

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

BOARD OF TRUSTEES
Regular Meeting

March 23, 2016

Closed Session 5:30 p.m.
Open Session 7:00 p.m.

AGENDA

CLOSED SESSION AT 5:30 P.M.

- 1. **CALL TO ORDER**
- 2. **CLOSED SESSION COMMENTS**
- 3. **CLOSED SESSION** (as authorized by law)

- A. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE** **EXHIBIT A**
(Pursuant to Government Code § 54957)
- B. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION** **EXHIBIT B-1**
Mark Miller **EXHIBIT B-2**
Attorney: Ernest Bell
Significant Exposure to Litigation—Two Cases: Student Complaints
(Pursuant to Government Code § 54956.9)
- C. CONFERENCE WITH LABOR NEGOTIATORS** **EXHIBIT C**
Kirsten M. Vital/Clark Hampton
Employee Organizations:
1) Capistrano Unified Education Association (CUEA)
2) California School Employees Association (CSEA)
3) Teamsters
4) Unrepresented Employees (CUMA)
(Pursuant to Government Code § 54957.6)
- D. STUDENT EXPULSIONS** **EXHIBIT D-1**
Deliberations of Findings of Fact and Recommendations **EXHIBIT D-2**
(Pursuant to Education Code § 48918{c} and § 35145) **EXHIBIT D-3**

PUBLIC HEARINGS:

Agenda Item 1: Resolution No. 1516-41, Convey an Easement to the City of San Clemente for Verde Park
Agenda Item 2: 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

RECORDING OF SCHOOL BOARD MEETINGS

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

OPEN SESSION AT 7:00 P.M.

CALL TO ORDER – ROLL CALL

PLEDGE OF ALLEGIANCE

ADOPTION OF THE AGENDA

REPORT ON CLOSED SESSION ACTION

SPECIAL RECOGNITIONS

Celebration of Employee Anniversaries:

20 Years of Service

- | | |
|---|------------------------------------|
| <i>Jesus Becerra, Principal</i> | <i>Deni Christensen, Principal</i> |
| <i>Lisa Alizadeh, Teacher</i> | <i>Marla Andre, Teacher</i> |
| <i>Laurie Asakowicz, Teacher</i> | <i>Deanna Bleidistel, Teacher</i> |
| <i>Mary Blenkle, Teacher</i> | <i>Brenda Bolla, TOSA</i> |
| <i>Mark Boncuk, Teacher</i> | <i>Avonnette Bruce, Teacher</i> |
| <i>Jennifer Burkhardt, Teacher</i> | <i>Robbin Carter, Teacher</i> |
| <i>Patti Clark, Teacher</i> | <i>Brenda Dahlgren, Teacher</i> |
| <i>Angela Darnell-Petersen, Teacher</i> | <i>Bradley Davis, Teacher</i> |
| <i>Tom Desiano, Teacher</i> | <i>Mariella Rhodes, Teacher</i> |

Dana Ramirez, Manager IV, Fiscal Services

Extra Miler:

To recognize Alexander Triestman, an Aliso Niguel High School student for founding Brickshare and his commitment to serving children. The District is recognizing Alexander as an “Extra Miler”.

BOARD AND SUPERINTENDENT COMMENTS

ORAL COMMUNICATIONS (Non-Agenda Items)

Oral Communications will occur immediately following Board and Superintendent Comments. The total time for Oral Communications shall be twenty (20) minutes. Individual presentations are limited to a maximum of three (3) minutes per individual.

PUBLIC HEARING

- PUBLIC HEARING: RESOLUTION NO. 1516-41 TO CONVEY AN EASEMENT TO THE CITY OF SAN CLEMENTE FOR VERDE PARK:** INFORMATION/ DISCUSSION

The Board will conduct a public hearing on adopting Resolution No. 1516-41, to convey an easement to the City of San Clemente for Verde Park on a portion of property owned by the District located at 189 Avenida La Cuesta, San Clemente, CA 92672 and 700 Avenida Pico, San Clemente, CA 92673 pursuant to Education Code § 17556 *et seq.* in order for the City to install and maintain landscaping, hardscaping, vegetation, irrigation and related improvements consistent with use as a public park. Supporting documentation information is located in Exhibit 22.

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

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

Staff Recommendation

It is recommended the Board President open the public hearing, determine if members of the public have submitted requests to speak on the item, and after hearing any speakers, formally close the public hearing.

- 2. **PUBLIC HEARING: 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:** INFORMATION/
DISCUSSION

The Board will conduct a public hearing on adopting 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. Support information is located in Exhibit 23.

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

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

Staff Recommendation

It is recommended the Board President open the public hearing, determine if members of the public have submitted requests to speak on the item, and after hearing any speakers, formally close the public hearing.

CONSENT CALENDAR

All matters listed under the Consent Calendar are considered by the Board to be routine and will be enacted by the Board in one motion in the form listed below. There will be no discussion of these items prior to the time the Board votes on the motion unless members of the Board, staff, or the public request specific items to be discussed and/or removed from the Consent Calendar. The Superintendent and the staff recommend approval of all Consent Calendar items.

