

BOARD OF TRUSTEES
Regular Meeting

September 14, 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. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Daniel Burch/Sara Young
Attorney – Anthony De Marco
Significant Exposure to Litigation – One Case
IDR Case Number 20160817
(Pursuant to Government Code § 54956.9(d)(2))

EXHIBIT A-1

Daniel Burch/Sara Young
Attorney – Ernest Bell
Significant Exposure to Litigation – Ten Cases
IDR Case Number 20160615
IDR Case Number 20160616
IDR Case Number 20160722
IDR Case Number 20160801
IDR Case Number 20160802
IDR Case Number 20160805
IDR Case Number 20160806
IDR Case Number 20160812
IDR Case Number 20160816
IDR Case Number 20160818
(Pursuant to Government Code § 54956.9 (d)(2))

EXHIBIT A-2
EXHIBIT A-3
EXHIBIT A-4
EXHIBIT A-5
EXHIBIT A-6
EXHIBIT A-7
EXHIBIT A-8
EXHIBIT A-9
EXHIBIT A-10
EXHIBIT A-11

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Daniel Burch/Sara Young
Attorney – Ernest Bell
Significant Exposure to Litigation – Three Cases
OAH Case Number 2016060615
OAH Case Number 2016070015
OAH Case Number 2016080091
(Pursuant to Government Code § 54956.9(d)(1))

EXHIBIT B-1
EXHIBIT B-2
EXHIBIT B-3

C. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Gordon Amerson
(Pursuant to Government Code § 54957)

EXHIBIT C-1

D. PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT

Associate Superintendent, SELPA, Special Education Services
(Pursuant to Government Code § 54957)

EXHIBIT D-1

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

Extra Miler

Kathy Pelzer’s nomination for School Counselor of the Year by California Association School Counselor (CASC)

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

- 1. **PUBLIC HEARING: RESOLUTION NO. 1617-19, APPROVING ENERGY SERVICES CONTRACT WITH SCHNEIDER ELECTRIC BUILDINGS AMERICAS, INC. FOR APPROVED PLAN NO. 1 (APPLICATION NO. 1497) FOR THE DISTRICT’S ENERGY CONSERVATION PROGRAM FOR SIX SCHOOL SITES:** INFORMATION/
DISCUSSION

The Board will conduct a public hearing on adopting Resolution No. 1617-19, Approving Energy Services Contract with Schneider Electric Buildings Americas, Inc. for Approved Plan No. 1 (Application No. 1497) for the District’s Energy Conservation Program for Six School Sites pursuant to Government Code § 4217.12. Supporting information is located in Exhibit 29.

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

- 2. **DONATION OF FUNDS AND EQUIPMENT:** Page 1
Approval of donations of funds and equipment. A number of gifts have been donated to the District, including \$131,200.64 in cash. These funds will be deposited in the appropriate school accounts. Items other than cash have no financial impact on the budget. **EXHIBIT 2**

The District does not guarantee maintenance of items or the expenditure of any District funds for continued use.

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

- 3. PURCHASE ORDERS, COMMERCIAL WARRANTS AND PREVIOUSLY BOARD-APPROVED BIDS AND CONTRACTS:** Page 3
EXHIBIT 3

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 \$18,953,018.82 and the commercial warrants total \$21,627,929.17. 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.

Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
- 4. INDEPENDENT CONTRACTOR, PROFESSIONAL SERVICES, FIELD SERVICE AND MASTER CONTRACT AGREEMENTS:** Page 65
EXHIBIT 4

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 thirty-two new agreements totaling \$1,186,342.59 and five amendments to existing agreements totaling \$86,553.38. 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.

Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
- 5. CHANGE ORDER NO. 1, BID NO. 1516-06, COMPRESSED NATURAL GAS FUELING DISPENSER AT ALISO VIEJO TRANSPORTATION CENTER:** Page 241
EXHIBIT 5

Approval of Change Order No. 1, Bid No. 1516-06, Compressed Natural Gas Fueling Dispenser at Aliso Viejo Transportation Center related to hose extensions at fill stations and additional K-rail to protect the gas line. This change order consists of additions, deletions or other revisions that are now being presented to the Board of Trustees for approval. All such changes in the work are performed under applicable conditions of the change in contract documents. The original contract sum was \$777,829. The new contract sum including Change Order No. 1 is \$790,448 funded by a portion of the proceeds of the 2C Liberty property sale.

Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
- 6. CHANGE ORDER NO. 1, BID NO. 1516-12, SAN JUAN HILLS HIGH SCHOOL ADDITION PHASE I, WEST PARKING UPGRADES:** Page 254
EXHIBIT 6

Approval of Change Order No. 1, Bid No. 1516-1, San Juan Hills High School Addition Phase I, West Parking Upgrades Project related to the credit for boring of the electrical pathway in lieu of trenching and various project value enhancements. Project enhancements include: additional parking lot lighting, additional areas to receive seal coat and additional landscaping with irrigation. This change order consists of additions, deletions or other revisions that are now being presented to the Board of Trustees for approval. All such changes in the work are performed under applicable conditions of the change in contract documents. The original contract sum was \$1,023,681. The new contract sum including Change Order No. 1 is \$1,043,853 funded by Developer fees, sale proceeds of north transportation yard property, CFD No. 90-2, CFD No. 90-2 Improvement Area No. 2002-1 and CFD No. 98-2.

Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
- 7. CHANGE ORDER NO. 1, BID NO. 1516-15, LADERA RANCH MIDDLE SCHOOL RELOCATABLE CLASSROOM AND RESTROOM PROJECT:** Page 305
EXHIBIT 7

Approval of Change Order No. 1, Bid No. 1516-15, Ladera Ranch Middle School Relocatable Classroom and Restroom Project related to the installation of owner

provided: custom canopy shade structures, rubber surfacing at playgrounds and the installation of low voltage data. This change order consists of additions, deletions or other revisions that are now being presented to the Board of Trustees for approval. All such changes in the work are performed under applicable conditions of the change in contract documents. The original contract sum was \$790,000. The new contract sum including Change Order No. 1 is \$868,662.17 funded by CFD 98-2 and Developer Fees.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

8. **CHANGE ORDER NO. 1, BID NO. 1516-21, BERGESON ELEMENTARY SCHOOL RELOCATABLE CLASSROOM PROJECT:** Page 326
EXHIBIT 8
Approval of Change Order No. 1, Bid No. 1516-21, Bergeson Elementary School Relocatable Classroom Project related to fire alarm and low voltage upgrades required for the new modular classrooms. This change order consists of additions, deletions or other revisions that are now being presented to the Board of Trustees for approval. All such changes in the work are performed under applicable conditions of the change in contract documents. The original contract sum was \$391,000. The new contract sum including Change Order No. 1 is \$408,663.64 funded by Developer Fees.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
9. **CHANGE ORDER NO. 1, BID NO. 1516-22, ALISO NIGUEL HIGH SCHOOL RELOCATABLE CLASSROOMS:** Page 346
EXHIBIT 9
Approval of Change Order No. 1, Bid No. 1516-22, Aliso Niguel High School Relocatable Classrooms Project related to additional work required to close out a pre-existing DSA application number, as well as, fire alarm upgrades. This change order consists of additions, deletions or other revisions that are now being presented to the Board of Trustees for approval. All such changes in the work are performed under applicable conditions of the change in contract documents. The original contract sum was \$213,800. The new contract sum including Change Order No. 1 is \$230,427.29 funded by CFD funds.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

CURRICULUM AND INSTRUCTION

10. **LICENSING AGREEMENT WITH DOCUMENT TRACKING SERVICES, LLC:** Page 376
EXHIBIT 10
Approval of the Licensing Agreement with Document Tracking Services, LLC to provide a license to use a proprietary web-based application to create, edit, update, print and track the 2016 School Accountability Report Card, the 2016 Single Plan for Student Achievement, translation service for Spanish school Accountability Report, and other documents as needed by the District. The contractor will provide services at the rates indicated in the agreement. The term of this agreement is October 1, 2016 through October 1, 2017. Annual expenditures under this contract are estimated to be \$13,740 paid by the general fund.
Contact: Susan Holliday, Associate Superintendent, Education Services
11. **INCOME AGREEMENT NO. 43167 - ORANGE COUNTY SUPERINTENDENT OF SCHOOLS:** Page 380
EXHIBIT 11
Approval of Income Agreement No. 43167 with Orange County Superintendent of Schools to provide professional development for middle and high school Health and Physical Education teachers. The contractor will provide services at the rates indicated in the agreement. The term of this agreement is July 1, 2016 through June 30, 2017, with the half-day session occurring on October 31, 2016. Annual expenditures under this contract are anticipated to be approximately \$400 paid by the Educator Effectiveness Grant.
Contact: Susan Holliday, Associate Superintendent, Education Services

