

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES OF REGULAR MEETING
February 22, 2017
EDUCATION CENTER – BOARD ROOM

President McNicholas called the meeting to order at 6:07 p.m.

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

At 6:07 p.m. the Board recessed to closed session to discuss: Conference with Legal Counsel – Anticipated Litigation; Conference with Legal Counsel – Existing Litigation; Board Policy 4301 Appeal to the Board regarding Discrimination Complaint Against Employees; Student Expulsions; Student Readmissions; Public Employee Discipline/Dismissal/Release; and Conference with Real Property Negotiators.

The regular meeting of the Board reconvened to open session and was called to order by President McNicholas at 7:10 p.m.

ROLL CALL:

Present: Trustees Hanacek, Hatton-Hodson, Holloway, Jones, McNicholas, Pritchard and Student Advisor Quinn Darling

Absent: Trustee Reardon

The Pledge of Allegiance was led by Trustee Hatton-Hodson.

**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

It was moved by Trustee Hatton-Hodson, seconded by Trustee Hanacek and motion carried by a 6-0-1 vote to adopt the Board agenda.

**Adoption of the
Board Agenda**

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

Student Advisor Darling voted Aye to adopt the Board agenda.

President McNicholas reported the following action taken during closed session:

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

Agenda Item #3A-1 through A-3 – Conference with Legal Counsel – Anticipated Litigation

Trustees voted 6-0-1 to approve the ratification of IDR Case Numbers 20161216, 20161222 and 20170202.

Agenda Item #3A-4

Trustees voted 6-0-1 to deny Government Claim No. LBI1603144 MH.

Agenda Item #3A-5

In response to a letter on August 10, 2016, the Board directed legal counsel in Closed Session to initiate litigation against Frank Ury and Tony Beall. Tonight, following

further consultation with legal counsel and in the spirit of moving forward, the Board voted in Closed Session to change that directive and to not initiate this litigation.

Agenda Item #3B-1 through B-4 – Conference with Legal Counsel – Existing Litigation

Trustees voted 6-0-1 to approve OAH Case Numbers 2016080290, 2016100058, 2016110935 and 2016120063.

Agenda Item #3C – Board Policy 4301 Appeal to the Board Regarding Discrimination Complaint Against Employees

In Closed Session, the Board considered the appeal of a complaint against District employees. The Board voted 6-0-1 to adopt the decision of the administrative designee and directed the Superintendent, or her designee, to prepare the written decision. Trustees Hanacek, Hatton-Hodson, Holloway, Jones, McNicholas, and Pritchard voted in favor; Trustee Reardon was absent.

Agenda Item #3D – Student Expulsions

Trustees voted 5-0-1-1 to approve the expulsions of Case Numbers 2017-022, 2017-023, 2017-024, 2017-025 and 2017-027.

Agenda Item #3E – Student Readmissions

Trustees voted 6-0-1 to approve the readmission of Case Number 2016-026.

Agenda Item #3F – Public Employee Discipline/Dismissal/Release

In Closed Session, the Board took action to issue a notice of non-reelection to probationary certificated employee(s) identified by Employee No(s). 23904, 29606, 26740, 32349, 31710 and 33447, pursuant to Education Code section 44929.21 (b), effective at the end of the 2016-2017 school year, and directed the Superintendent or designee to send out appropriate legal notices. The roll call vote was as follows: Trustees Hanacek, Hatton-Hodson, Holloway, Jones, McNicholas, and Pritchard voted in favor; Trustee Reardon was absent. The vote was 6-0-1.

Agenda Item #3G – Conference with Real Property Negotiators

Trustees gave direction to staff.

Extra Miler

Christopher Dollar for his dedication to the students at Capistrano Valley High School and his selection by the University of Chicago for their Outstanding Educator Award.

Special

Recognitions

Associated Student Body

Junipero Serra High School

Meg Ervais, Principal

Gabriela Diaz, Student Leader

Jonathan Monds, Student Leader

Superintendent Vital reported on various school visits and the activities of the past two weeks. She attended the PTA Reflections Gallery night and congratulated Nicolas Moore-Ghosh, from Bernice Ayer Middle School for receiving the Award of Excellence in Film and Video Production. In Dance Choreography, Campbell Castner from George White Elementary, Mia Nakamura from Don Juan Avila Middle School and Kelsey Ash from Dana Hills High School all received Awards of Excellence.

**Board and
Superintendent
Comments**

Superintendent Vital visited Oak Grove Elementary School for their Career Day and visited the Bridges Community Day School and the Adult Transitions Program. She also visited Laguna Niguel Elementary and watched a performance of Aladdin at San Juan Elementary.

