

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES OF REGULAR MEETING
DECEMBER 9, 2015
EDUCATION CENTER – BOARD ROOM

Superintendent Kirsten M. Vital called the meeting to order at 5:30 p.m.

**Call to Order/
Adjourn to Closed
Session**

At 5:32 p.m. the Board recessed to closed session to discuss: Public Employee Discipline/Dismissal/Release; confer with Labor Negotiators; and ratify Student Expulsion Stipulation Agreement. The regular meeting of the Board reconvened to open session and was called to order by Superintendent Vital at 7:01 p.m.

ROLL CALL:

PRESENT: John M. Alpay, Amy Hanacek, Gila Jones, Martha McNicholas, Dr. Gary Pritchard, Jim Reardon and Student Advisor, Elizabeth Sorensen

ABSENT: Lynn Hatton-Hodson

The Pledge of Allegiance was led by Superintendent Kirsten Vital.

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

Permanent Record

Prior to the adoption of the Board Agenda, Superintendent Vital suggested amending the Board Agenda and moving **Agenda Item 8A** before **Item 8**.

**Adoption of the
Board Agenda**

It was moved by Trustee McNicholas, seconded by Trustee Hanacek and motion carried by a 6-0-1 vote to adopt the Board Agenda, as amended above.

AYES: Trustees Alpay, Hanacek, Jones, McNicholas, Pritchard and Reardon

NOES: None

ABSENT: Trustee Hatton-Hodson

Superintendent Vital reported the following action taken during closed session:

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

Agenda Item 3A-1: Public Employee Discipline/Dismissal/Release

The Board voted 6-0-1 to suspend classified employee #18637 for thirty days without pay.

AYES: Trustees Alpay, Hanacek, Jones, McNicholas, Pritchard and Reardon

NOES: None

ABSENT: Trustee Hatton-Hodson

Agenda Item 3B: Conference With Labor Negotiators

There is no reportable action.

Agenda Item 3C: Student Expulsions

The Board voted 6-0-1 to ratify Student Expulsion Stipulation Agreement,

Student Expulsion Case #2016-009.

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

Superintendent Vital announced nominations were in order for **President** of the Board.

Reorganization of the Board Agenda Item 1

It was moved by Trustee Reardon, seconded by Trustee McNicholas to nominate Trustee Hanacek, as President of the Board. There being no further nominations, nominations were closed and motion carried by a 6-0-1 vote to elect Trustee Hanacek as President of the Board.

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

President Hanacek announced nominations were in order for **Vice President** of the Board.

Reorganization of the Board Agenda Item 2

It was moved by Trustee Hanacek, seconded by Trustee Jones to nominate Trustee Reardon as Vice President of the Board. There being no further nominations, nominations were closed and motion carried by a 6-0-1 vote to elect Trustee Reardon as Vice President of the Board.

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

President Hanacek announced nominations were in order for **Clerk of the Board**.

Reorganization of the Board Agenda Item 3

It was moved by Trustee Jones, seconded by Trustee Reardon to nominate Trustee McNicholas as Clerk of the Board. There being no further nominations, nominations were closed and motion carried by a 6-0-1 vote to elect Trustee McNicholas as Clerk of the Board.

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

Winter Music Program

Directed by Michael Ushino, San Juan Hills High School Chamber Singers presented a holiday musical performance.

Musical Performance

Student Body President Report – San Juan Hills High School

Vanessa Rodriguez, Student Body President Report
Jennifer Smalley, Principal
Brooke Valderrama, Activities Director

**Special
Recognitions**

Ms. Elizabeth Sorensen, Student Advisor, announced ASB President, Ms. Vanessa Rodriguez to speak about the academics, athletics, performing arts and school activities at San Juan Hills High School. Ms. Rodriguez discussed the pathways to college & career; spoke about technology on campus; acknowledged the sports teams; homecoming game/dance; student involvement on campus; and inclusive programs for a diverse population.

Learning in Capo Spotlight

Mr. Ryan Burris, introduced Dana Aguilera, Principal of Carl Hankey K-8, Dina Kubba, IB Coordinator, together with Tim Garrity, IB Coordinator of Capistrano Valley High School, to illustrate a power point presentation showcasing the only South County public K-12 International Baccalaureate (IB) pathway offered at Carl Hankey K-8 and Capistrano Valley High School; a project based learning program for ages 3-19 exploring multiple discipline themes.

The Board recessed to reorganize the dais. The Board reconvened in 5 minutes.

Break

Superintendent Vital attended: Clarence Lobo Elementary, Marblehead Elementary and San Juan Hills High School; Aliso Niguel Family Choral Area concert; 40th Anniversary of Moulton Elementary School, Del Obispo Elementary, Marco Forster Middle School and Kinoshita Elementary School; and ROP Rotary Club Vocational Day held at the Monarch Rotary Club.