BUSINESS AND SUPPORT SERVICES

- 3. **AMERICAN RED CROSS SHELTER AGREEMENT:**

Approval of the American Red Cross Shelter Agreement to permit the American Red Cross to use District facilities on a temporary basis as an emergency public shelter during a disaster. The agreement is valid until termination is requested, and ends 30 days after written notice by either party. All costs incurred will be reimbursed by the American Red Cross. There is no financial impact.

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

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

- 4. **ARCHITECTURAL AND RELATED SERVICES AGREEMENT–WLC ARCHITECTS, INCORPORATED – OSO GRANDE ELEMENTARY SCHOOL SHADE STRUCTURE:**

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 to provide additional shade for students during recess while they play. The fixed fee for basic services is \$30,000 plus reimbursable expenses in the amount of \$3,866 as detailed in the Agreement. Due to the size of the Agreement for Architectural and Related Services, it will be posted online in the District Board Agendas and Supporting Documentation page. This project is funded by Developer Fees.

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

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

5. **AWARD BID NO. 1516-17, EXTERIOR PAINT AT WOOD CANYON ELEMENTARY SCHOOL – PIANA CONSTRUCTION & PAINTING INC.:** Page 6
EXHIBIT 5
Approval of the Award of Bid No. 1516-17, Wood Canyon Elementary School Exterior Painting, to Piana Construction & Painting Inc. On December 9, 2015, the Board of Trustees authorized staff to advertise for bids for exterior painting of Wood Canyon Elementary School. Thirteen bids were received and opened on March 1, 2016, which are listed in Exhibit A. The bidder offering the lowest base price was used to determine the lowest responsive bidder. Piana Construction & Painting Inc. was the lowest responsive bidder at \$66,700. The project will be funded by deferred maintenance.
CUSD WIG 3: Facilities – Optimize facilities and learning environments for all students.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
6. **AWARD BID NO. 1516-18, EXTERIOR PAINT AT VIEJO ELEMENTARY SCHOOL – IGOR BERNIK DBA SIGNATURE PAINTING:** Page 20
EXHIBIT 6
Approval of the Award of Bid No. 1516-18, Viejo Elementary School Exterior Painting, to Igor Bernik DBA Signature Painting. On December 9, 2015, the Board of Trustees authorized staff to advertise for bids for exterior painting of Viejo Elementary School. Fourteen bids were received and opened on February 23, 2016, which are listed in Exhibit A. The bidder offering the lowest base price was used to determine the lowest responsive bidder. Signature Painting was the lowest responsive bidder at \$27,000. The project will be funded by deferred maintenance.
CUSD WIG 3: Facilities – Optimize facilities and learning environments for all students.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
7. **DONATION OF FUNDS AND EQUIPMENT:** Page 34
EXHIBIT 7
Approval of donations of funds and equipment. A number of gifts have been donated to the District, including \$275,845.26 in cash. These funds will be deposited in the appropriate school accounts. Items other than cash have no financial impact on the budget. The District does not guarantee maintenance of items or the expenditure of any District funds for continued use.
CUSD WIG 1: Teaching and Learning – Engage students in meaningful, challenging, and innovative educational experiences to increase post-secondary options for all students.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
8. **FINAL ACCEPTANCE AND FILING OF NOTICE OF COMPLETION FOR BID NO. 1516-09, NEWHART MIDDLE SCHOOL HVAC REPLACEMENT – NKS MECHANICAL CONTRACTING INCORPORATED:** Page 36
EXHIBIT 8
Approval of the Final Acceptance and filing of the Notice of Completion for Bid No. 1516-09, Newhart Middle School HVAC Replacement. In order to obtain legal protection from undisclosed and unknown potential lien claimants, Notice of Completion is required. All work has been inspected and completed to the satisfaction of staff. Funded by Mission Viejo Redevelopment Successor Agency funds.
CUSD WIG 3: Facilities – Optimize facilities and learning environments for all students.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