At the beginning of February, Trustees, District staff and Superintendent Vital visited Marian Bergeson Elementary, Aliso Niguel Middle School and Dana Hills High School to surprise the 2017 Teachers of the Year. Superintendent Vital congratulated Julie Fong, Susan Royal and Rob Harris for being named 2017 Teachers of the Year.

Finally, Superintendent Vital spoke regarding the pulling of Agenda Item #10, the Ratification of Agreement to Purchase the Esencia School Site and Delegation to Accept the Deed stating the Board will hold a Special Board Meeting on March 15, 2017 to dedicate to this item.

Trustee Hatton-Hodson spoke regarding her diagnosis of Chagas and her subsequent absence from Board Meetings related to her illness.

The following speakers addressed the Board:

- Michele Ploessel-Campbell spoke regarding PTA/PTSA events within the District.
- Dawn Urbanek spoke regarding the Rancho Mission Viejo land purchase.
- Kathy Brevoort spoke regarding PTA.
- Kim Sprague spoke regarding District responsibility.
- Kristen Okura spoke regarding physical education.
- Larry Cabrera spoke regarding scholarships.

**Oral
Communications**

PUBLIC HEARING

President McNicholas announced the Public Hearing open at 7:55 p.m. to hear California Department of Education Waiver Approval to Offer a Modified Instructional Day Transitional Kindergarten Program at Kinoshita Elementary School.

With no public speakers, President McNicholas announced the Public Hearing closed at 7:56 p.m.

**Public Hearing:
California
Department of
Education Waiver
Approval to Offer
a Modified
Instructional Day
Transitional
Kindergarten
Program at
Kinoshita
Elementary School
Agenda Item 1**

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.

Staff pulled Agenda Items 10 and 16. The public pulled Agenda Items 2, 3, 4, 5, 8, 9, 12, 13 and 14.

**Items Pulled from
the Consent
Calendar**

President McNicholas asked Trustees for Items they wished to pull from the Consent Calendar. Trustee Hatton-Hodson requested to abstain from Item 22.

It was moved by Trustee Hatton-Hodson, seconded by Trustee Holloway, and motion carried by a 6-0-1 Roll Call vote to approve the following Consent Calendar, with the exception of Item 4, Items 10 through 12, and Item 22.

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

Student Advisor Darling voted Aye to approve the Consent Calendar with the exception of the pulled items.

Approval of Amendment No. 1 to Bid No. 1516-08, Districtwide Roof Assessments and Preventative Roof Maintenance with Weatherproofing Technologies, Inc.

**Amendment No. 1
To Bid No. 1516-
08, Districtwide
Roof Assessments
And Preventative
Roof Maintenance
- Weatherproofing
Technologies, Inc.
Agenda Item 6**

Approval of GAMUT Online Service Agreement and Online License Agreement to provide web-based policy information services, incorporating the California School Boards Association (CSBA) Policy Update Reference Manual and associated services.

**California School
Boards Association
Gamut Online
Service Agreement
And Online
License Agreement
Agenda Item 7**

Approval of Resolution No. 1617-56, Ratification of Agreement to Purchase the Esencia School Site and Delegation to Accept the Deed.

**Resolution No.
1617-56,
Ratification Of
Agreement To
Purchase The
Esencia School Site
And Delegation To
Accept The Deed
Agenda Item 10**

Approval of Contract #: CB-00018836 College Board's College Readiness Success Contract for professional development workshop and materials.

**Contract#: Cb-00018836 College Board's College Readiness Success Contract For Professional Development Workshop And Materials
Agenda Item 11**

Approval of the California Department of Education Waiver to offer a modified instructional day for the Transitional Kindergarten Program at Kinoshita Elementary School, pursuant to Education Code § 37202.

**California Department Of Education Waiver Approval To Offer A Modified Instructional Day Transitional Kindergarten Program At Kinoshita Elementary School
Agenda Item 15**

The proposed revision to Board Policy 0420.4, *Charter School Authorization*, updates and aligns the policy to Board Policy 0420.41, *Charter School Oversight*.

**Third Reading - Board Policy 0420.4, Charter School Authorization
Agenda Item 16**

Approval of teachers who are credentialed in subjects other than physical education (PE) to provide PE credit to students in that respective sport.

**Authorization Of Coaches To Provide Second Semester Physical Education Credit
Agenda Item 17**

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

**Resignations/ Retirements/ Employment – Classified Employees
Agenda Item 18**

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

Resignations/ Retirements/ Employment – Certificated

**Employees
Agenda Item 19**

Approval of the September 28, 2016 Regular Board Meeting minutes.

**School Board
Minutes
Agenda Item 20**

Approval of the October 12, 2016 Regular Board Meeting minutes.

**School Board
Minutes
Agenda Item 21**

ITEMS PULLED FROM CONSENT CALENDAR

Approval of donations of funds and equipment.