**Board and
Superintendent
Comments**

Superintendent Vital acknowledged disappointment of many parents regarding her recommendation to deny the petition for the Orange County Academy of Sciences and Arts Charter School and discussed her experience and decision-making process for Agenda Item 8.

Superintendent Vital congratulated Mr. Keith Hancock on his Grammy nomination for the 2016 Music Educator Award.

President Hanacek thanked Trustee Hatton-Hodson for previous service as President. Trustee Jones thanked previous and newly elected officers and thanked Dr. Burch for his assistance. Trustee McNicholas encouraged everyone to enjoy and participate in the activities available in the District.

Due to the number of Blue Cards submitted, Trustees discussed waiving Board Policy; Bylaw of the Board § 9323(b), *Meeting Conduct*, regarding the maximum time limit of 20 minutes to hear all speakers per Agenda topic.

**Oral
Communications**

After discussion amongst Trustees, it was moved by Trustee McNicholas, seconded by Trustee Reardon and motion carried by a 6-0-1 vote to waive Board Policy, Bylaw of the Board § 9323(b), *Meeting Conduct*, and allow each speaker to address the Board.

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

The following speakers addressed the Board:

- *Catherine Sherburne, teacher at Bathgate Elementary School, addressed her concerns regarding segregation of certain demographic groups; too many IEP's; needed funding for special education and dual-immersion students.*
- *Janis Eberhart and Sally White, citizens, questioned how the District can meet the needs of impacted classrooms, especially those with IEP, without proper resources.*
- *Phillip Greer, representing Young Artist Foundation (YAF), proposed an agreement to foster a broad community of interest in the arts. Trustee Alpay stated he served on the Board of the YAF since 2009.*
- *Steven Yancey, coach, commented on his experiences working for the District for 30 years and was surprised his 30-year pin was mailed instead of presented personally; he expressed concerns regarding the low salary pay scale in the District.*
- *Nona Reimer, John S. Malcom Elementary School, shared STEM programs and achievements.*
- *Dawn Urbanek, parent-advocate, discussed legal requirements of the District to provide music and art programs; requested the Board to write a Resolution to the State of California for additional music and arts funding.*
- *Carrie Kitcher and Jennifer Miramontes, parents of students at Ladera Ranch Elementary School (LRES), notified the Board of suspicious activity at LRES; urged the Board for additional safety on campus, including perimeter fencing and additional security cameras/personnel.*

DISCUSSION/ACTION ITEMS

President Hanacek asked Trustees to select committees they want to serve on in 2016.

**Selection of Trustee
Participation on
Various Committees
Agenda Item 4**

Trustee Reardon will serve as the District's representative on the Nominating Committee of the Orange County Committee on School District Organization with Trustee McNicholas serving as the alternate.

Trustees Jones and Hanacek will serve on the Orange County School Boards Political Action Group Effort (PAGE).

Trustees Hatton-Hodson and Trustee McNicholas will serve on the Instructional Materials Review Committee (IMRC).

Trustees selected to serve on the following ad hoc committees:

City of Aliso Viejo: Trustees Pritchard and McNicholas
City of Dana Point: Trustees Hanacek and McNicholas
City of Laguna Niguel: Trustees Jones and McNicholas
City of Mission Viejo: Trustees Reardon and Jones
City of Rancho Santa Margarita: Trustee Reardon
City of San Clemente: Trustees Hanacek and Alpay
City of San Juan Capistrano: Trustees Jones and Reardon
Ladera Ranch Civic Council: Trustees Alpay and Reardon

Trustee Reardon will serve as an ex-officio member of the Capistrano Unified School District (CUSD) Foundation.

Trustee Pritchard will serve on the District Restructuring Council (DRC) with Trustee McNicholas serving as the alternate.

Trustees McNicholas, Jones and Hanacek will serve on the South Coast Regional Occupational Program Board and Trustee Reardon will serve as the alternate.

Trustees McNicholas and Jones will serve on the California School Board Association Delegate (CSBA).

It was moved by Trustee Jones, seconded by Trustee Reardon and motion carried by a 6-0-1 vote to approve the selection of Trustees to serve on the various committees for 2016, as outlined above.

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

President Hanacek introduced Superintendent Vital to announce this item:

Superintendent Vital announced the annual resolution of the Board to approve and reaffirm the role of the Board.

**Resolution No.
1516-29, Role of the
Board: Powers and
Responsibilities
Agenda Item 5**

Trustee Alpay indicated Resolution No. 1516-29 is in conflict with Board Policy 9010, *Public Statements* and Education Code § 35010; however, Board Policy 9311, *Board Policies*, provides an solution to this conflict; also review Board Policies 9003, 9200, and 9311, with that review and upon reaffirmation of stated policies, Trustee Alpay motions to continue Agenda Item 5, indefinitely.

It was moved by Trustee Alpay, seconded by Trustee Reardon and motion carried by a 6-0-1 vote to continue Resolution Number 1516-29, Role of the Board: Powers and Responsibilities, indefinitely.

