Agenda Item 10**

Readmit Case# 2015-015 from expulsion.

**Expulsion  
Readmissions  
Agenda Item 12**

Approval of Student Teaching Agreement with Pacific Oaks College.

**Teaching  
Agreement –  
Pacific Oaks  
College  
Agenda Item 13**

Approval of Terms and Conditions for Receipt of Funds for Participation in California Healthy Kids Survey.	<b>California Healthy Kids Survey Agenda Item 14</b>
Purchase orders, warrants, and previously Board-approved bids and contracts as listed.	<b>Purchase Orders/Warrants Agenda Item 15</b>
Approval of Donations of Funds and Equipment.	<b>Donation Agenda Item 17</b>
Agreement for the Use of Emerald Cove Outdoor Science Institute Facilities, Supplies, Equipment, and Services – Public School Districts, School Year 2015-2016.	<b>Emerald Cove Agreement Agenda 18</b>
Approval of Award of Bid No. 1516-13, Refurbish Computer Equipment – Insight Systems Exchange.	<b>Bid NO. 1516-13 Refurbished Computer Equipment Agenda Item 19</b>

Approval of special education Settlement Agreement Case #2014110407, Settlement Agreement Case #20150924, and Informal Dispute Resolution Case #20150922	<b>Special Education Settlements Agenda Item 21</b>
Approval of the ratification of special education Settlement Agreement Case #2015061184, Settlement Agreement Case #2015070212, Settlement Agreement Case #2015080029, Informal Dispute Resolution Case #20150923, Informal Dispute Resolution Case #20150930, and Informal Dispute Resolution Case #20151001	<b>Special Education Settlements Agenda Item 22</b>
Approval to Utilize State of Minnesota, Department of Administration, National Association of State Procurement Officials, and Western States Contracting Alliance Contract No. MNWNC-108.	<b>Contract No. MNWNC-108 DELL Agenda Item 23</b>

**PERSONNEL SERVICES**

Resignations, retirements, and employment of classified personnel.	<b>Resignation Retirement Employment Classified Employees Agenda Item 24</b>
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Resignations, retirements, and employment of certificated personnel.	<b>Resignation Retirement Employment Certificated Employees Agenda Item 25</b>
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Trustee Alpay pulled this item and commented that policy approval should not go on	<b>Administering 7065</b>
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the consent calendar. Discussion occurred and suggested edits were provided to staff. It was moved by Trustee Alpay, seconded by Trustee Reardon, and motion carried by a 7-0 vote to continue this item.

**Medication  
Agenda Item 11**

**ROLL CALL:**

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

Trustee McNicholas pulled this item and asked questions of staff relating to the amount of tutors listed and the process involved. Staff clarified that there is a pre-approval process and then the list is distributed to schools for the purpose of parents choosing an individual tutor for their student.

**Professional  
Services  
Agenda Item 16**

It was moved by Trustee McNicholas, seconded by Trustee Reardon, and motion carried by a 7-0 vote to approve the item as presented.

**ROLL CALL:**

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

Trustee Alpay pulled this item and asked questions about the plan details relating to logistics to provide for students to safely get to the designated evacuation location. Mike Beekman, Director of Student Services and Safety, provided logistic details. Trustee Alpay also addressed the issue of section 1.05 *Animals* and asked that staff amend language to include seeing eye dogs.

**Ladera Ranch  
Agreement  
Agenda Item 20**

It was moved by Trustee Alpay, seconded by President Hatton-Hodson, and motion carried by a 7-0 vote to approve the item with the amended language.

**ROLL CALL:**

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

It was moved by Vice President Hanacek, seconded by Trustee McNicholas and motion carried by a 7-0 vote to adjourn the meeting.

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

President Hatton-Hodson announced the meeting adjourned at 9:43 p.m.



Board Clerk

  
Secretary, Board of Trustees