

CAPISTRANO UNIFIED SCHOOL DISTRICT  
BOARD OF TRUSTEES  
MINUTES OF REGULAR MEETING  
MARCH 23, 2016  
EDUCATION CENTER – BOARD ROOM

President Hanacek called the meeting to order at 5:30 p.m.

**Call to Order**

At 5:30 p.m. the Board recessed to closed session to discuss: Employee Discipline/Dismissal/Release; Conference with Legal Counsel – Anticipated Litigation, two cases; Conference with Labor Negotiators: and Student Expulsions, three cases. The regular meeting of the Board reconvened to open session and was called to order by President Amy Hanacek at 7:03 p.m.

**Adjourn to  
Closed Session**

**ROLL CALL:**

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

Absent: None

The Pledge of Allegiance was led by, Amy Hanacek, President. President Hanacek asked everyone to remember the victims in the attacks on Belgium.

**Pledge of  
Allegiance**

**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**

Item 3 was pulled from the Agenda.

**Adoption of the  
Board Agenda**

It was moved by Trustee Hatton-Hodson, seconded by Trustee Reardon and by a 7-0 vote, motion carried to adopt the Board Agenda as amended, with items 29 and 30 brought before item 19.

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

President Hanacek reported the following action taken during closed session:

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

**Agenda Item 3A – Public Employee Discipline/Dismissal/Release:**

Trustees voted 6-0-1 with Trustee McNicholas absent, to suspend employee #20524 for fifteen days without pay.

**Agenda Item 3B-1 – Conference with Legal Counsel – Anticipated Litigation:**

Trustees voted 7-0 to approve the Settlement Agreement #2016010144 not-to-exceed \$65,221.70.

**Agenda Item 3B-2 – Conference with Legal Counsel – Anticipated Litigation:**

Trustees voted 7-0 to approve the Settlement Agreement #20160201 not-to-exceed \$26,078.

**Agenda Item 3C – Conference with Labor Negotiators:**

No reportable action.

**Agenda Item 3D – Student Expulsions:**

The Board voted 6-0-1 to ratify Student Expulsion Stipulation Agreement, Student Expulsion Case #2016-023.

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

The Board voted 6-0-1 to ratify Student Expulsion Stipulation Agreement, Student Expulsion Case #2016-025.

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

The Board voted 6-0-1 to ratify Student Expulsion Stipulation Agreement, Student Expulsion Case #2016-026.

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

**Celebration of Employee Anniversaries:**

**Special  
Recognitions**

*20 Years of Service*

*Jesus Becerra, Principal*

*Deni Christensen, Principal*

*Lisa Alizadeh, Teacher*

*Marla Andre, Teacher*

*Laurie Asakowicz, Teacher*

*Deanna Bleidistel, Teacher*

*Mary Blenkle, Teacher*

*Brenda Bolla, TOSA*

*Mark Boncuk, Teacher*

*Avonnette Bruce, Teacher*

*Jennifer Burkhardt, Teacher*

*Robbin Carter, Teacher*

*Patti Clark, Teacher*

*Brenda Dahlgren, Teacher*

*Angela Darnell-Petersen, Teacher*

*Bradley Davis, Teacher*

*Tom Desiano, Teacher*

*Mariella Rhodes, Teacher*

*Dana Ramirez, Manager IV, Fiscal Services*

**Extra Milers:**

*Alexander Triestman, an Aliso Niguel High School student was recognized for founding Brickshare and his commitment to serving children through his nonprofit startup.*

Ryan Burris introduced Alexander Triestman.

Superintendent Vital thanked all of the great teachers, site administrators, faculty and staff here tonight in recognition of their Extraordinary commitment to young people in this District. Altogether, you represent nearly 400 years of experience, educating our students.

**Board and  
Superintendent  
Comments**

Superintendent Vital visited Castille Elementary, George White Elementary, Las Flores Middle School, Dana Hills High School, and the Aliso Niguel High School Spring Festival of Music at Soka University. HoosGow Day was also celebrated at the District office with a chili cook off.