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

PUBLIC HEARING

President Hanacek announced the Public Hearing open at 8:37 p.m. to hear Boundary Adjustments for Crown Valley Study Areas:

The following speakers addressed the Board:

- *Michelle Ploessel-Campbell, a citizen, discussed the reputation of Hidden Hills District; expressed concern for property values; and requested financial resources to improve school.*

President Hanacek declared the Public Hearing closed at 8:40 p.m.

DISCUSSION/ACTION

President Hanacek introduced Mr. Hampton who provided a review of the previous presentation outlining boundary areas and feeder patterns of the Crown Valley Study Areas for school year 2016-2017.

Trustee McNicholas inquired if younger siblings of current students Crown Valley Elementary School will have priority for reassignment. Mr. Hampton responded there was no priority for siblings, except for school choice. Trustee Reardon inquired about the process of public notification of the new boundary areas. Mr. Hampton stated each postal address within the new boundaries will receive notification of the modification.

Following discussions, the Board of Trustees approved the reassignment of study areas 0600, 0620, and 0621 to the Moulton Elementary School attendance area and study areas 0670, 0681, 0690, 0700 and 0710 to the Hidden Hills Elementary School attendance area.

It was moved by Trustee Pritchard, seconded by Trustee McNicholas and motion carried by a 6-0-1 vote to approve the Boundary Adjustments for Crown Valley Study Areas.

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

President Hanacek introduced Mr. Hampton to introduce this item regarding *Community Committee on School Classrooms and Campus Facilities Consensus Report*. Mr. Hampton introduced Russell Tran, Sophomore, San Juan Hills High

**Public Hearing:
Boundary
Adjustments Crown
Valley
Agenda Item 6**

**Boundary
Adjustments Crown
Valley
Agenda Item 7**

**Community
Committee Report
Agenda 8A**

School, to present the Community Committee Consensus Report. Mr. Tran suggested continuing technology implementation and transitioning to district wide funding. Additional Committee Members addressed the Board requesting transitioning to District wide funding with bond proceeds to be used for school facilities, including community repairs and equity for all schools in the District. In addition, the Committee proposed the formation of a School Facilities Advisory Committee and for Committee Reports to be distributed in multiple languages.

Trustee Reardon thanked the Community Committee for their advice and suggestions. He supports the Committee's request for an oversight committee to oversee the needs of the community and to provide advice as to how the debt of the CFD's can be managed.

Superintendent Vital and Mr. Hampton recommended to the Board a two-fold approach: (1) proactively educate the Community about the need for funding and facilities improvements; and (2) form a School Facilities Advisory Finance Committee as soon as possible, to review the complex issues. This item will be brought back to the Board in January with recommendations.

Trustee Jones reviewed the Consensus Report and appreciated the recommendations of the Community Committee.

President Hanacek introduced Dr. Dan Burch who reported on the petition for the Orange County Academy of Sciences and Arts Charter School (OCASA). Dr. Burch stated the staff thoroughly reviewed the documents for the necessary requirements and ensured the program represented a sound educational program. The team staff members voiced their findings and analysis, as follows: concerned with financial projections; lacked confidence in implementation of the instructional program; and no comprehensive plan for special needs students.

**Petition for Orange
County Academy of
Sciences and Arts
Charter School
Agenda 8**

Due to the number of Blue Cards submitted, it was discussed amongst Trustees to waive Board Policy, Bylaw of the Board §9323(b), *Meeting Conduct* to hear all speakers. It was moved by Trustee Alpay, seconded by Trustee Reardon and motion carried by a 6-0-1 vote to waive Board Policy; Bylaw of the Board §9323(b), *Meeting Conduct*, to extended the maximum time limit of 20 minutes to hear all speakers.

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

The following speakers addressed the Board:

- *Joe Weatherbee, a patent attorney from San Clemente, shared his professional experience and urged the Board to support the petition.*
- *Michael Yadlowsky, a board member of OCASA, supports the mixed-age classes of math and science.*
- *Stacey Conctanton, one of the founding members of OCASA, stated the*

importance of mixed-aged grouping.