9. **INDEPENDENT CONTRACTOR, PROFESSIONAL SERVICES, FIELD SERVICE, AND MASTER CONTRACT AGREEMENTS:** Page 37
EXHIBIT 9
- Approval of the District standardized Independent Contractor, Professional Services, Master Contract, and Field Service Agreements. The expenditures related to the listed agreements were previously authorized as part of the District’s budget approval process. The exhibit shows two new agreements totaling \$19,956.26, one extension to an existing agreement totaling \$8,000, two extension ratifications to existing agreements totaling \$83,000, four amendments to existing agreements totaling \$131,360 and one amendment ratification to an existing agreement totaling \$25,000. Due to the size of the contract documents, the General Conditions for each type of agreement are posted online on the District’s Board Agendas and Supporting Documentation page.
- CUSD WIG 1: Teaching and Learning – Engage students in meaningful, challenging, and innovative educational experiences to increase post-secondary options for all students.*
- CUSD WIG 2: Communications – Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions.*
- CUSD WIG 3: Facilities – Optimize facilities and learning environments for all students.*
- Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*
10. **SPECIAL EDUCATION INFORMAL DISPUTE RESOLUTION:**
- Approval of the ratification of special education Informal Dispute Resolution Case #20160209. Due to the confidential nature of the Agreement, supporting information is provided to Trustees under separate cover. There is no financial impact.
- CUSD WIG 1: Teaching and Learning – Engage students in meaningful, challenging, and innovative educational experiences to increase post-secondary options for all students.*
- Contact: Mark Miller, Assistant Superintendent, SELPA, Special Education Services*
11. **PURCHASE ORDERS, COMMERCIAL WARRANTS, AND PREVIOUSLY BOARD-APPROVED BIDS AND CONTRACTS:** Page 162
EXHIBIT 11
- Approval of purchase orders (Attachment 1) and commercial warrants (Attachment 2). The expenditures related to the listed purchase orders and commercial warrants included in this item were previously authorized as part of the District’s budget approval process. The purchase orders total \$838,679.21 and the commercial warrants total \$11,348,198.85. Attachment 3 is a list of previously Board-approved bids and contracts to assist in the review of the purchase order and commercial warrant listings. Attachment 4 is a list of previously Board-approved warrants, by vendor, exceeding \$250,000.
- CUSD WIG 3: Facilities – Optimize facilities and learning environments for all students.*
- Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*
12. **RESOLUTION NO. 1516-42, STATE ALLOCATION BOARD AND SCHOOL FACILITY PROGRAM BEYOND BOND AUTHORITY ACKNOWLEDGMENT:** Page 203
EXHIBIT 12
- Approval of Resolution No. 1516-42, State Allocation Board and School Facility Program Beyond Bond Authority Acknowledgment. The School Facility Program is currently accepting applications to be placed on the “Acknowledged List” for potential funding at a future date. The District intends to file applications for funding under the School Facility Program. Should the November 2016 bond initiative pass, the District could potentially receive funding from the School Facility Program for the projects that are submitted and “acknowledged”. Participation in the School

Facility Program requires that the Board of Trustees approve this Resolution as an acknowledgment by the Board of Trustees that the School Facility Program is currently beyond bonding authority and does not guarantee funding will be available in the future, or if funding is available, the projects will be eligible for funding. There is no financial impact.

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

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

13. RESOLUTION NO. 1516-43, AUTHORIZATION TO SIGN APPLICATIONS AND ASSOCIATED DOCUMENTS AND SUPPORT OF APPLICATIONS FOR ELIGIBILITY DETERMINATION AND FUNDING: Page 205
EXHIBIT 13

Approval of Resolution No. 1516-43, Authorization to Sign Applications and Associated Documents and Support of Applications for Eligibility Determination and Funding. The District intends to file applications for funding under the School Facility Program. This Resolution will authorize the Deputy Superintendent, Business and Support Services and the Executive Director, Facilities/Maintenance and Operations to submit applications for eligibility determination and funding for programs including, but not limited to, modernization and new construction. There is no financial impact.

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

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

14. STATE OF CALIFORNIA CONTRACT NO. 1-16-23-20 A THROUGH J, FLEET VEHICLES – TRUCKS, AWARDED TO VARIOUS CONTRACTORS: Page 207
EXHIBIT 14

Approval to utilize the State of California Contract No. 1-16-23-20 A through J, Fleet Vehicles – Trucks, awarded to Downtown Ford Sales; Freeway Toyota; Winner Chevrolet; Elk Grove Auto Group; Elk Grove Ford; Wondries Fleet Group; Selma Nissan; Fred M. Boerner Motor Co.; Riverview International; and Swift Superstore for the purchase of fleet vehicles, as needed by the District. The District can utilize such contracts pursuant to California Public Contract Code §§ 10298, 10299, seq. without going to bid. The prices offered by the contractors have been assessed to be fair, reasonable, and competitive. The District is developing criteria for a vehicle replacement program to be implemented as funds become available. Anticipated annual expenditures utilizing this contract are approximately, \$250,000, funded through various sources, including, but not limited to, gift funds, site funds, grants, and general funds. The actual amount of expenditures under the piggyback contract may be more or less than the stated amount, depending on the availability of funding. It is often advantageous to utilize piggyback bids when contract items are identical to the District's specifications. Using piggyback contracts save time and often provide lower prices than a single jurisdiction would be able to obtain. The contract and award documentation is provided in Exhibit A.

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

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

HUMAN RESOURCE SERVICES

15. RESIGNATIONS/RETIREMENTS/EMPLOYMENT – CLASSIFIED EMPLOYEES: Page 229
EXHIBIT 15

Approval of the activity list for employment, separation, and additional assignments of classified employees. These positions will be charged to the appropriate fund and are included in the adopted budget.

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

Contact: Gordon Amerson, Assistant Superintendent, Human Resource Services

16. **RESIGNATIONS/RETIREMENTS/EMPLOYMENT – CERTIFICATED EMPLOYEES:** Page 230
EXHIBIT 16

Approval of the activity list for employment, separation, and additional assignments of certificated employees. These positions will be charged to the appropriate fund and are included in the adopted budget.

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

Contact: Gordon Amerson, Assistant Superintendent, Human Resource Services

GENERAL FUNCTIONS

17. **SCHOOL BOARD MINUTES:** Page 231
EXHIBIT 17

Approval of the minutes for the December 9, 2015 Regular Board Meeting.