Superintendent Vital announced the Teachers of the Year:  
Elementary: Troy Paula Kubly, George White Elementary  
Middle: Lisa Hoover, Las Flores Middle School  
High School: Kristine Clark, Dana Hills High School

Superintendent Vital reported on the 4<sup>th</sup> District PTA Administrators' Dinner: Clarence Lobo Elementary received the creative program award Through PTA they built CREE-8 program to explore and use the right side of the brain, the creative side. Two of our students won the highest state awards: Alley Stay at San Clemente High school in Dance; and Helen Young at Laguna Niguel Middle School for Music. Also winning awards were Scott Garreton of Reilly Elementary, for Dance and Noah Klenske of Canyon Vista, for Photography. Bella Gott-Dank from San Juan Elementary will have her art displayed at the State PTA Convention as part of Reflections.

Superintendent Vital reflected on Global Business Academy and the recommendation to deny the petition. This is not a decision that was taken lightly by District staff.

Finally, Superintendent Vital gave an update on contract negotiations: The Board approved a new contract with Teamsters at the March 9 meeting. A Tentative Agreement with CSEA will come to the Board in April. A Tentative Agreement was reached with CUEA. Superintendent Vital asked everyone to respect the rights of the members in the ratification process.

Trustee Martha McNicholas also reported on the 4<sup>th</sup> District PTA and commended Mike Beekman on his award from 4<sup>th</sup> District PTA.

Trustee Amy Hanacek reported on the exponential happenings in our Districts, where the options to excel are limitless for our students, consider visiting a Senior Awards night at any of our High School to witness a sampling of the excellence achieved throughout.

Trustee Alpay expressed an acknowledgement and remembrance of all victims of attacks including those in Istanbul and Ankara in Turkey as we also remember the citizens of Belgium.

President Hanacek announced all speakers will be heard for oral comments.

**Oral  
Communications**

The following speakers addressed the Board:

- *Laura Fergeson, spoke on Talega CFD 90-2*
- *Debbie Flowers, spoke on Talega and School of Choice to give priority to San Clemente High School and San Juan Hills High School*
- *Julie Collier, spoke requesting test be returned to students to bring home to parents and shared with tutors*
- *Michelle Ploessel-Campbell, spoke on school of choice.*
- *Sally White, invited everyone to attend the Teacher of the Year event April 28, SOKA University*

### **PUBLIC HEARING**

President Hanacek announced the Public Hearing open at 7:40 p.m. to hear Resolution No. 1516-41 To Convey An Easement To The City Of San Clemente For Verde Park.

With no public speakers present, President Hanacek clarified the Public Hearing would be left open until the April 13, 2016 meeting.

President Hanacek announced the Public Hearing open at 7:41 p.m. to hear Resolution No. 1516-44 An Increase In Statutory School Fees Imposed On New Residential And Commercial/Industrial Construction Pursuant To Education Code § 17620 And Government Code § 65995.

With no public speakers present, President Hanacek closed the public hearing at 7:42. Reminder: Item 3 was Pulled from Consent Calendar by Staff and will not be addressed at tonight's meeting.

### **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.

President Hanacek asked Trustees for items they wished to pull from the Consent Calendar. Trustee Alpay requested to pull item 17 and 18. Trustee McNicholas requested to pull item 4.

It was moved by Trustee Jones, seconded by Trustee Hatton-Hodson, and motion carried by a 7-0 Roll Call vote to approve the following Consent Calendar, with the exception of items 17, 18, and 4.

Approval of the Award of Bid No. 1516-17, Wood Canyon Elementary School Exterior Painting, to Piana Construction & Painting Inc.