**Donation Of Funds
And Equipment
Agenda Item 2**

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding Donation of Funds

It was moved by Trustee Pritchard, seconded by Trustee Hanacek, and motion carried by a 6-0-1 vote to approve Agenda Item 2.

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

Student Advisor Darling voted Aye to approve Agenda Item 2.

Approval of purchase orders (Attachment 1) and commercial warrants (Attachment 2).

**Purchase Orders,
Commercial
Warrants and
Previously Board-
Approved Bids and
Contracts.
Agenda Item 3**

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding purchase orders.

It was moved by Trustee Jones, seconded by Trustee Holloway, and motion carried by a 5-0-1-1 vote to approve Agenda Item 3.

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

Student Advisor Darling voted Aye to approve Agenda Item 3.

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

**Independent
Contractor,
Professional
Services, Field
Service and Master
Contract
Agreements.
Agenda Item 4**

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding contracts.

It was moved by Trustee Holloway, seconded by Trustee Jones, and motion carried by a 5-0-1-1 vote to approve Agenda Item 4.

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

Student Advisor Darling voted Aye to approve Agenda Item 4.

Approval of the ratification of the Aliso Viejo Community Association Limited Use and Maintenance Agreement (LUMA) for Winter 2017.

**Aliso Viejo
Community
Association
Limited Use And
Maintenance
Agreement For
Winter 2017
Agenda Item 5**

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding Aliso Viejo limited use agreement.

It was moved by Trustee Pritchard, seconded by Trustee Hanacek, and motion carried by a 6-0-1 vote to approve Agenda Item 5.

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

Student Advisor Darling voted Aye to approve Agenda Item 5.

Approval of the Memorandum of Understanding (MOU) with Anaheim Union High School District (AUHSD) to provide special education programs and services for eligible District adult students (18 and older) who reside in group homes in AUHSD from August 10, 2016 through June 30, 2017.

**Memorandum Of
Understanding
With Anaheim
Union High School
District
Agenda Item 8**

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding the Memorandum of Understanding with Anaheim Union High School District.

It was moved by Trustee Holloway, seconded by Trustee Hatton-Hodson, and motion carried by a 6-0-1 vote to approve Agenda Item 8.

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

Student Advisor Darling voted Aye to approve Agenda Item 8.

Approval of Resolution No. 1617-50, Asset Management Plan.

**Resolution No.
1617-50, Asset
Management Plan
Agenda Item 9**

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding Resolution No. 1617-50, Asset Management Plan.

It was moved by Trustee Pritchard, seconded by Trustee Hanacek, and motion carried by a 6-0-1 Roll Call vote to adopt Agenda Item 9.

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

Student Advisor Darling voted Aye to adopt Agenda Item 9.

Approval of the Hanover Research Partnership Agreement extension will allow the District access to research services provided by Hanover related to the evaluation of the District's Spanish Immersion and GATE Programs to include quantitative and qualitative data analysis, primary research and stakeholder feedback, secondary research and peer benchmarking.

**Hanover Research
Partnership
Agreement
Extension
Agenda Item 12**

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding the Hanover Research Partnership Agreement Extension.

It was moved by Trustee Hanacek, seconded by Trustee Holloway, and motion carried by a 5-0-1-1 vote to approve Agenda Item 12.

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

Student Advisor Darling voted Aye to approve Agenda Item 12.

Approval of Agreement No. 43875 Quality Rating and Improvement System Block Grant for continuous quality improvement of early childhood programs.

**Agreement No.
43875 for Quality
Rating and
Improvement
System 2016-2017
of Early Childhood
Programs with the
Orange County
Superintendent of
Schools
Agenda Item 13**

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding Agreement No. 43875 for Quality Rating and Improvement System 2016-2017 of Early Childhood Programs with the Orange County Superintendent of Schools.

It was moved by Trustee Jones, seconded by Trustee Hatton-Hodson, and motion carried by a 6-0-1 vote to approve Agenda Item 13.

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

Student Advisor Darling voted Aye to approve Agenda Item 13.

Approval of Income Agreement No. 43825 with Orange County Superintendent of Schools to provide the Resilient Mindful Counselor workshop (Stress Management for School Counselors and Nurses).

**Income Agreement
No. 43825 - Orange
County
Superintendent of
Schools
Agenda Item 14**

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding Income Agreement No. 43825 – Orange County Superintendent of Schools.

It was moved by Trustee Hatton-Hodson, seconded by Trustee Jones, and motion carried by a 6-0-1 vote to approve Agenda Item 14.

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

Student Advisor Darling voted Aye to approve Agenda Item 14.

Approval of the October 26, 2016 Regular Board Meeting minutes.

**School Board
Minutes
Agenda Item 22**

This item was pulled for revisions and will be brought back to a future meeting for approval.

