

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES OF REGULAR MEETING
March 8, 2017
EDUCATION CENTER – BOARD ROOM

President McNicholas called the meeting to order at 5:01 p.m.

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

At 5:02 p.m. the Board recessed to closed session to discuss: Liability Claim; Student Expulsions; Public Employee Discipline/Dismissal/Release; and Conference with Labor Negotiators.

The regular meeting of the Board reconvened to open session and was called to order by President McNicholas at 7:02 p.m.

ROLL CALL:

Present: Trustees Hanacek, Holloway, Jones, McNicholas, Pritchard and Reardon

Absent: Trustee Hatton-Hodson and Student Advisor Darling

The Pledge of Allegiance was led by Clint Collins, Principal, Adult Transition Program.

**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

President McNicholas announced Agenda Item 16 moved on the agenda to the first item of business following the Closed Session Report Out.

**Adoption of the
Board Agenda**

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

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

President McNicholas reported the following action taken during closed session:

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

Agenda Item #3A – Liability Claim

Trustees voted 6-0-1 to reject Government Claim No. LBI 1603243 MH.

Agenda Item #3B – Student Expulsions

Trustees voted 6-0-1 to approve the expulsion of Case Number 2017-028.

Agenda Item #3C-1 – Public Employee Discipline/Dismissal/Release

In closed session, the Board took action to notify a certificated administrative employee in the position of Elementary Assistant Principal that the employee will be released and reassigned pursuant to Education Code § 44951, 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: Ayes – Hanacek, Reardon, Pritchard, Holloway, Jones and McNicholas. Trustee Hatton-Hodson was absent. The vote was 6-0-1.

Agenda Item #3C-2 – Public Employee Discipline/Dismissal/Release

In closed session, the Board took action to issue a notice of non-reelection to probationary certificated employee identified by Employee No. 33280, 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: Ayes – Hanacek, Reardon, Pritchard, Holloway, Jones and McNicholas. Trustee Hatton-Hodson was absent. The vote was 6-0-1.

Agenda Item #3C-3 – Public Employee Discipline/Dismissal/Release

In closed session, the Board took action to notify a certificated administrative employee in the position of High School Assistant Principal on Special Assignment that the employee will be released and reassigned pursuant to Education Code § 44951, 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: Ayes – Hanacek, Reardon, Pritchard, Holloway, Jones and McNicholas. Trustee Hatton-Hodson was absent. The vote was 6-0-1.

Agenda Item #3C-4 – Public Employee Discipline/Dismissal/Release

In closed session, the Board took action to notify a certificated administrative employee in the position of High School Assistant Principal on Special Assignment that the employee will be released and reassigned pursuant to Education Code § 44951, 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: Ayes – Hanacek, Reardon, Pritchard, Holloway, Jones and McNicholas. Trustee Hatton-Hodson was absent. The vote was 6-0-1.

Agenda Item #3C-5 – Public Employee Discipline/Dismissal/Release

In closed session, the Board took action to notify a certificated administrative employee in the position of Assistant Principal on Special Assignment that the employee will be released and reassigned pursuant to Education Code § 44951, 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: Ayes – Hanacek, Reardon, Pritchard, Holloway, Jones and McNicholas. Trustee Hatton-Hodson was absent. The vote was 6-0-1.

Agenda Item #3D – Conference with Labor Negotiators

Trustees gave direction to Staff.

DISCUSSION/ACTION ITEM

The proposed revisions to Board Policy 9311, *Board Policies*, adds language to allow the Board to waive the second reading with a vote of two thirds of the total Board, as opposed to the previous language of a unanimous vote.

**First Reading –
Board Bylaw 9311,
Board Policies
Agenda Item 16**

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding Board Bylaw 9311.

Following discussion, this item was moved to a Second Reading.

Trustee Jones left the meeting at 7:19 p.m. due to illness.

Extra Miler

Jacqui Neuharth and Marti Bruno for their dedication in maintaining the “Gerhard Garden” used to extend the educational opportunities and benefits for the students at John S. Malcom Elementary School.

**Special
Recognitions**

Associated Student Body

Adult Transition Program
Clint Collins, Principal
Lori Kunze-Thibeau, Teacher
Devon Lara, Student Speaker

Superintendent Vital reported on various school visits and the activities of the past two weeks. She visited Wood Canyon Elementary, and met with District staff, principals and teachers to discuss Independent Physical Education in preparation for the March 15, 2017 Board Workshop. She also had the opportunity to meet with the ASB Student Executive Council and the Capo Forward principals.