**Public Hearing:  
Resolution No.  
1516-41 To  
Convey an  
Easement  
Agenda Item 1  
Public Hearing:  
Resolution No.  
1516-44, School  
Fees  
Agenda Item 2  
American Red  
Cross Shelter  
Agreement  
Agenda Item 3**

**Items Pulled  
from the Consent  
Calendar**

**Award Bid No.  
1516-17, Exterior  
Paint at Wood  
Canyon  
Elementary  
School  
Agenda Item 5**

Approval of the Award of Bid No. 1516-18, Viejo Elementary School Exterior Painting, to Igor Bernik DBA Signature Painting.

**Award Bid No. 1516-18, Exterior Paint at Viejo Elementary School**

Approve Donations as listed.

**Agenda Item 6 Donations**

Approval of the Final Acceptance and filing of the Notice of Completion for Bid No. 1516-09, Newhart Middle School HVAC Replacement.

**Agenda Item 7 Completion for Bid No. 1516-09, Newhart Middle School**

Approval of the District standardized Independent Contractor, Professional Services, Master Contract, and Field Service Agreements.

**Agenda Item 8 Master Contract Agreements**

Approval of the ratification of special education Informal Dispute Resolution Case #20160209.

**Agenda Item 9 Informal Dispute Resolution**

Purchase orders, warrants, and previously Board-approved bids and contact as listed.

**Agenda Item 10 Purchase Orders and Warrants**

Approval of Resolution No. 1516-42, State Allocation Board and School Facility Program Beyond Bond Authority Acknowledgment.

**Agenda Item 11 Resolution No. 1516-42, State Allocation Board and School Facility Program**

Approval of Resolution No. 1516-43, Authorization to Sign Applications and Associated Documents and Support of Applications for Eligibility Determination and Funding.

**Agenda Item 12 Resolution No. 1516-43, Authorization to Sign**

Approval to utilize the State of California Contract No. 1-16-23-20 A through J, Fleet Vehicles.

**Agenda Item 13 Contract No. 1-16-23-20 A Through J, Fleet Vehicles**

Approval of the activity list for employment, separation, and additional assignments of classified employees.

**Agenda Item 14 Resignations/Retirements/Employment – Classified Employees**

Approval of the activity list for employment, separation, and additional assignments of certificated employees.

**Agenda Item 15 Resignations/Retirements/Employment – Certificated Employees**  
**Agenda Item 16**

**DISCUSSION/ACTION ITEMS**

President Hanacek recognized Dr. Susan Holliday, Assistant Superintendent, Education Services to present the item.

This item was discussion only.

President Hanacek recognized Dr. Susan Holliday, Assistant Superintendent, Education Services to present the item.

Following discussion, it was moved by Trustee Reardon, seconded by Trustee Jones to adopt Instructional Materials for Secondary Mathematics, Grades 6-12, motion carried by a 7-0 vote.

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

President Hanacek recognized Dr. Susan Holliday, Assistant Superintendent, Education Services to present the item. Each Cabinet member addressed concerns regarding the petition. Starting with Education Division Dr. Holliday shared fourteen concerns. Mark Miller, Assistant Superintendent, Special Education addressed four concerns. Clark Hampton, Deputy Superintendent shared several financial concerns with the Global Business Academy Charter School, primarily the school does not show they necessary cash flow to start the school year. Gordon Amerson, Assistant Superintendent, Human Resource Services shared most notably in the petition the legal credentialing language was incorrect, and they are choosing not to participate in a retirement system potentially making it difficult to recruit and retain teachers.

President Hanacek announced all speakers would be heard for oral comments, but with the number of speakers she requested the time be reduced to two minutes. Trustee Hatton Hodson moved, Trustee Alpay seconded and the motion carried 7-0 to reduce the time to two minutes.