- *Susie Scott, on behalf of Susan Moss, Executive Director of Charters OC, stated OCASA is a much needed addition to the Charter schools.*
- *Kristine Darroch, a Mission Viejo resident and founding member of OCASA, stated the interim OCASA website is informational only.*
- *Randy Fish, a founding member of OCASA, supports the Charter school as it provides an alternative learning style.*
- *Sophie Leguillette, founding member of OCASA, believes children should have a choice in their public education.*
- *Dr. Jennifer Reiter-Cook, Director of School Development, stated she worked closely with Kapil Mathur and supports the petition.*
- *Barbara Barnes, a retired school educator, stated she has experience with this charter model and stated it is highly successful.*
- *Michelle Ploessel-Campbell, a citizen, discussed her concerns regarding the needs of the special education students.*
- *Michelle Lopez, Attorney for OCASA, stated the petition meets all legal requirements. Alleged the District failed to provide facts for denial of the petition.*
- *Jaclyn Gerken, teacher, speaking on behalf of OCASA, stated hands-on learning facilitates an ideal learning environment for common core.*

Trustee Reardon read the petition, the staff recommendation and response from OCASA to the staff recommendation and requested clarification for the available options regarding the petition and asked for the “black letter law” supporting the grounds for denial of the petition. Superintendent Vital responded with 3 options: (1) denial of the petition; (2) accept the petition, as is; or (3) accept the petition with conditions (MOU).

Attorney Mark Bresee responded there was no “black letter law” in particular; however, upon a thorough review by counsel and staff, conclusive findings of the petition, as presented to the District, represents an unsound educational program, at this time.

President Hanacek is concerned the petition is not comprehensive and lacks detail.

Trustee Jones agrees the petition might meet the minimum requirements of a charter school; however, it does not mean the educational plan is sound. She questioned the oversight responsibility of the Charter, if approved. Superintendent Vital responded if the District denies the petition and the County approves, then the County has oversight of the charter for the first 5 years. After 5 years, the oversight responsibility returns to the District.

Trustee Pritchard asked if after 5 years, if the District denies the Charter again, if the Charter will go to the County. Superintendent Vital stated the petition can be appealed.

Trustee McNicholas asked if OCASA appeals to the County, does OCASA submit the same petition or can OCASA submit a modified petition. Superintendent Vital responded stating if the Board denies the petition, OCASA can make addendums to

their petition to clarify certain aspects of the plan. Attorney Mark Bresee corrected Superintendent Vital stating if the Board denied the petition and OCASA appealed, then the County would see the same petition and the entire record of this Board meeting.

Trustee Alpay reminded the Board of its historical decisions regarding charter schools. President Hanacek does not want to be constrained by the Board's past decisions and addressed her concerns of the District having to correct any problems with OCASA's petition, which it is not staffed for.

Trustee Reardon expressed concern over the staff report evaluation and stated the criticisms make sense for a school that is open; however, not for a petition and unopened school. He proposed if conditions were addressed by an MOU, then the District would not lose oversight to the County. President Hanacek responded that the staff did a thorough job reviewing the petition with a fine-tooth comb; however, her concerns are clean-up of the educational plan.

Trustee McNicholas expressed her personal views on pro-parent choice and pro-STEM and upon reviewing the petition, she expressed disappointment regarding the lacking of a STEM plan and technology plan. Trustee McNicholas moved to approval of staff recommendation to deny the petition, seconded by Trustee Jones.

Trustee Alpay stated OCASA is unique since it requested its own facility. Assuming they are approved by the County, they will have a Prop 39 request and be on a District campus. The Board has until December 19 to accept or reject the petition unless the Board mutually agrees to extend. President Hanacek responded stating most charter schools proceed with Prop 39. Trustee Reardon surmised the District staff evaluated the petition based on the District's standard models and stated he sees 2 options; (a) deny the petition and it will proceed to the County; or (b) nurture the petition to fruition. He expressed concerns of the petition going forward to the County and the District surrendering oversight.

Trustee Jones stated her decision would not be based on what the County will do and suggested OCASA revise its petition to be more comprehensive.

Trustee Pritchard stated his concerns if the petition goes to the County and weighed out the ramifications of a 3-3-1 vote. Attorney Mark Bresee advised the Board must take action within sixty days of the submission of the petition and suggested the Board may continue the item to a special meeting, when all Board members are present.

Mr. Kapil Mathur voiced his preference to keep the petition within the District. Trustee Reardon inquired if the due date of the petition can be extended by mutual agreement through an MOU. Superintendent Vital reminded the Board of Dr. Burch's report wherein he stated the Petition does not have a clear theory of action.

Trustee McNicholas did not expect the petition to be perfect; however, it should be reasonably comprehensive. She called for the vote. Trustee Alpay requested

clarification if the Board submits a 3-3-1 vote. Superintendent Vital responded with 2 options: (1) set a Special Meeting of the Board wherein all Board members are present to vote; or (2) upon sixty days after submission of the petition, based upon a 3-3-1 vote, the action will be considered a constructive denial.

Trustee Jones withdrew second to deny the petition and motioned to continue this item to a Special Meeting on or before the expiration of the sixty days.

After discussion amongst Trustees, Trustee McNicholas restated her original motion to adopt Resolution 1516-30 to approve the Resolution, seconded by Trustee Hanacek. By a 3-3-1 vote, motion to approve the Resolution to deny the Petition for the Orange County Academy of Sciences and Arts Charter School. Therefore, it is understood (at the expiration of sixty days after submission of the Petition), to be a constructive denial of the Petition and staff will provide notice to OCASA of the denial.