**Board and
Superintendent
Comments**

Superintendent Vital congratulated the Capistrano Valley High School Basketball team for winning the CIF Championship game and wished them luck as they prepared to play their first game in the State Finals against Escondido’s Orange Glenn High School.

The following speakers addressed the Board:

- Nicholas Perez submitted a charter renewal for the Opportunities For Learning Charter School.
- Kathy Brevoort spoke regarding PTA Advocacy.
- Michele Ploessel-Campbell spoke regarding CUCPTSA and provided school site updates.

**Oral
Communications**

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 the Independent Contractor agreement with AW Industries from Agenda Item 3 and pulled Agenda Item 18.

**Items Pulled from
the Consent
Calendar**

Per Trustee feedback, Agenda Item 13, page 8 of 10, was corrected to read “vote to approve Third Reading – Board Policy 9270, Conflict of Interest” in place of “indefinitely table Board Policy 6172, Accelerated Academic Achievement Program”.

The public requested to speak on Agenda Items 1, 2, 3, 4, 6, 7, 11, 12, 13, 14, and 15.

President McNicholas asked Trustees for Items they wished to pull from the Consent Calendar. Trustee Reardon requested to pull Agenda Item 6.

It was moved by Trustee Reardon, seconded by Trustee Holloway, and motion carried by a 5-0-2 Roll Call vote to approve the following Consent Calendar, with the exception of the pulled items.

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

Approval of the ratification of 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.

**Board Policy 5111,
Admission
Agenda Item 5**

Acceptance of Williams Settlement Legislation Uniform Complaint Second Quarter Report.

**Quarterly Report –
Williams
Settlement
Legislation
Uniform
Complaint
Agenda Item 8**

Acceptance of Williams Settlement Legislation Orange County Department of Education (OCDE) Second Quarter Report. Education Code § 1240 requires OCDE to report visits and reviews of District schools conducted by OCDE, if any.

**Orange County
Department Of
Education Second
Quarter Report –
Williams
Settlement
Legislation
Agenda Item 9**

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

**Resignations/
Retirements/
Employment –
Classified
Employees
Agenda Item 10**

ITEMS PULLED FROM CONSENT CALENDAR

Approval of donations of funds and equipment.

**Donation of Funds
and Equipment
Agenda Item 1**

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding donation of funds.

It was moved by Trustee Hanacek, seconded by Trustee Holloway, and motion carried by a 5-0-2 vote to approve Agenda Item 1.

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

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

**Purchase Orders,
Commercial
Warrants and
Previously Board-
Approved Bids and
Contracts
Agenda Item 2**

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding purchase orders, commercial warrants and previously Board approved bids and contracts.

It was moved by Trustee Reardon, seconded by Trustee Hanacek, and motion carried by a 5-0-2 vote to approve Agenda Item 2.

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

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 3**

Trustees will take action at the May 10, 2017 Board Meeting to approve and/or ratify these agreements.

Award Bid No. 1617-16, Marblehead Elementary School Outdoor Classroom - R. Jensen Co., Inc. The two bids received and opened on December 21, 2016 are listed in Exhibit A. The bidder offering the lowest base price plus all alternatives was used to determine the lowest responsive bidder.

**Award Bid No.
1617-16,
Marblehead
Elementary School
Outdoor
Classroom - R.
Jensen Co., Inc.
Agenda Item 4**

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding the Award Bid No. 1617-16, Marblehead Elementary School Outdoor Classroom.

It was moved by Trustee Reardon, seconded by Trustee Holloway, and motion carried by a 5-0-2 vote to approve Agenda Item 4.

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

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

**Board Policy
5111.1, District
Residency
Agenda Item 6**

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding District Residency and over enrollment.

Following discussion, it was moved by Trustee Reardon, seconded by Trustee Holloway, and motion carried by a 5-0-2 vote to approve Agenda Item 6.

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

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

**Board Policy 6171,
Title I Programs
Agenda Item 7**

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding Board Policy 6171, Title I Programs.

Following discussion, it was moved by Trustee Reardon, seconded by Trustee Holloway, and motion carried by a 5-0-2 vote to approve Agenda Item 7.

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

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

**Resignations/
Retirements/
Employment –
Certificated
Employees
Agenda Item 11**

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding certificated employees.

It was moved by Trustee Reardon, seconded by Trustee Hanacek, and motion carried by a 5-0-2 vote to approve Agenda Item 11.