12. **INCOME AGREEMENT NO. 43250 - ORANGE COUNTY SUPERINTENDENT OF SCHOOLS:** Page 389
EXHIBIT 12
Approval of Income Agreement No. 43250 with Orange County Superintendent of Schools to provide professional development for elementary school teachers, specifically to extend teachers' knowledge of students' mathematical thinking and support instructional implementation practices. The contractor will provide services at the rates indicated in the agreement. The term of this agreement is July 25, 2016 through February 28, 2017. Annual expenditures under this contract are anticipated to be approximately \$36,000 paid by the Educator Effectiveness Grant.
Contact: Susan Holliday, Associate Superintendent, Education Services
13. **INCOME AGREEMENT NO. 43280 - ORANGE COUNTY SUPERINTENDENT OF SCHOOLS:** Page 398
EXHIBIT 13
Approval of Income Agreement No. 43280 with Orange County Superintendent of Schools to provide written and oral translation/interpretation services. The contractor will provide services at the rates indicated in the agreement. The term of this agreement is July 1, 2016 through June 30, 2017. Annual expenditures under this contract are anticipated to be approximately \$10,000 paid by the general fund.
Contact: Susan Holliday, Associate Superintendent, Education Services
14. **MEMORANDUM OF UNDERSTANDING WITH SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT:** Page 405
EXHIBIT 14
Approval of the Memorandum of Understanding with Saddleback Valley Unified School District (SVUSD) for the purpose of implementing special education services and programs. The agreement grants funding to SVUSD to provide Adult Transition Program services to District students currently residing in an adult-group facility within SVUSD boundaries. The student's permanent residency is within District boundaries. The agreement allows SVUSD to provide all direct services to the students, including access to local community supports and independent living. The District will provide oversight of the program and collaborate in decisions related to educational services. Expenditures under this agreement are estimated to be \$80,000 funded by special education funds.
Contact: Daniel Burch, Interim Associate Superintendent, SELPA, Special Education Services
15. **AGREEMENTS FOR PARTICIPATION, INSIDE THE OUTDOORS FIELD PROGRAM NO. 90004 AND NO. 90023 - ORANGE COUNTY SUPERINTENDENT OF SCHOOLS:** Page 411
EXHIBIT 15
Approval of the Agreements for Participation for Inside the Outdoors No. 90004 and No. 90023 with Orange County Superintendent of Schools. District elementary schools routinely participate in outdoor science school and field programs. These programs range from a 45-minute presentation by a traveling naturalist, appropriate for kindergarten audiences, to a five-day outdoor science program in the San Bernardino Mountains for students in grades 5 and 6. The term of this agreement is September 1, 2016 through August 31, 2017. Expenditures under these contracts will have no financial impact on the general fund.
Contact: Susan Holliday, Associate Superintendent, Education Services
16. **PERSONNEL REIMBURSEMENT AGREEMENT WITH LAGUNA BEACH UNIFIED SCHOOL DISTRICT:** Page 434
EXHIBIT 16
Approval of a Personnel Reimbursement Agreement with Laguna Beach Unified School District (LBUSD) to provide five days of instruction by a qualified Orientation and Mobility Specialist to LBUSD during the 2016-2017 school year. The District staff has provided these services to LBUSD from the time both districts were part of the South Orange County Special Education Local Plan Area. LBUSD will pay the employee salary and benefit costs for the days of instruction.
Contact: Daniel Burch, Interim Associate Superintendent, SELPA, Special Education Services