ROLL CALL:

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

After discussion amongst Trustees, it was moved by Trustee McNicholas, seconded by Trustee Jones to move forward to Item 9. By a 3-3-1 vote, Motion becomes a constructive denial.

AYES: Trustees Hanacek, Jones and McNicholas
NOES: Trustees Reardon, Pritchard and Alpay
ABSENT: Trustee Hatton-Hodson

Trustee Reardon motioned to schedule a Special Meeting when all Trustees of the Board can be present to vote on this item on or before December 19. Trustee Alpay inquired if a telephone call to the absentee Trustee to schedule a Special Meeting was prudent.

After discussion amongst the Trustees, it was moved by Trustee Alpay, Seconded by Trustee Reardon and motion carried by a 6-0-1 vote for a 5 minute recess to contact the absentee Trustee.

Break

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

It was moved by Trustee Alpay, seconded by Trustee Pritchard and motion carried by a 6-0-1 vote to close the debate regarding the petition for Orange County Academy of Sciences and Arts Charter School.

**Continued: Petition
for Orange County
Academy of
Sciences and Arts**

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

**Charter School
Agenda 8**

It was moved by Trustee Reardon, seconded by McNicholas and motion carried by a 6-0-1 vote to extend the Board meeting ending time from 11:00 p.m. to 12:00 a.m.

**Extend Board
Meeting to
Midnight**

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

It was moved by Trustee McNicholas, seconded by Trustee Reardon, and motion carried by a 6-0-1 vote to move Agenda Item 14 after Agenda Item 8.

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

President Hanacek introduced Mr. John Roach. Mr. Roach stated he was back for approval with the requested revisions.

**Board Policies
0410; 4030; 5180
Nondiscrimination
Agenda Item 14**

The following speaker addressed the Board:

- *Danielle Serio advised Board of the importance of this Policy to be updated as soon as possible and requested the Board's approval.*

Trustee Alpay suggested one modification of this policy by deleting "CSBA Publication" at the end of the document, they are not controlling authority.

It was moved by Trustee Alpay, seconded by Trustee McNicholas and motion carried by a 6-0-1 vote to approve Board Policies 0410, *Nondiscrimination In District Programs and Activities*; 4030, *Nondiscrimination in Employment*; and 5180, *Nondiscrimination*, as amended above.

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

President Hanacek introduced Mr. Hampton, who stated State law requires the District to conduct annual audits by state-certified independent auditors. Mr. Hampton introduced Auditor, Shilo Gorospe, to summarize the audit. She stated there were no significant findings and overall it was a clean report.

**Annual Financial
Reports, Fiscal Year
End 6/30/2015
Agenda Item 9**

It was moved by Trustee Pritchard, seconded by Trustee Reardon and motion carried by a 6-0-1 vote to receive the Districts and Community Facilities Districts Annual

Financial Reports for the Fiscal Year Ending June 30, 2015, as presented.

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

Due to the late hour and number of Blue Cards remaining, it was moved by Trustee Alpay, seconded by Trustee Pritchard and motion carried by a 6-0-1 vote, to move the following Agenda Items sequentially behind Agenda Item 9: Agenda Items 13, 16, 30 and 38.

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

President Hanacek introduced Dr. Susan Holliday to present this item. Dr. Holliday announced revisions to the Policy were made pursuant to previous Board meetings and staff recommendations.

**Board Policy: 5119
School of Choice
Agenda Item 13**

The following speaker addressed the Board:

- *Michelle Ploessel-Campbell, a citizen, thanked the Board for their efforts.*

Trustee Jones requested revisions to delete the “lottery priority criteria” language. Dr. Holliday agreed with the suggested deletion.

Trustee McNicholas requested clarification regarding the strict prohibition of non-assigned students to utilize busses when space is available. Mr. Hampton responded by stating non-assigned students taking the bus increases liability. Trustee McNicholas argued the liability issue and she would approve the policy if the word “strictly” was deleted from the policy. Mr. Hampton suggested exploring the issue with legal counsel.

Dr. Susan Holliday suggested the following revisions to finalize and clean-up the Policy: delete the language “followed by lottery” shown on the bottom of page 2; consistently define the term “Language Immersion Program”; and use defined terms consistently throughout the policy. After discussion amongst the Trustees, the language of strict prohibition of bus transportation will remain in the policy for now; however, legal counsel will review the liability issue and bring back to the Board at a future meeting as a subsequent action if needed.

It was moved by Trustee Alpay, seconded by Trustee Reardon and motion carried by a 5-1-1 vote to approve Board Policy 5119, *School of Choice*, as amended above.

AYES: Trustees Alpay, Hanacek, Jones, Pritchard and Reardon
NOES: McNicholas
ABSENT: Trustee Hatton-Hodson

President Hanacek introduced Dr. Holiday to present this item. Dr. Holliday stated staff developed a unique program for kindergarten enrollment, as result of language immersion and IB programs moving out of School Choice, and requested comments from the Board.