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

18. **SCHOOL BOARD MINUTES:** Page 249
EXHIBIT 18

Approval of the minutes for the January 27, 2016 Regular Board Meeting.

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

Motion by _____ Seconded by _____

ROLL CALL:

| | | | |
|--------------------------|-------|--------------------|-------|
| Student Advisor Sorensen | _____ | Trustee McNicholas | _____ |
| Trustee Alpay | _____ | Trustee Pritchard | _____ |
| Trustee Hatton-Hodson | _____ | Trustee Reardon | _____ |
| Trustee Jones | _____ | Trustee Hanacek | _____ |

DISCUSSION ITEMS

19. **DISCUSSION TO APPROVE OR DENY THE PETITION FOR THE GLOBAL BUSINESS ACADEMY CHARTER SCHOOL:** DISCUSSION/
ACTION
Page 260
EXHIBIT 19

The Global Business Academy (GBA) submitted a petition on February 5, 2016, seeking approval of a charter school by the Capistrano Unified School District. The charter petition proposes to open in the fall of 2016, with an approximate enrollment of 408 students serving students sixth through eighth grade. GBA plans to expand to include grades 9 through 12, with an enrollment of 1088 students in the 2020-21 school year. Pursuant to Education Code section 47605(b), the governing board of a school district may deny a petition for the establishment of a charter school only if it makes written factual findings, specific to the petition, setting forth specific facts to support one or more of the following findings: 1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school; 2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition; 3) The petition does not contain the required number of signatures; 4) The petition does not contain an affirmation of each of the required conditions as set forth in Education Code section 47605(d) [i.e. that the school will be nonsectarian in its programs, admissions policies, employment practices, and all other operations; the school will not charge tuition; the school will not discriminate against any pupil on the basis of ethnicity, national origin, gender, sexual orientation or disability; admission shall not be determined according to the place of residence of the pupil, or of his or her parent or legal guardian within this state; the school shall admit all pupils who wish to attend, however, if the number of pupils who wish to attend exceeds the school’s capacity, attendance, except for existing pupils of the school, shall be determined by a public random drawing with preference to be extended to pupils currently attending the school and pupils who reside in the district];

5) The petition does not contain a reasonably comprehensive description of one or more of the fifteen (15) specified elements of the program in accordance with Education Code sections 47605(b)(5)(A-O); or 6) The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code. In accordance with Education Code section 47605, the Board held a public hearing on February 24, 2016, to consider the level of support for the petition by District teachers, other employees, parents, and community members. Following review of the petition and the comments made at the public hearing, the Board is required to either grant or deny the charter petition within sixty (60) days of its receipt. A thorough review of the GBA petition was conducted by District education, finance and operations staff, as well as legal counsel. This review revealed numerous, material concerns regarding the GBA petition, which form the basis of the staff recommendation and the findings in Resolution No. 1516-48.

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

Contact: Susan Holliday, Assistant Superintendent, Education Services

Staff Recommendation

It is recommended the Board President recognize Susan Holliday, Assistant Superintendent, Education Services, to present information on this item and answer any questions Trustees may have.

Following discussion, it is recommended the Board of Trustees adopt Resolution No. 1516-48, denying the petition to establish the GBA charter and stating the findings, contained in the Resolution, upon which the denial is based. If the Board of Trustees decides to approve the petition, staff recommends that it be with conditions as contained in the Resolution No. 1516-49.

Motion by _____ Seconded by _____

ROLL CALL:

| | | | |
|--------------------------|-------|--------------------|-------|
| Student Advisor Sorensen | _____ | Trustee McNicholas | _____ |
| Trustee Alpay | _____ | Trustee Pritchard | _____ |
| Trustee Hatton-Hodson | _____ | Trustee Reardon | _____ |
| Trustee Jones | _____ | Trustee Hanacek | _____ |

20. COMMUNITY COMMISSIONS ON SCHOOL FACILITIES AND FINANCE, AND COMMUNITY FACILITIES DISTRICTS:

Following the information presentation on January 27, 2016, the Board is receiving an update on the development of the following community commissions:

- 1) School Facilities and Finance Commission
- 2) Community Facilities District Citizens’ Oversight and Advisory Commission

Consistent with Board Policy 1220, these commissions are intended to be consistent with Administrative Advisory Committees established by the Superintendent for the purpose of providing advice and oversight.

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

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

Staff Recommendation

It is recommended the Board President recognize Clark Hampton, Deputy Superintendent, Business and Support Services to present information on this item and answer any questions Trustees may have. This is an information item only and

INFORMATION/
DISCUSSION
Page 286
EXHIBIT 20

no action is necessary.

21. FACILITIES MINIMUM STANDARDS DEVELOPMENT:

In continuing to implement the recommendations of the Consensus Report presented by members of the Community Committee on School Classrooms and Campus Facilities, the Board is asked to consider development of facilities minimum standards. The purpose of the minimum standards is to help achieve equity across school families, and the standards are intended to be goals that the District should strive for in proceeding with its facilities plans.