17. **PERSONNEL REIMBURSEMENT AGREEMENT WITH SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT:** Page 437
EXHIBIT 17
Approval of a Personnel Reimbursement Agreement with Saddleback Valley Unified School District (SVUSD) to provide 40 days of instruction by a qualified Orientation and Mobility Specialist to SVUSD during the 2016-2017 school year. The District staff has provided these services to SVUSD from the time both districts were part of the South Orange County Special Education Local Plan Area. SVUSD will pay the employee salary and benefit costs for the days of instruction.
Contact: Daniel Burch, Interim Associate Superintendent, SELPA, Special Education Services
18. **RESOLUTION NO. 1617-36, AUTHORIZING THE INCREASE AND DECREASE IN APPROPRIATIONS FOR THE FISCAL YEAR ENDING 2015-2016:** Page 440
EXHIBIT 18
Approval of Resolution No. 1617-36, Authorizing the Increase and Decrease in Appropriations for the Fiscal Year ending 2015-2016. Resolution No. 1617-36 will adjust the budget approved at second interim 2015-2016 to final unaudited actuals budgets.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
19. **RESOLUTION NO. 1617-37, RE-APPROPRIATION OF CARRYOVER FUNDS:** Page 445
EXHIBIT 19
Approval of Resolution No. 1617-37, Authorizing the Re-appropriation of Carryover Funds. Resolution No. 1617-37 authorizes the re-appropriation of carryover income and associated expenditures for the 2016-2017 fiscal year based on final unaudited balances for the 2015-2016 fiscal year. The carryover income and expenditures will adjust balances adopted in June 2016.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
20. **RESOLUTION NO. 1617-38, ADOPTING THE 2015-2016 ACTUAL GANN LIMIT AND THE 2016-2017 ESTIMATED GANN LIMIT:** Page 449
EXHIBIT 20
Approval of Resolution No. 1617-38, Adopting the 2015-2016 Actual Gann Limit and the 2016-2017 Estimated Gann Limit. Resolution No. 1617-38 establishes the actual Gann Limit for 2015-2016 at \$282,630,849.30 and the estimated Gann Limit for 2016-2017 at \$294,532,236.52. Approval of this Resolution will have no financial implications on either the 2015-2016 or 2016-2017 budgets.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
21. **SUPPORT AGREEMENT – IDEAL COMPUTER SOUTH, INC.:** Page 455
EXHIBIT 21
Approval of the Support Agreement with IDEAL Computer South, Inc. for the purpose of maintaining an existing HP3000 server. The current server houses our QSS data including Business Services and Human Resources programs and data. The server started experiencing failures causing immediate concern; therefore, a new server and maintenance contract was presented to and approved by the Board at the May 25, 2016 meeting. HP licensing requires the District to maintain the previous server during the terms of the lease of the new server. This agreement will provide support for the previous server to ensure uptime for data transfers and satisfaction of license requirements under a separate contract from the new server lease and maintenance contract. The initial contract term is from July 1, 2016 through June 30, 2017. Annual expenditures under this contract are limited to \$6,870 funded by the general fund.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
22. **CONTRACTOR AGREEMENT – COGNITIVELY GUIDED INSTRUCTION, ORANGE COUNTY DEPARTMENT OF EDUCATION:** Page 460
EXHIBIT 22
Approval of the Contractor Agreement, Cognitively Guided Instruction, with Orange County Department of Education (OCDE), will provide three days of Cognitive Guided Instruction training to six cohorts of elementary teachers, administrators, and instructional coaches. An additional two days of training will be provided to

approximately 90 elementary teacher leaders, principals and instructional coaches. The desired outcomes for the training and professional learning will be to extend teachers' knowledge of students' mathematical thinking and to support implementation of instructional practices that feature mathematical problem solving and classroom discussions. The desired measurable outcomes will be to increase student achievement in mathematics and teacher knowledge of the learning progressions in mathematics. The \$36,000 cost will be funded with Educator Effectiveness funds.

Contact: Susan Holliday, Associate Superintendent, Education Services

23. HANOVER RESEARCH PARTNERSHIP AGREEMENT:

Page 469

EXHIBIT 23

Approval of the Hanover Research Partnership Agreement will support research based evaluation of the District's Spanish and Mandarin Immersion Programs to include quantitative and qualitative data analysis, primary research and stakeholder feedback, secondary research and peer benchmarking. The partnership will run for a six month time period from August 25, 2016 to February 24, 2017. The \$24,999 cost will be funded with the Local Control Funding Formula and the general fund.

Contact: Susan Holliday, Associate Superintendent, Education Services

HUMAN RESOURCE SERVICES

24. FIELDWORK AGREEMENT WITH THE UNIVERSITY OF LA VERNE:

Page 476

EXHIBIT 24

Approval of Fieldwork Agreement with the University of La Verne for July 1, 2016 until terminated upon mutual consent of both parties. To meet the growing demand of employing qualified teachers in hard-to-fill areas such as Special Education, Mathematics, Physics, Chemistry and Foreign Language, Human Resource Services has partnered with University of La Verne for the purpose of allowing students to be placed in the District for fieldwork and supervised teaching experiences.