DISCUSSION/ACTION ITEMS

The Board received a presentation regarding the “re-imagining” project for seven elementary schools (as a follow-up to the December 14, 2016 and January 25, 2017 presentations).

**#CapoForward
Presentation Part
Three (Of Three)
Agenda Item 23**

This is an information item only and no Board action was necessary.

This item was considered and voted on in Closed Session.

**Board Policy 4031
Appeal to The
Board Regarding
Discrimination
Complaint Against
Employees
Agenda Item 24**

The Education Code permits school districts to hire certificated employees on temporary contracts only for specific reason per § 44909, § 44918, and § 44920.

**Resolution No.
1617-52,
Non-Reelection of
Temporary
Certificated
Employees
Agenda Item 25**

Following discussion, it was moved by Trustee Pritchard, seconded by Trustee Jones, and motion carried by a 5-0-2 Roll Call vote to adopt Resolution No. 1617-52, Non-Reelection of Temporary Certificated Employees with the revision to the notification date from May 30, 2016 to May 30, 2017.

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

Student Advisor Darling voted Aye to adopt Agenda Item 25.

The State accountability model is shifting to focus on one continuous improvement system that meets local, state and federal needs.

**State
Accountability
Overview
Agenda Item 26**

This is an information item only and no Board action was necessary.

Request for agenda item placement by President McNicholas to address the Board regarding possible revisions to the “Board Meeting Schedule 2016-17”.

**Trustee Agenda
Item Request
Agenda Item 27**

Following discussion, it was moved by Trustee Hanacek, seconded by Trustee Holloway, and motion carried by a 6-0-1 vote to approve the revisions to the “Board Meeting Schedule 2016-17” to reflect the replacement of the June 14, 2017 Board Meeting with a Board Meeting on June 7, 2017, per request of President McNicholas.

The Board directed staff to create two formats of the Board Meeting schedule for the 2017-2018 school year, one calendar to reflect the current format with two meetings per month and a second format with one regular meeting per month.

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

Student Advisor Darling voted Aye to approve Agenda Item 27.

The proposed revisions to Board Policy 6171, *Title I Programs*, adds language to define the Title I Public School Choice program.

**First Reading -
Board Policy 6171,
Title I Programs
Agenda Item 28**

Following discussion, it was moved by Trustee Hatton, seconded by Trustee Pritchard, and motion carried by a 6-0-1 vote to waive Board Bylaw 9311(a), Board Policies to allow a vote on Board Policy 6171, Title I Programs during a first reading and place the item on the Consent Calendar at the next regular Board Meeting for ratification.

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

Following discussion, it was moved by Trustee Hatton, seconded by Trustee Hanacek, and motion carried by a 6-0-1 vote to approve Board Policy 6171, Title I Programs with the revisions noted by Susan Holliday, Associate Superintendent, Education Services.

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

Student Advisor Darling voted Aye to approve Agenda Item 28.

The proposed revision to Board Policy 5111, *Admission*, adds language to define eligibility for students who are enrolled in transitional kindergarten, and accredited kindergarten and first grade programs that are outside of the District offered programs but do not meet age requirements for enrollment when transferring into the District.

**First Reading –
Board Policy 5111,
Admission
Agenda Item 29**

Following discussion, it was moved by Trustee Jones, seconded by Trustee Hatton, and motion carried by a 6-0-1 vote to approve Board Policy 5111, Admission with the revisions noted by Trustee Jones.

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

Student Advisor Darling voted Aye to approve Agenda Item 29.

This proposed revision of Board Policy 5111.1, *District Residency*, updates this policy and incorporates the policy language as recommended by our legal counsel.

**First Reading –
Revisions To
Board Policy
5111.1, District
Residency
Agenda Item 30**

Following discussion, it was moved by Trustee Hatton, seconded by Trustee Hanacek, and motion carried by a 6-0-1 vote to approve Board Policy 5111.1, District Residency.

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

Student Advisor Darling voted Aye to approve Agenda Item 30.

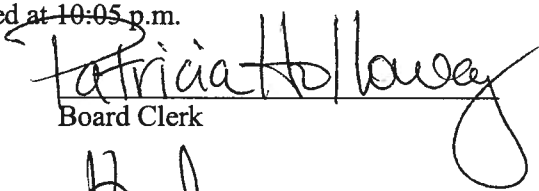
It was moved by Trustee Hatton-Hodson, seconded by Trustee Hanacek and motion carried by a 6-0-1 vote to adjourn the meeting.

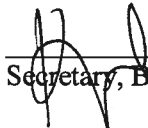
Adjournment

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

Student Advisor Darling voted Aye to adjourn the meeting.

President McNicholas announced the meeting adjourned at 10:05 p.m.


Board Clerk


Secretary, Board of Trustees