**Board Policy
5111.5, Language
Immersion and IB
Admissions
Agenda Item 16**

The following speakers addressed the Board:

- *Scott Howell, a citizen, questioned the Policy and stated the Policy is not written just for kindergarten students, but for older students, as well. He requested the policy is re-worded to cover kindergarten students only or to include current 4th - 8th grade students be allowed to grandfather into the programs.*
- *Karen Howell, a citizen, addressed equity of the immersion programs between schools. She is shocked and disappointed with the mandatory feeder patterns and questioned the Board's "hidden" agendas. She requested feeder patterns be removed for students graduating up to year 2020.*

Trustee Reardon suggested the language of the feeder patterns may need to be revisited. In addition, Trustee Reardon questioned whether students of District Employees are given priority of school attendance and stated Board Policy 5111.5, *Language Immersion and International Baccalaureate Admissions*, should be consistent with Board Policy 58119, *School of Choice*.

Trustee McNicholas questioned if the Policy can be brought back after the January Board meeting and allow kindergarten registration to go forward in the meantime.

Superintendent Vital suggested writing an administrative regulation to accommodate language immersion students. Board Policy 5111.5, *Language Immersion and International Baccalaureate Admissions* will be brought back for discussion in January.

President Hanacek moved forward Item 30 from the Consent Calendar.

**Internship CSU San
Marcos
Agenda Item 30**

The following speaker addressed the Board:

- *Michelle Ploessel-Campbell, a citizen, requested the Board to approve this item.*

It was moved by Trustee Alpay, seconded by Trustee Jones and motion carried by a 6-0-1 vote to approve the Internship Contract Agreement with California State University San Marcos.

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

President Hanacek moved forward Item 38 from the Consent Calendar.

**Resolution No.
1516-23
Easement San
Clemente
Agenda Item 38**

President Hanacek introduced Mr. Clark Hampton to provide an overview for this item. Mr. Hampton stated the easement provides protection for the trees in the City of San Clemente Verde Park.

The following speaker addressed the Board:

- *Patricia Holloway, a citizen, requested the Board to convey the easement only if the City of San Clemente is required to: (a) maintain the status quo; (b) obtain approval to remove unhealthy trees, if necessary, and not for the purpose of clearing obstructed views of residents.*

Trustee Alpay stated this item was previously tabled indefinitely to assure the ad hoc committees and City could meet to discuss. Procedurally, pursuant to Section 11 of *Robert's Rules of Order*, this item should not be considered at this time and confirmed the Resolution does not maintain the status quo.

It was moved by Trustee Alpay, seconded by Trustee Reardon and motion carried by a 6-0-1 vote to continue Resolution No. 1516-23; Easement to the City of San Clemente, indefinitely.

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

Trustee Alpay left the meeting at 11:51 p.m.

It was moved by Trustee Jones, seconded by Trustee McNicholas to extend the Board meeting past midnight and motion carried by a 5-0-2 vote to continue the Board Meeting past midnight.

**Extend Board
Meeting past
Midnight**

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

President Hanacek suggested moving Agenda Item 10 after Consent Calendar Item 38.

It was moved by Trustee Hanacek, seconded by Trustee McNicholas and by a 5-0-2 vote, motion carried to hear Agenda Item 10 next.

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

President Hanacek recognized Mr. Hampton to introduce this item. Mr. Hampton stated he formerly presented the economic outlook to the Board and illustrated the key items of the projected economic outlook, interim report and revenue and expenditure increases/decreases.

**Certification 2015-2016 Interim Report; Adoption of Resolution 1516-25; 2015-2016 Revenue and Expenditure Increases / Decreases
Agenda Item 10**

It was moved by Trustee McNicholas, seconded by Trustee Jones and by a 5-0-2 vote, motion carried to approve the Staff Interim Report with positive certification for the 2015-2016 First Interim Report and Adoption of Resolution No. 1516-25, 2015-2016 Revenue and Expenditure Increases/Decreases.

ROLL CALL:

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

It was moved by Trustee McNicholas, seconded by Trustee Jones and motion carried by a 5-0-2 vote to approve to approve staff recommendations of the Final Wildly Important Goals.

**WIGS
Agenda 11**

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

Trustee Pritchard recused himself.

**Resolution No. 1516-27, Capistrano Unified Public Financing Authority
Agenda Item 15**

President Hanacek introduced Mr. Hampton to introduce this item. Mr. Hampton stated there are no assets and no activity on this item.

It was moved by Trustee Reardon, seconded by Trustee Jones and motion carried by a 4-0-2-1 vote to approve staff recommendation of Resolution No. 1516-27, Resolution of the Board of Directors of the Capistrano Unified Public Financing Authority Terminating the Joint Exercise of Powers Agreement which established Capistrano Unified Public Financing Authority.