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

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

Staff Recommendation

It is recommended the Board President recognize Clark Hampton, Deputy Superintendent, Business and Support Services to present information on this item and answer any questions Trustees may have. This is an information item only and no action is necessary.

22. RESOLUTION NO. 1516-41, CONVEY AN EASEMENT TO THE CITY OF SAN CLEMENTE FOR VERDE PARK:

Approval to Convey an Easement to the City of San Clemente (City) on a portion of the property owned by the District in order for the City to install and maintain landscaping, hardscaping, vegetation, irrigation, and related improvements consistent with use as a public park. The City of San Clemente's Verde Park is an approximately 3-acre park site that includes a tennis court, playground equipment, picnic benches, sidewalks, parking area, and a large turf area. San Clemente High School Upper campus is located on the west side adjacent to Verde Park. In April 2014, the City hired an arborist to conduct an arboricultural assessment of the Verde Park trees. During the evaluation, it was discovered a portion of Verde Park was constructed on District property. The Board of Trustees is considering granting an easement to the City on a portion of the property owned by the District located at 189 Avenida La Cuesta, San Clemente, CA 92672 and 700 Avenida Pico, San Clemente, CA 92673 in order for the City to install and maintain landscaping, hardscaping, vegetation, irrigation, and related improvements consistent with use as a public park.

Pursuant to Education Code § 17556 *et. seq.*, the Board, at its March 9, 2016 meeting, adopted Resolution No. 1516-40 indicating its intention to convey the Easement to the City of San Clemente and calling a noticed "Public Hearing" to address the issue of whether the District should convey the Easement to the City of San Clemente (Resolution of Intent). The Resolution of Intent established the Public Hearing would be held during the Board's March 23, 2016 meeting and directed the Superintendent or Superintendent's designee, to provide notice of Public Hearing as required by Education Code § 17558. The District complied with the notice requirements by posting three copies of the Resolution of Intent, signed by a majority of the Board members, in three public places by March 13, 2016 (ten days before the Public Hearing), and by publishing notice of the Public Hearing in the *Orange County Register* by March 18, 2016 (five days before the Public Hearing). The Board will now hold the Public Hearing. The Board, having both adopted its Resolution of Intent, as required by Education Code § 17557, and held a public hearing on whether to convey the Easement to the City of San Clemente as required by Education Code § 17558, may then consider whether to convey the Easement to the City of San Clemente, unless the Board receives a petition signed by at least ten percent of the qualified voters within the District (Protest Petition) objecting to the proposed conveyance. Absent receipt of a Protest Petition, the Board may consider the adoption of Resolution No. 1516-41 authorizing the conveyance of the Easement to the City of San Clemente, pursuant to Education Code § 17559. If a Protest Petition is received, then the Board must postpone any decision on whether to convey the Easement to the

INFORMATION/
DISCUSSION
Page 289
EXHIBIT 21

DISCUSSION/
ACTION
Page 291
EXHIBIT 22

City of San Clemente and first submit the question of whether to convey the Easement to the Orange County Superintendent of Schools. If the Superintendent of Schools approves the Easement, then the Board may consider approval of the conveyance. If the Superintendent disapproves of the Easement, its decision is final and the District may not convey the Easement. This Resolution to Convey an Easement to City of San Clemente must be approved by a vote of at least two-thirds of all the members of the Board.

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

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

Staff Recommendation

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

Following discussion, it is recommended the Board of Trustees adopt Resolution No. 1516-41, Convey an Easement to the City of San Clemente for Verde Park.

Motion by _____ Seconded by _____

ROLL CALL:

| | | | |
|--------------------------|-------|--------------------|-------|
| Student Advisor Sorensen | _____ | Trustee McNicholas | _____ |
| Trustee Alpay | _____ | Trustee Pritchard | _____ |
| Trustee Hatton-Hodson | _____ | Trustee Reardon | _____ |
| Trustee Jones | _____ | Trustee Hanacek | _____ |

23. 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:

DISCUSSION/
ACTION
Page 309
EXHIBIT 23

AB 181 authorizes the State Allocation Board (SAB) to approve an increase in developer fees every two years. On February 24, 2016, the SAB authorized an increase in the amount of the developer fees that a school district can levy. Developer fees for new residential development were increased from \$3.39 to \$3.48 per square foot, and commercial/industrial fees were increased from \$0.55 to \$0.56 per square foot, as long as such increases are properly justified by the District pursuant to the law. Legislation pertaining to developer fees allows the increase of fees every two years, as determined by the SAB. The District last approved an increase in developer fees on March 27, 2013. This agenda item pertains to the adoption of 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. Due to the size of the Residential Development School Fee Justification Study and Commercial/Industrial Development School Fee Justification Study, it will be posted online in the District Board Agendas and Supporting Documentation page.

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

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

Staff Recommendation

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

Following discussion, it is recommended the Board of Trustees approve 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.