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

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

**School Board
Minutes
Agenda Item 12**

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding the October 26, 2016, November 16, 2016, December 14, 2016 and January 18, 2016 Board Meeting minutes.

It was moved by Trustee Reardon, seconded by Trustee Hanacek, and motion carried by a 5-0-2 vote to approve Agenda Item 12.

AYES: Trustee Hanacek, Holloway, McNicholas, Pritchard and Reardon.

NOES: None
ABSENT: Hatton-Hodson and Jones

Approval of the November 16, 2016 Regular Board Meeting minutes.

**School Board
Minutes
Agenda Item 13**

It was moved by Trustee Reardon, seconded by Trustee Hanacek, and motion carried by a 5-0-2 vote to approve Agenda Item 13.

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

Approval of the December 14, 2016 Regular Board Meeting minutes.

**School Board
Minutes
Agenda Item 14**

It was moved by Trustee Reardon, seconded by Trustee Hanacek, and motion carried by a 5-0-2 vote to approve Agenda Item 14.

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

Approval of the January 18, 2017 Board Workshop minutes.

**School Board
Minutes
Agenda Item 15**

It was moved by Trustee Reardon, seconded by Trustee Hanacek, and motion carried by a 5-0-2 vote to approve Agenda Item 15.

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

DISCUSSION/ACTION ITEMS

In accordance with Education Code § 42130, school districts are required to prepare and submit Interim Financial Reports to the governing board. Resolution No. 1617-57 adjusts the various fund budgets to reflect the Second Interim Report.

**Certification of the
2016-2017 Second
Interim Report
and Adoption of
Resolution No.
1617-57, 2016-2017
Revenue and
Expenditure
Increases/
Decreases
Agenda Item 17**

Following discussion, it was moved by Trustee Reardon, seconded by Trustee Hanacek, and motion carried by a 5-0-2 Roll Call vote to adopt Agenda Item 17.

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

This item was pulled by staff.

**First Reading -
Board Policy
0420.4, Charter**

**School
Authorization
Agenda Item 18**

Board Policy 5130, *Student Records*, has been revised to reflect changes in the fees for duplication of student records.

**Second Reading –
Board Policy 5130,
Student Records
Agenda Item 19**

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding student records.

President McNicholas directed staff to ensure employee social security numbers are not listed on the District website as stated by the public speaker.

Following discussion, it was moved by Trustee Reardon, seconded by Trustee Holloway, and motion carried by a 5-0-2 vote to approve Agenda Item 19.

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

Attendance is a critical component in student achievement. Recently an Attendance Taskforce was created to find ways of improving student attendance.

**Third Reading –
Board Policy 5112,
Absences and
Excuses
Agenda Item 20**

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding Board Policy 5112, Absences and Excuses.

Following discussion, it was moved by Trustee Reardon, seconded by Trustee Pritchard, and motion carried by a 5-0-2 vote to approve Agenda Item 20 with the addition of the legal code reference.

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

Consideration and approval of Resolution No. 1617-61, Reduction or Elimination of Particular Kinds of Services Performed by Certificated Employees.

**Resolution No.
1617-61, Reduction
or Elimination of
Particular Kinds of
Services
Performed by
Certificated
Employees
Agenda Item 21**

The following speaker addressed the Board:

- Sally White spoke regarding certificated employees and the memorial service for teacher Scott Clark, from Laguna Niguel Elementary School.

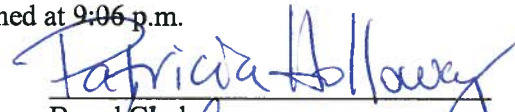
Following discussion, it was moved by Trustee Reardon, seconded by Trustee Hanacek, and motion carried by a 5-0-2 Roll Call vote to adopt Agenda Item 21.

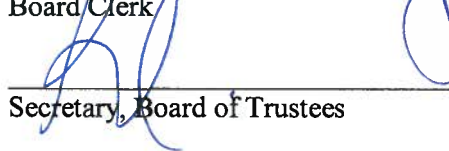
AYES: Trustee Hanacek, Holloway, McNicholas, Pritchard and Reardon.
NOES: None
ABSENT: Hatton-Hodson and Jones

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

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

President McNicholas announced the meeting adjourned at 9:06 p.m.



Board Clerk


Secretary, Board of Trustees

Minutes submitted by Nicole Perez, Executive Secretary, Board Operations