ROLL CALL:

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

President Hanacek introduced Superintendent Vital to introduce this item. Superintendent Vital stated Items 17 and 18 were important because she would be out of the District. She reminded of changes to the title not changes to the policy and requested the Board's approval.

**Board Policy 2111, Assistants to CAO
Agenda Item 17**

It was moved by Trustee Reardon, seconded by Trustee McNicholas and motion carried by a 5-0-2 vote to approve revisions to Board Policy 2111, *Assistants to the Chief Administrative Officer*.

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

Superintendent Vital requested of approval of Board Policy 2210, and noted a typographical error of the word “designated” vs “designed”.

**Board Policy 2210,
Administrative
Leeway
Agenda Item 18**

It was moved by Trustee Jones, seconded by Trustee McNicholas and motion carried by a 5-0-2 vote to approve revisions to Board Policy 2210, *Administrative Leeway in Absence of Governing Board Policy*.

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

Superintendent Vital stated there were no significant changes.

**Board Policy 5162,
Administering
Medication
Agenda Item 19**

It was moved by Trustee Jones, seconded by Trustee McNicholas and motion carried by a 5-0-2 vote to approve revisions to Board Policy 5162, *Administering Medication*.

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

President Hanacek introduced Dr. Susan Holliday. Ms. Holiday stated, based on Trustee feedback, the language to the Policy has been updated.

**Board Policy 5111
Admissions
Agenda Item 20**

Trustee Jones inquired whether immigrants are required to have identification and asked Dr. Holliday to research the matter.

It was moved by Trustee Jones, seconded by Trustee Pritchard and motion carried by a 5-0-2 vote to approve revisions to Board Policy 5111, *Admissions*.

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

President Hanacek recognized Dr. Susan Holiday. Dr. Holiday stated, based on Trustee feedback, the language to the Policy has been updated.

**Board Policy 5111.1
District Residency
Agenda Item 21**

It was moved by Trustee Reardon, seconded by Trustee Jones and motion carried by

a 5-0-2 vote to approve revisions to Board Policy 5111.1, *District Residency*.

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

President Hanacek recognized Dr. Susan Holliday. Dr. Holiday stated, based on Trustee feedback, the language to the Policy has been updated.

**Board Policy 5118
Interdistrict Attendance Agreements
Agenda Item 22**

It was moved by Trustee Reardon, seconded by Trustee McNicholas and motion carried by a 5-0-2 vote to approve revisions to Board Policy 5118, *Interdistrict Attendance Agreements*.

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

President Hanacek introduced Mr. John Roach. Mr. Roach stated, based on Trustee feedback, the language to the Policy has been updated and staff recommends approval.

**Board Policies 1312.1; 1312.2; 1312.3 Uniform Complaint Procedures
Agenda Item 23**

It was moved by Trustee McNicholas, seconded by Trustee Jones and motion carried by a 5-0-2 vote to approve Board Policies 1312.1, *Complaint Procedures*; 1312.2, *Complaints Concerning Instructional Materials*; and 1312.3, *Uniform Complaint Procedures*.

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

President Hanacek recognized Mr. John Roach. Mr. Roach stated staff recommends approval.

**Board Policies 4119.11; 4219.11; 4319.11
Sexual Harassment
Agenda Item 24**

It was moved by Trustee Reardon, seconded by Trustee Jones and motion carried by a 5-0-2 vote to approve Board Policies 4119.11; 4219.11; 4319.11, *Sexual Harassment*.

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

President Hanacek introduced Dr. Susan Holliday. Dr. Holiday provided a summary of the Policy and stated staff recommends approval.

**Board Policy 5174 Married, Expectant, Parenting Students
Agenda Item 25**

Trustee Reardon requested the language “parenting students” be modified to read

“students who are parents.” Dr. Holliday responded the language will be revised.

President Hanacek asked Trustees for items they wished to pull from the Consent Calendar. No items pulled.

CONSENT CALENDAR

It was moved by Trustee Jones, seconded by Trustee McNicholas, and motion carried by a 5-0-2 vote to approve the Consent Calendar and move the balance of calendar items:

Approval of the minutes of the October 28, 2015, Regular Board meeting.

Approval of the minutes of the November 9, 2015, Special Board meeting.

Approval of the School Board Meeting Schedule for July through December, 2016.

Approval of Conflict of Interest Code Amendment.

Approval of Internship Contract Agreement with California State University San Marcos.

Approval of Amendment to Agreement No. 41780 for Quality Rating and Improvement System of Early Education Programs with the Orange County Superintendent of Schools.

Approval of Memorandum of Understanding (MOU) with Saddleback College to formalize the transition of the Adult Education Program to Saddleback College for the 2016-2017 school year and beyond.

Approval of the Memorandum of Understanding (MOU) for the October 1, 2015 – June 30, 2016 membership into the Systems Leadership Collaborative.