Contact: Gordon Amerson, Associate Superintendent, Human Resource Services

25. RESIGNATIONS/RETIREMENTS/EMPLOYMENT – CLASSIFIED EMPLOYEES:

Page 497

EXHIBIT 25

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.

Contact: Gordon Amerson, Associate Superintendent, Human Resource Services

26. RESIGNATIONS/RETIREMENTS/EMPLOYMENT – CERTIFICATED EMPLOYEES:

Page 519

EXHIBIT 26

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.

Contact: Gordon Amerson, Associate Superintendent, Human Resource Services

DISCUSSION ACTION ITEMS

27. SMARTER BALANCED ASSESSMENT RESULTS:

INFORMATION/

DISCUSSION

Page 560

EXHIBIT 27

During Spring 2016, over 26,000 District students in grades 3 through 8 and 11 participated in the Smarter Balanced Assessment (SBA) computerized test as part of the California Assessment of Student Performance and Progress (CAASPP). The assessments measure students' mastery of The State Standards in Mathematics and English-language arts/Literacy as well as readiness for college-level work. This item presents a summary of the SBA results.

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, Associate Superintendent, Education Services

Staff Recommendation

It is recommended the Board President recognize Susan Holliday, Associate 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.

- 28. FIRST READING – BOARD POLICY 9270, CONFLICT OF INTEREST:** DISCUSSION/
ACTION
Page 579
EXHIBIT 28
- This proposed revision of Board Policy 9270, *Conflict of Interest*, updates this policy to reflect the recommended changes to designated positions that must disclose financial interests on Form 700 as well as updates and clarified District policy related to incompatible offices and activities, gifts and honoraria. Changes are underlined; deletions are struck through. There is no fiscal impact.
- CUSD WIG 2: Communications – Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions.***
- Contact: Gordon Amerson, Associate Superintendent, Human Resource Services***

Staff Recommendation

It is recommended the Board President recognize Gordon Amerson, Associate Superintendent, Human Resource Services, to present information on this item.

Following discussion, it is recommended the Board of Trustees approve Board Policy 9270, *Conflict of Interest*.

Motion by _____ Seconded by _____

- 29. RESOLUTION NO. 1617-19, APPROVING ENERGY SERVICES CONTRACT WITH SCHNEIDER ELECTRIC BUILDINGS AMERICAS, INC. FOR APPROVED PLAN NO. 1 (APPLICATION NO. 1497) FOR THE DISTRICT'S ENERGY CONSERVATION PROGRAM FOR SIX SCHOOL SITES:** DISCUSSION/
ACTION
Page 599
EXHIBIT 29
- This agenda item pertains to the adoption of Resolution No. 1617-19, Approving Energy Services Contract with Schneider Electric Buildings Americas, Inc. for Approved Plan No. 1 (Application No. 1497) for the District's Energy Conservation Program for Six School Sites. The District's Energy Conservation Program Application 1497 was approved by the California Energy Commission (CEC) on June 27, 2016. The implementation of Approved Plan No. 1 (Attachment A) will reduce the Facilities' energy consumption and costs and improve the Facilities' energy quality/reliability. The CEC approved state funding for Approved Plan No. 1 in the amount of \$2,490,333. In or about January 2016, the District issued Request For Proposals (RFP) No. 5-1516. The RFP was based upon a "Best Value" criteria method of selection as is permitted by applicable law. As a result of that competitive selection process, Schneider Electric Buildings Americas, Inc. (Schneider) was determined by staff to be a full-service energy services company with the technical capabilities to provide services to the District, including benchmarking, America Society of Heating Refrigerating and Air-Conditioning Engineers (ASHRAE) auditing, identifying and developing energy efficiency measures, water conservation measures, and energy generation measures, as well as providing design, engineering, procurement, construction management, installation, construction, systems commissioning, training and preventive maintenance services.

A legal Memorandum dated August 22, 2016 from the District's outside legal counsel, John P. Dacey, Esq. of Bergman Dacey Goldsmith, PLC. has previously been provided to the Board and therein Mr. Dacey concludes that "the District's RFP process conducted back in January 2016 was consistent with the California Energy Commission's 2015 Program Implementation Guidelines, issued December 2014, and that the Board is authorized to award the implementation portion of the projects under the proposed Contract to Schneider Electric, Inc. as contemplated by the RFP."