Motion by _____ Seconded by _____

ROLL CALL:

| | | | |
|--------------------------|-------|--------------------|-------|
| Student Advisor Sorensen | _____ | Trustee McNicholas | _____ |
| Trustee Alpay | _____ | Trustee Pritchard | _____ |
| Trustee Hatton-Hodson | _____ | Trustee Reardon | _____ |
| Trustee Jones | _____ | Trustee Hanacek | _____ |

24. **RESOLUTION NO. 1516-45, A RESOLUTION OF THE BOARD OF TRUSTEES OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT ACKNOWLEDGING RECEIPT OF A PETITION TO CREATE A COMMUNITY FACILITIES DISTRICT AND AUTHORIZING THE EXECUTION AND DELIVERY OF A DEPOSIT AND REIMBURSEMENT AGREEMENT, A SECOND AMENDED AND RESTATED JOINT COMMUNITY FACILITIES AGREEMENT, AN AMENDED AND RESTATED IMPACT MITIGATION AGREEMENT, AND A PURCHASE AND SALE AGREEMENT:** DISCUSSION/
ACTION
Page 315
EXHIBIT 24

Following the information presentation on February 24, 2016, the Board is asked to consider approval of Resolution No. 1516-45 and related documents that begins the process of amending Community Facilities District (CFD) 98-1A and forming CFD 98-1B for the Pacifica San Juan community. The Resolution acknowledges receipt of a petition from Pacific Point Development Partners to form the CFD and approves various agreements with Pacific Point Development Partners and the City of San Juan Capistrano.

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

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

Staff Recommendation

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

Following discussion, it is recommended the Board of Trustees adopt Resolution No. 1516-45, A Resolution of the Board of Trustees of the Capistrano Unified School District Acknowledging Receipt of a Petition to Create a Community Facilities District and Authorizing the Execution and Delivery of a Deposit and Reimbursement Agreement, a Second Amended and Restated Joint Community Facilities Agreement, an Amended and Restated Impact Mitigation Agreement, and a Purchase and Sale Agreement.

Motion by _____ Seconded by _____

ROLL CALL:

| | | | |
|--------------------------|-------|--------------------|-------|
| Student Advisor Sorensen | _____ | Trustee McNicholas | _____ |
| Trustee Alpay | _____ | Trustee Pritchard | _____ |
| Trustee Hatton-Hodson | _____ | Trustee Reardon | _____ |
| Trustee Jones | _____ | Trustee Hanacek | _____ |

25. **RESOLUTION NO. 1516-46, A RESOLUTION OF THE BOARD OF TRUSTEES OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT OF INTENTION TO ESTABLISH A COMMUNITY FACILITIES DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES:** DISCUSSION/
ACTION
Page 396
EXHIBIT 25

Following the information presentation on February 24, 2016, the Board is asked to consider approval of Resolution No. 1516-46 and related documents that begins the

process of amending Community Facilities District (CFD) 98-1A and forming CFD 98-1B for the Pacifica San Juan community. The Resolution declares the intention of the District to form CFD 98-1B, sets a date for a public hearing and election, and describes how the tax will be levied upon property owners within the CFD.

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

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

Staff Recommendation

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

Following discussion, it is recommended the Board of Trustees adopt Resolution No. 1516-46, A Resolution of the Board of Trustees of the Capistrano Unified School District of Intention to Establish a Community Facilities District and to Authorize the Levy of Special Taxes.

Motion by _____ Seconded by _____

ROLL CALL:

| | | | |
|--------------------------|-------|--------------------|-------|
| Student Advisor Sorensen | _____ | Trustee McNicholas | _____ |
| Trustee Alpay | _____ | Trustee Pritchard | _____ |
| Trustee Hatton-Hodson | _____ | Trustee Reardon | _____ |
| Trustee Jones | _____ | Trustee Hanacek | _____ |

26. **RESOLUTION NO. 1516-47, A RESOLUTION OF THE BOARD OF TRUSTEES OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT TO INCUR BONDED INDEBTEDNESS OF THE PROPOSED COMMUNITY FACILITIES DISTRICT NO. 98-1B OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT (PACIFICA SAN JUAN):** DISCUSSION/
ACTION
Page 421
EXHIBIT 26

Following the information presentation on February 24, 2016, the Board is asked to consider approval of Resolution No. 1516-47 and related documents that begins the process of amending Community Facilities District (CFD) 98-1A and forming CFD 98-1B for the Pacifica San Juan community.

The Resolution describes the intention of the District to issue bonds to help fund the share of mitigation owed by new homes within CFD 98-1B. The bonds will finance school facilities and city infrastructure.

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

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

Staff Recommendation

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

Following discussion, it is recommended the Board of Trustees adopt Resolution No. 1516-47, A Resolution of the Board of Trustees of the Capistrano Unified School District to Incur Bonded Indebtedness of the Proposed Community Facilities District No. 98-1B of the Capistrano Unified School District (Pacifica San Juan).

Motion by _____ Seconded by _____

ROLL CALL:

| | | | |
|--------------------------|-------|--------------------|-------|
| Student Advisor Sorensen | _____ | Trustee McNicholas | _____ |
| Trustee Alpay | _____ | Trustee Pritchard | _____ |

Trustee Hatton-Hodson _____ Trustee Reardon _____
Trustee Jones _____ Trustee Hanacek _____

27. **AMENDMENT NO. 1 TO EASEMENT AGREEMENT WITH SPRINT PCS:** DISCUSSION/
On or about May 14, 2000, the District entered into an easement agreement ACTION
(Easement) with a predecessor of Sprint PCS, Wireless Co, L.P. (hereinafter, Page 426
collectively, Provider), to allow for the installation and operation of a cellular tower EXHIBIT 27
at Dana Hills High School. The Easement allowed the Provider to operate the tower
on the school site through June 30, 2016.