The following speakers addressed the Board:

- *Claire Friend, spoke in favor of GBA Charter School Petition*
- *Aviv, spoke in favor of GBA Charter School Petition*
- *John Hansen, spoke in favor of GBA Charter School Petition*
- *Maxwell Peterson, spoke in favor of GBA Charter School Petition*
- *Alison Burggren, spoke in favor of GBA Charter School Petition*
- *Alexis Hansen, spoke in favor of GBA Charter School Petition*
- *Ester-John Lewis, spoke in favor of GBA Charter School Petition*
- *Angela Hansen, spoke in favor of GBA Charter School Petition*
- *Wendy Lang, spoke in favor of GBA Charter School Petition*
- *Seth Hansen, spoke in favor of GBA Charter School Petition*
- *Atul Gupta, spoke in favor of GBA Charter School Petition*
- *Heidi Landgraf, spoke in favor of GBA Charter School Petition*

**Revisions to Board Policy 5165.1, Immunization Requirements for School Entry Agenda Item 29 Instructional Materials for Adoption: Secondary Mathematics, Grades 6 – 12 Agenda Item 30**

**Approve or Deny the Petition for the Global Business Academy Charter School Agenda Item 19**

- *Jimmy Shirley, spoke in favor of GBA Charter School Petition*
- *Ella Hansen, spoke in favor of GBA Charter School Petition*
- *Cade Hansen, spoke in favor of GBA Charter School Petition*
- *Diana Sheeha, spoke in favor of GBA Charter School Petition*
- *Joshie, spoke in favor of GBA Charter School Petition*
- *Darcy Tanner, spoke in favor of GBA Charter School Petition*
- *Denise Bader, spoke in favor of GBA Charter School Petition*
- *Cora Rall, spoke in favor of GBA Charter School Petition*
- *Alma Zermeno, spoke in favor of GBA Charter School Petition*
- *Michelle Ploessel-Campbell, spoke in favor of a Denial to the Petition*
- *Michael McMahon, spoke in favor of GBA Charter School Petition*
- *Janni Kimble, spoke in favor of GBA Charter School Petition*

Trustee Hatton-Hodson voiced concerns regarding a focused educational plan and several misrepresentations in the petition. As written doesn't feel the Charter will succeed.

Trustee Pritchard asked staff if GBA filed necessary petitions to get money. Clark Hampton responded staff checked with CDE and not all necessary applications were filed to have \$200,000 in their starting budget for 2016. Trustee Pritchard asked GBA how they would make up the difference, and what is the financial plan. GBA responded they have very affluent and well healed backers, they have access to working capital and they are not worried about running out of money. Trustee Pritchard responded we need to be as a Board of Trustee and it is a very significant.

Trustee Reardon asked a procedural question, what if the Board approves the petition with conditions and the petitioner finds those the conditions unacceptable, what is the outcome? Attorney David Huff stated, in essence it is a denial. If the District approves with conditions and Charter schools agrees to collaborate with the District that is an acceptance, but if the Charter school is unwilling to do that, then it is a denial. Trustee Reardon asked if within the process the Board passes the Resolution with conditions and there was a break down between the two parties at some point, what would be the result. Attorney David Huff stated, in essences it would be a denial, it would be at a point when the Charter School says it won't agree to contingency 14 and staff reports back to the Board, it is at that point, a denial. It could come back to the Board for a second consideration. That is up to the Board to articulate the process.

David Huff stated, in essence what is being proposed by staff is an opportunity to not deny the petition, but rather work to strengthen the petition to get it to a position of success. It is innovative on the part of the District. We are pushing new boundaries, if the two parties can agree then the community wins. If they don't then it is a denial and the Charter has pathways to seek approval.

Trustee Reardon voiced concerns and recommended to approve with conditions and one minor amendment which would be to make the term 3 years instead of 2 years. Trustee Hatton-Hodson seconded the motion.

Trustee Hanacek asked about finance and sustainability. Trustee Hatton-Hodson clarified a request for line item finance. Ms. Sanchirico said there are numerous sources of money out there. Trustee Hatton-Hodson said knows there are sources for funding but there is a need to have funds in hand.