Additionally, Government Code § 4217.12 requires before a school district can award the implementation portion of an energy services contract pursuant to Government Code § 4217.10 through § 4217.18, the school district must post and advertise giving Notice of a Public Hearing to be held regarding the award of such a contract. The statute requires the Notice to be given at least 14 days before the public hearing. This Action Item is scheduled for the September 14, 2016 Board and as such, Notice was given on August 30, 2016 by posting same at District Office and by advertising same in Orange County Register.

Pursuant to § 4217.12 of the California Government Code, the Board of Trustees has to open a public hearing during its meeting on September 14, 2016, receive and consider any public comments, if any, and while the meeting is still open, make certain findings set forth below.

The required findings to be read aloud into the record are:

1. *The Board adopts the findings and recommendations of staff as set forth in staff's Report and Attachment A thereto as the Board's findings; and*
2. *Schneider Electric was selected through a competitive Request for Proposal process consistent with the requirements set forth in the California Energy Commission's 2015 Program Implementation Guidelines, has performed the needed evaluations and assessments required to receive approval for state funding of the projects, said funding has now been received as a result of the District's and Schneider Electric's efforts, and has guaranteed to implement those conservation measures for a price not to exceed the state funding received by the District for the projects. Therefore, by entering into the proposed Energy Services Contract with Schneider to implement the ECM recommendations the Board finds that it is in the best interests of the District, provides the best-value to the District, and pursuant to California Government Code § 4217.10 et seq. the Board hereby approves the proposed Energy Services Contract with Schneider to implement the measures recommended in Approved Plan No. 1 for the Facilities as a design-builder and construction manager.*

District staff, Schneider, and District legal counsel, John P. Dacey, Esq. of Bergman Dacey Goldsmith, PLC. have drafted the various contract documents (i.e., an Energy Services Contract and Exhibits thereto) pursuant to California Government Code § 4217.10 through § 4217.18 to have Schneider perform the work and services needed to implement Approved Plan No. 1 at the Facilities. District staff, Schneider, District legal, and Schneider legal, have all approved the draft agreement and exhibits, all of which are subject to Board approval. Funding has been approved and will come from state funds; 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

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. 1617-19, Approving Energy Services Contract with Schneider Electric Buildings Americas, Inc. for Approved Plan No. 1 (Application No. 1497) for the District's Energy Conservation Program for Six School Sites.

Motion by _____ Seconded by _____

30. **RESOLUTION NO. 1617-35, PRELIMINARY 2015-2016 FINANCIAL STATEMENTS (UNAUDITED ACTUALS):** DISCUSSION/
ACTION
Page 666
EXHIBIT 30

The Board of Trustees will be provided with a brief update on the 2015-2016 actuals and the revisions to the 2016-2017 budget. Resolution No. 1617-35 will be forwarded to the Orange County Department of Education, reviewed for accuracy and compliance, and subsequently transmitted to the Superintendent of Public Instruction.

CUSD WIG 2: Communications – Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions.

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. 1617-35, Preliminary 2015-2016 Financial Statements (Unaudited Actuals).

Motion by _____ Seconded by _____

31. **FIRST READING – BOARD POLICY 0420.41, CHARTER SCHOOL OVERSIGHT:** DISCUSSION/
ACTION
Page 828
EXHIBIT 31

The proposed new Board Policy 0420.41, *Charter School Oversight*, provides updated and well defined language regarding Charter School Oversight. This policy will provide all stakeholders with current information and ensure legal compliance. The existing Board Policy 0420.4, *Charter School Authorization*, will be broken down into three policies as recommended by legal counsel; Authorization, Oversight and Revocation.

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, Associate Superintendent, Education Services

Staff Recommendation

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

Following discussion, it is recommended the Board of Trustees approve Board Policy 0420.41, *Charter School Oversight*.

Motion by _____ Seconded by _____

32. **FIRST READING – BOARD POLICY 0420.43, CHARTER SCHOOL REVOCATION:** DISCUSSION/
ACTION
Page 841
EXHIBIT 32

The proposed new Board Policy 0420.43, *Charter School Revocation*, provides updated and well defined language regarding Charter School Revocation. This policy will provide all stakeholders with current information and ensure legal compliance. The existing Board Policy 0420.4, *Charter School Authorization*, will be broken down into three policies as recommended by legal counsel; Authorization, Oversight and Revocation.