On May 8, 2015, the District notified the Provider of its intention not to renew the Easement at the end of its term. The notice was delivered to the Provider's site operator, but not received by the Provider until late 2015. In response to the notice, the Provider requested an 18-month extension (from the date of their request, not the end of the term) to allow time to obtain and permit an alternate site for a tower, and construct the necessary facilities. The Provider requested the District offer an extension to the Easement through July 31, 2017.

The amendment to the Easement grants the Provider an extension through July 31, 2017 to allow time for the Provider to move its operations to a new site and remove the existing equipment from the school site. The amendment will result in corresponding lease payments.

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

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

Staff Recommendation

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

Following Discussion, it is recommended the Board approve Amendment No. 1 to the Easement Agreement with Sprint PCS.

Motion by _____ Seconded by _____

28. **FIRST READING – REVISIONS TO BOARD POLICY 5122, PROMOTION/ACCELERATION/RETENTION:** INFORMATION/
DISCUSSION

This proposed revision of Board Policy 5122, *Promotion/Acceleration/Retention*, updates this policy to align to the 2016-2017 school calendar and revises the dates for parent requests for retention. The policy revision changes the final date that retention requests can be initiated by parents. This change is necessary due to the new school calendar and maintains 21 calendar days for parent initiated requests prior to the final day of the school year. The policy also reflects changes to the final date for late parent requests for retention. This change reflects the new school calendar and defines parent initiated requests that are submitted after 21 calendar days prior to the final day of the school year as a "late request". These revisions comply with the Education Code sections regarding retention. Changes are underlined; deletions are struck through. There is no financial impact.

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

Contact: Susan Holliday, Assistant Superintendent, Education Services

Staff Recommendation

It is recommended the Board President recognize Susan Holliday, Assistant Superintendent, Education Services, to present information on this item and answer

Page 459
EXHIBIT 28

any questions Trustees may have. This is an information item only and no Board action is necessary.

- 29. FIRST READING – REVISIONS TO BOARD POLICY 5165.1, IMMUNIZATION REQUIREMENTS FOR SCHOOL ENTRY:** INFORMATION/
DISCUSSION
Page 463
EXHIBIT 29

Legal changes necessitate revisions to BP 5165.1, *Immunization Requirements for School Entry* to comply with State and Federal laws. Senate Bill 277 repeals the personal belief exemption from immunization. In accordance with the law, the District will no longer be able to enroll students without the required vaccinations unless the family submits a medical exemption from a licensed physician. The law also notes the allowable temporary and permanent exemptions from immunization. Changes are underlined; deletions are struck through. There is no financial impact.

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

Contact: Susan Holliday, Assistant Superintendent, Education Services

Staff Recommendation

It is recommended the Board President recognize Susan Holliday, Assistant Superintendent, Education Services, to present information on this item and answer any questions Trustees may have. This is an information item only and no Board action is necessary.

- 30. INSTRUCTIONAL MATERIALS RECOMMENDED FOR ADOPTION: SECONDARY MATHEMATICS, GRADES 6 - 12:** DISCUSSION/
ACTION
Page
EXHIBIT 30

Approval of the adoption of *Pearson Algebra 1, Geometry, Algebra 2 Common Core ©2015*, Pearson Education, Inc., grades 6 - 12. The adoption for middle school will be 6 years and, at this time, high school will be 8 years. The estimated cost to implement this adoption would be \$1,256,350. District Lottery funds would be used for this expenditure. As shared in previous reports, beginning in March 2015, District Algebra 1, Geometry, and Algebra 2 teachers began investigating textbook options for both middle and high school. The 25 team members reviewed 7 publishers and narrowed it down to 2 publishers, Houghton Mifflin and Pearson in April. After receiving training in June, 24 math teachers (6 middle and 18 high school) each piloted both textbooks through December. On December, 15, 2015 the pilot teachers came together to rate both programs. The rating criteria, as found in the exhibit, address focus, coherence, rigor, Universal Access, teacher support materials and student and parent support materials. By consensus, the pilot teachers recommended the Pearson textbook series. The information was reviewed and thoroughly discussed at the secondary Math Department Chair meetings in January 2016. The recommendation was then presented to the Instructional Materials Review Committee (IMRC) in February. The IMRC consists of 18 members of which 12 attended the review and approved the materials voting 12-0. Given the IMRC's 12-0 vote in support of adopting the Pearson textbooks, in March a sub-committee of 16 volunteer Algebra 1, Geometry, and Algebra 2 teachers met to (1) review/revise the order of topics taught within each course, (2) identify lessons/activities within the Pearson program materials to ensure that all students demonstrate disciplinary literacy at a Depth of Knowledge (DOK) Level 3 or higher and identify specific standards-based performance tasks/investigation, and will begin to develop Common Formative Assessment lessons to be used by all District math teachers for each unit for each math course. Training has been scheduled for April 26 and 28; material delivery takes approximately 4 weeks from purchase date. The full process has been transparent, open and inclusive with all Algebra 1, Geometry, and Algebra 2 teachers. Staff invested extensive time analyzing every high school math textbook available on the market. The valuable time of the team and the funds associated to support this extensive process would be lost and if the Board were not to adopt, teachers might not be able to be trained before the August 15 start date, and the process would be jeopardized impacting future adoption processes. Teachers may not be willing to