Trustee Alpay asked a question of counsel regarding Resolution 1561-49, is it a constructive denial? David Huff stated we are trying to work outside of the box. It is an effort to act within the law and be innovative and say to the Charter School work harder with us and it can be an acceptance. But if the Charter School is unwilling to accept that proposal, then the Board Action is a denial. Trustee Alpay referenced Board Policy 0240.2 referencing two years in the Resolution or five years referenced in Board Policy. David Huff clarified the policy states *up to* five years. Board Policy talks about delaying the start of the school year for up to one year. Trustee Alpay inquired whether the Board had authority to compel a delayed start date. David Huff stated the answer is no, you cannot approve the charter with some sort of mandate that they open in a subsequent year; in essence it is a denial. Trustee Alpay states that he sees this as an effective denial, allowing the Charter to file an appeal with the County. David Huff stated the Charter understands that it is their choice to move on to the County or seek local approval here.

Trustee Hanacek ask David Huff if the Charter could open a school legally without a SELPA or special education component. David Huff stated no. This is one of the reasons for the contingencies that they don't open this August, but instead in the following school year, that would give them the appropriate amount of time under the statute to enter into an MOU with the CUSD SELPA in order to accommodate all of its special needs children.

Trustee Jones voiced concerns that the Charter proponents may not understand the difference between public vs. private school funding. We need to see public funds coming to you will support your basic needs. We want to make sure there is equal access and do what's best for students. She also shared concerns regarding a split campus if in fact GBA did request a facility for their 6-12 students. District does not have facilities for a complete 6-12 program. Also furthermore the two sites could be spread out within the District. Trustee Jones invited the group to get involved in putting their program collaboratively at one of our District's existing sites.

Trustee McNicholas would like to see examples of a Flipped Model classroom. Trustee McNicholas would like to see GBA succeed, but the timeline to open by fall 2016 is unrealistic. Trustee McNicholas asked why the petitioners didn't include parents. Trustee McNicholas clarified the UCI partnership discrepancy with Dr. Holliday and also stated her concerns regarding the statements made by GBA regarding funding and affluent well healed backers.

Catherine Sanchirico responded on behalf of GBA.

Superintendent Vital stated we have the flipped model in our classrooms and teachers have shared with the Superintendent and she will share out to Trustees.



Trustee Alpay asked for clarification on procedural points and whether the Board could compel the Charter to participate in STRS. Trustee Reardon responded, there is a defect in the motion, it will come back to the Board and given sufficient time things can be resolved. Once that is done there will be things we have to evaluate. Otherwise we are sending it to the County. Trustee Alpay responded if the Charter does not accept the conditions, it can file an appeal with the County if they don't want to work with us they can go back to the County. Trustee Reardon responded, the opportunity is here for GBA to work with CUSD and accept that they are probably not going to open this year. He doesn't feel there is any chance they can have it open. Trustee Alpay agreed. Trustee Reardon stated that would give everyone involved plenty of time to resolve all the issues.

Trustee Reardon responded his understanding that the Resolution lets GBA decide to work with CUSD but also feels the 2016 start date is not possible, there is no chance to open, Trustee Alpay agrees and called for the question.

Superintendent Vital addressed the question of the timeline.

Michelle Lopez, legal counsel representing the Charter School advised the Board that GBA does not agree to a majority of the conditions and made it very clear ahead of time.

Trustee Jones asked for a clarification on the timeline August 2017 – July 2020. Ms. Lopez interjected that to reiterate we are not agreeing and we will not wait 30 days to appeal this to the County. Trustee Hanacek responded you can deny the Resolution but we are going to proceed with the vote.

Following discussion, it was moved by Trustee Reardon, seconded by Trustee Hatton Hodson to adopt Resolution 1516-49 with conditions, and an amendment for the term to be 3 years, motion carried 7-0.

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

President Hanacek recognized Clark Hampton, Deputy Superintendent, Business and Support Services to present the Item. This item was information only and no action was taken.

**Community  
Commissions on  
School Facilities  
and Finance, and  
Community  
Facilities  
Districts:  
Agenda Item 20**

President Hanacek recognized Clark Hampton, Deputy Superintendent, Business and Support Services to present the Item. This item was information only and no action was taken.