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, Associate Superintendent, Education Services

Staff Recommendation

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

Following discussion, it is recommended the Board of Trustees approve Board Policy 0420.43, *Charter School Revocation*.

Motion by _____ Seconded by _____

33. FIRST READING – REVISIONS TO BOARD POLICY 0420.4, CHARTER SCHOOL AUTHORIZATION: DISCUSSION/
ACTION

The proposed revisions of Board Policy 0420.4, *Charter School Authorization*, provide updated and well defined language regarding Charter Schools. These changes will provide all stakeholders with current information and ensure legal compliance. The existing policy will be broken down into three policies as recommended by legal counsel; Authorization, Oversight and Revocation. Changes are underlined, deletions are struck through.

Page 846
EXHIBIT 33

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, Associate Superintendent, Education Services

Staff Recommendation

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

Following discussion, it is recommended the Board of Trustees approve Board Policy 0420.4, *Charter School Authorization*.

Motion by _____ Seconded by _____

34. FIRST READING – REVISIONS TO BOARD POLICY 5112, ABSENCES AND EXCUSES: DISCUSSION/
ACTION

Attendance is a critical component in student achievement. Recently an Attendance Taskforce was created to find ways of improving student attendance. The Taskforce agreed that updating policy on attendance was a critical step in improving student attendance. This proposed revision of Board Policy 5112, *Absences and Excuses*, updates the policy to current Education Code and incorporates the recommended policy language suggested by the Taskforce regarding School Attendance Review Board process, chronic absenteeism and expectations that the District may conduct wellness checks for excessive absences. Changes are underlined; deletions are struck through.

Page 865
EXHIBIT 34

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, Associate Superintendent, Education Services

Staff Recommendation

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

Following discussion, it is recommended the Board of Trustees approve Board Policy 5112, *Absences and Excuses*.

Motion by _____ Seconded by _____

35. FIRST READING – REVISIONS TO BOARD POLICY 5130, STUDENT RECORDS: DISCUSSION/
ACTION

Board Policy 5130, *Student Records*, has been revised to reflect changes in the fees for duplication of student records. Staff recommends the fees for duplicating student records be changed from 25 cents per page to 15 cents per page to reflect reasonable costs to reproduce student records. Additional changes have been proposed for the fees

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EXHIBIT 35

to reproduce an official student transcript. The fee would be changed from \$10 per transcript to \$5 per transcript. Changes are underlined; deletions are struck through.

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, Associate Superintendent, Education Services

Staff Recommendation

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

Following discussion, it is recommended the Board of Trustees approve Board Policy 5130, *Student Records*.

Motion by _____ Seconded by _____

36. FIRST READING – REVISIONS TO BOARD POLICY 5141.1, BUS CONDUCT:

DISCUSSION/
ACTION

The proposed revision of Board Policy 5141.1, *Bus Conduct*, updates the policy to current Education Code and incorporates language concerning use of electronic devices and bus surveillance systems. Changes are underlined; deletions are struck through.

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EXHIBIT 36

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, Associate Superintendent, Education Services

Staff Recommendation

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

Following discussion, it is recommended the Board of Trustees approve Board Policy 5141.1, *Bus Conduct*.

Motion by _____ Seconded by _____

37. SECOND READING – ADDITION OF BOARD POLICY 6170.1 TRANSITIONAL KINDERGARTEN:

DISCUSSION/
ACTION

This proposed Board Policy 6170.1, *Transitional Kindergarten*, outlines the recommended policy language of the California School Board Association’s sample Board Policy on Transitional Kindergarten. The creation of specific policy on Transitional Kindergarten will establish the parameters of the program, eligibility, curriculum and instruction, staffing, continuance to kindergarten and assessments. This policy is aligned with Education Code § 48000 regarding Transitional Kindergarten. Revisions requested by Trustees during the first reading of this item have been made. Changes are underlined; deletions are struck through.

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EXHIBIT 37

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

Contact: Susan Holliday, Associate Superintendent, Education Services

Staff Recommendation:

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

Following discussion, it is recommended the Board of Trustees approve the addition of the Board Policy 6170.1, *Transitional Kindergarten*.

Motion by _____ Seconded by _____

ADJOURNMENT

Motion by _____ Seconded by _____

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS
WEDNESDAY, SEPTEMBER 28, 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.