Approval of purchase orders and commercial warrants.

Approval of donations of funds and equipment.

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

Approval of the Award of Bid No. 1516-14, Co-Curricular Bus Service.

Approval to Convey an Easement to the City of San Clemente

Consent Calendar

Minutes

Agenda Item 26

Minutes

Agenda Item 27

School Board Meeting Schedule

Agenda Item 28

Conflict of Interest Code Amendment

Agenda Item 29

Agreement CSUSM

Agenda Item 30

Amendment to Agreement No. 41780

Agenda Item 31

MOU Saddleback College Adult Ed Transition

Agenda Item 32

MOU Systems Leadership

Agenda Item 33

Purchase

Orders/Warrants

Agenda Item 34

Donations

Agenda Item 35

Independent

Contractor

Agreements

Agenda Item 36

Award Bid Bus

Services

Agenda Item 37

Resolution 1516-23

Convey Easement

Agenda Item 38

Approval of Resolution No. 1516-26, Resolution of the Board of Trustees of the Capistrano Unified School District Authorizing an Agreement to Exchange Certain Easement Interests Relative to the Aliso Viejo Transportation North Yard

Approval of the Notice of Cancellation of Special Tax Lien for Community Facilities District (CFD) No. 88-1.

Approval of the Notice of Cancellation of Special Tax Lien for Community Facilities District (CFD) No. 94-1.

Approval of the Joint Community Facilities Agreement between the District, County of Orange, and Rancho Mission Viejo PA2 Development, LLC for Esencia K-8 School.

Approval of the ratification of the execution of the Aliso Viejo Community Association Limited Use and Maintenance Agreement (LUMA) for Fall 2015.

Approval of the execution of the Aliso Viejo Community Association Limited Use and Maintenance Agreement (LUMA) for Winter 2016.

Approval of Resolution No. 1516-28 authorizing the Annual and Five-Year Reportable Fees Reports for Fiscal Year 2014-2015.

Approval of the Esencia K-8 School, Educational Specification Plan per the California Code of Regulations.

Approval of the Event Contract agreement with Irvine Ranch Outdoor Education Center to provide a string orchestra overnight trip.

Approval to advertise Bid No. 1516-18 for exterior painting of Viejo Elementary School.

Approval to advertise Bid No. 1516-17 for exterior painting of Wood Canyon Elementary School.

Approval to utilize Magnolia School District Bid No. MSIT3, #I-23-2014/15 Technology Equipment and Peripherals for the purchase of technology equipment and related products from CDW Government LLC.

Resolution 1516-26
Aliso Viejo
Transportation
North Yard
Agenda Item 39
Cancellation of
Special Tax Lien
Agenda Item 40
Cancellation of
Special Tax Lien
Agenda Item 41
JCFA Esencia
Agenda Item 42

LUMA Aliso Viejo
Agenda Item 43

LUMA Aliso Viejo
Agenda Item 44

Resolution 1516-28
Five Year
Reportable Fees
Agenda Item 45
Esencia Education
Plan
Agenda Item 46
Agreement Irvine
Ranch Outdoor
Education Center
Agenda Item 47
Advertise Bid
Painting Viejo
Elementary
Agenda Item 48
Advertise Bid
Painting Wood
Canyon
Agenda Item 49
Bid CDW
Agenda Item 50

RFP No. 5-1516
Energy Audit
Agenda Item 51

Approval to advertise Request for Proposals (RFP) No. 5-1516 to provide energy audit services to capitalize on the available funding provided by Proposition 39 (Prop 39) - California Clean Energy Jobs Act.

Approval of Ladera Ranch Middle School Relocatable Classrooms and Restroom; Approval of the Agreement for Architectural and Related Services.

Approval of Tijeras Creek Elementary School Roof Replacement and Exterior Painting Project.

Approval to advertise Request for Proposals (RFP) No. 4-1516 to provide a comprehensive fully integrated business systems software solution for the District.

Approval of the ratification of special education Settlement Agreement Case #2015071204.

Government claim filed against the District by Michele Elizabeth St. John.

Resignations, retirements, and employment of classified personnel.

Resignations, retirements, and employment of certificated personnel.

**Advertise Bid
Ladera Ranch
Middle School
Agenda Item 52
Agreement Tijeras
Creek Roof
Replacement and
Painting
Agenda Item 53
RFP No. 4-1516
Business System
Software
Agenda Item 54
Settlement
Agreement
Agenda Item 55
Rejection
Government Claim:
No. LBI 1501648
MH
Agenda Item 56
Resignations/
Retirements/
Employment
(Classified
Personnel)
Agenda Item 57
Resignations/
Retirements/
Employment
(Certificated
Personnel)
Agenda Item 58**

ROLL CALL:

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

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

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

President Hanacek announced the meeting adjourned at 12:15 a.m.



Board Clerk



Secretary, Board of Trustees

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