**Facilities  
Minimum  
Standards  
Development:  
Agenda Item 21**

President Hanacek recognized Clark Hampton, Deputy Superintendent, Business and Support Services to present the Item. Following discussion, it was moved by Trustee Alpay seconded by Trustee McNicholas to continue the item, motion carried 7-0.

**Resolution No. 1516-41, Convey an Easement to the City of San Clemente for Verde Park: Agenda Item 22**

President Hanacek recognized Clark Hampton, Deputy Superintendent, Business and Support Services to present the Item. Following discussion, it was moved by Trustee Alpay, seconded by Trustee McNicholas by a Roll Call vote of 7-0 to approve the Resolution No. 1516-44.

**Resolution No. 1516-44, An Increase in Statutory School Fees Agenda Item 23**

President Hanacek recognized Clark Hampton, Deputy Superintendent, Business and Support Services to present the Item. Following discussion, it was moved by Trustee Jones, seconded by Trustee Reardon by a Roll Call vote of 7-0 to approve the Resolution No. 1516-45.

**Resolution No. 1516-45, Resolution Acknowledging Receipt of a Petition to Create a CFD Agenda Item 24**

President Hanacek recognized Clark Hampton, Deputy Superintendent, Business and Support Services to present the Item. Following discussion, it was moved by Trustee Alpay, seconded by Trustee McNicholas by a Roll Call vote of 7-0 to approve the Resolution No. 1516-46.

**Resolution No. 1516-46, A Resolution Of Intention To Establish A CFD Agenda Item 25**

President Hanacek recognized Clark Hampton, Deputy Superintendent, Business and Support Services to present the Item. Following discussion, it was moved by Trustee Alpay, seconded by Trustee McNicholas by a Roll Call vote of 7-0 to approve the Resolution No. 1516-47.

**Resolution No. 1516-47, Incur Bonded Indebtedness of the Proposed Community Facilities District No. 98-1B Pacifica San Juan Agenda Item 26**

President Hanacek recognized Clark Hampton, Deputy Superintendent, Business and Support Services to present the Item. Following discussion, it was moved by Trustee Alpay, seconded by Trustee Reardon to table the item indefinitely, motion carried 7-0.

**Amendment No. 1 To Easement Agreement with Sprint PCS Agenda Item 27**

President Hanacek recognized Dr. Susan Holliday, Assistant Superintendent, Education Services to present the item. This item was information only and no action was taken. Item to be brought back for a second reading.

**Board Policy  
5122, Promotion/  
Acceleration/  
Retention:  
Agenda Item 28**

**ITEMS PULLED FROM CONSENT CALENDAR**

Approval of the Agreement for Architectural and Related Services with WLC Architects, Incorporated to provide services related to the design and construction of a shade structure and associated site work at Oso Grande Elementary School.

**Architectural  
and Related  
Services  
Agreement-Oso  
Grande  
Agenda Item 4**

Trustee McNicholas asked staff for clarification on the source of funding. Funding is provided by the District and not the site.

Following discussion, it was moved by Trustee McNicholas, seconded by Trustee Alpay to approve, motion carried 7-0.

Following discussion, it was moved by Trustee Reardon, seconded by Trustee Alpay to table the item, motion carried 7-0.

**Board Meeting  
Minutes  
December 9, 2015  
Agenda Item 17  
Board Meeting  
Minutes January  
27, 2016  
Agenda Item 18**

Following discussion, it was moved by Trustee Reardon, seconded by Trustee Alpay to table the item, motion carried 7-0.

**ADJOURNMENT**

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

**Adjournment**

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

President Hanacek announced the meeting adjourned at 10:25 p.m.

  
\_\_\_\_\_  
Board Clerk  
  
\_\_\_\_\_  
Secretary Board of Trustees

*Minutes submitted by Colleen Hayes, Manager IV, Superintendent's Office*