participate in another review. Without an adoption, teachers would continue to use outdated, non-standards-aligned math materials as the primary resource. The current online access to the Holt Algebra 1 math resources will expire requiring the District to fund this additional cost for next year. To continue to increase rigor and potentially increase high school graduation requirements, the adoption of a California standards-aligned Algebra 1, Geometry, Algebra 2 textbook series which emphasizes Universal Access, and has excellent teacher, student and parent support is what staff recommends and believes to be in the best interest of the students in the District.

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

Contact: Susan Holliday, Assistant Superintendent, Education Services

Staff Recommendation

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

Following discussion, it is recommended the Board of Trustees approve Instructional Materials Recommended for Adoption: Secondary Mathematics, Grades 6-12.

Motion by _____ Seconded by _____

ADJOURNMENT

Motion by _____ Seconded by _____

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS
WEDNESDAY, APRIL 13, 2016, 7:00 P.M.
AT THE CAPISTRANO UNIFIED SCHOOL DISTRICT OFFICE BOARD ROOM
33122 VALLE ROAD, SAN JUAN CAPISTRANO, CALIFORNIA**

For information regarding Capistrano Unified School District, please visit our website:

www.capousd.org

INSTRUCTIONS FOR PRESENTATIONS TO THE BOARD BY PARENTS AND CITIZENS PRESENT AT THIS MEETING

We are pleased you can be with us at this meeting, and we hope you will return often. Your visit assures us of continuing community interest in our schools.

The members of the Board of Trustees of this District are locally elected state officials, who serve four-year terms of office, and who are responsible for the educational program of our community from grades kindergarten through twelve. They are required to conduct programs of the schools in accordance with the State of California Constitution, the State Education Code, and other laws relating to schools enacted by the Legislature, and policies and procedures which this Board adopts.

The Board is a policy-making body whose actions are guided by the school district's Mission and Goals. Administration of the District is delegated to a professional administrative staff headed by the Superintendent.

The agenda and its extensive background material are studied by each member of the Board for at least two days preceding the meeting. Board Members can call the administrative staff for clarification on any item, and many of the items on the agenda were discussed by the Board during previous meetings. These procedures enable the Board to act more effectively on agenda items than would otherwise be possible.

WHAT TO DO IF YOU WISH TO ADDRESS THE BOARD OF TRUSTEES

ITEMS ON THE AGENDA. Any person may address the Board concerning any item on the agenda and may, at the discretion of the Board, be granted three (3) minutes to make a presentation to the Board at the time a specific item is under discussion. However, the time assigned for individual presentations could be fewer than three (3) minutes depending upon the total number of speakers who wish to address a specific agenda topic. Prior to the opening of the meeting, a Request to Address the Board card (located in the foyer) should be completed and submitted to the Secretary of the Board. The total time devoted to presentations to the Board shall not exceed twenty (20) minutes, unless additional time is granted by the Board. All presentations shall be heard by the Board prior to the formal discussion of the agenda topic under consideration. Once an agenda item has been opened for public comment, no additional "Request to Address the Board of Trustees" cards shall be accepted for that topic.

ORAL COMMUNICATIONS (Non-Agenda Items). Citizens may address the Board on any item not appearing on the agenda. Individual presentations are limited to three (3) minutes per individual, with twenty (20) minutes in total being devoted for this purpose, but could be less if there are a large number of Oral Communication speakers. Legally, the Board may not take action on items raised by speakers under Oral Communications. However, at its discretion, the Board may refer items to the administration for follow-up or place topics on a future Board agenda.

PUBLIC HEARINGS. Anytime the Board schedules a separate public hearing on any given topic, it shall not hear speakers on that topic before the public hearing, except as to the scheduling of the hearing, nor shall it hear speakers after the hearing, except as to changes in the policy or recommended actions which are directed at the time of the hearing.

CLOSED SESSION. In accordance with Education Code § 35146 and Government Code § 54957, the Board may recess to Closed Session to discuss personnel matters which they consider inadvisable to take up in a public meeting.

REASONABLE ACCOMMODATION

In order to help ensure participation in the meeting of disabled individuals, appropriate disability-related accommodations or modifications shall be provided by the Board, upon request, in accordance with the Americans with Disabilities Act (ADA). Persons with a disability who require a disability-related accommodation or modification, including auxiliary aids and services in order to participate in a Board meeting, shall contact the Superintendent or designee in writing by noon on the Friday before the scheduled meeting. Such notification shall provide school district personnel time to make reasonable arrangements to assure accessibility to the meeting.