

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

BOARD OF TRUSTEES  
Regular Meeting

**REVISED**

October 12, 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**

Susan Holliday

Significant Exposure to Litigation – Two Cases – Student Complaint

Case Number 2779

Case Number 2780

*(Pursuant to Government Code § 54956.9)*

**EXHIBIT A-1**

**EXHIBIT A-2**

**B. STUDENT EXPULSIONS**

Mike Beekman

Case Number 2017-001

Case Number 2017-002

Case Number 2017-003

**EXHIBIT B-1**

**EXHIBIT B-2**

**EXHIBIT B-3**

**C. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE**

Gordon Amerson

Two Cases

*(Pursuant to Government Code § 54957)*

**EXHIBIT C-1**

**EXHIBIT C-2**

**D. PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT**

Gordon Amerson

Chief Technology Officer

Esencia Principal

*(Pursuant to Government Code § 54957)*

**EXHIBIT D-1**

**EXHIBIT D-2**

**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**

*Tracy Welter and Hillary Reichert for their creation of the WEB Program that welcomes 6<sup>th</sup> and 7<sup>th</sup> grade students to Bernice Ayer Middle School.*

**Associated Student Body**

*Capistrano Valley High School*

*Josh Hill, Principal*

*Steve Bryant, Director of Student Activities*

*Bianca Sunico, Associated Student Body President*

**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.

**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**

**1. DONATION OF FUNDS AND EQUIPMENT:**

Approval of donations of funds and equipment. A number of gifts have been donated to the District, including \$376,911.83 in cash. These funds will be deposited in the appropriate school accounts. Items other than cash have no financial impact on the budget. The District does not guarantee maintenance of items or the expenditure of any District funds for continued use.

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

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**EXHIBIT 1**

**2. PURCHASE ORDERS, COMMERCIAL WARRANTS AND PREVIOUSLY BOARD-APPROVED BIDS AND CONTRACTS:**

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 \$1,377,643.65 and the commercial warrants total \$4,384,953.33. 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*

Page 3

**EXHIBIT 2**

3. **INDEPENDENT CONTRACTOR, PROFESSIONAL SERVICES, FIELD SERVICE AND MASTER CONTRACT AGREEMENTS:** Page 43  
**EXHIBIT 3**  
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 six new agreements totaling \$571,330 and five amendments to existing agreements totaling \$185,084.25. 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*

**CURRICULUM & INSTRUCTION**

4. **LOCAL CONTROL ACCOUNTABILITY PLAN PARENT ADVISORY COMMITTEE:** Page 119  
**EXHIBIT 4**  
Approval of the Local Control Accountability Plan (LCAP) Parent Advisory Committee (PAC) members. The Local Control Funding Formula, California’s school funding model, requires the development of an LCAP that links spending to specific district goals for student achievement. Districts are held accountable to the specific ways in which money is spent and how those decisions are improving student outcomes. A key aspect of the LCAP process is the engagement of and consultation with specific parent/guardian groups, including representation of foster-youth and low socio-economic status students. One way this is facilitated is through the formation of a PAC. The LCAP PAC will meet regularly to review the sections of the LCAP and provide ongoing input into the monitoring and revision of the LCAP. Applications for membership were available September 19, 2016 through October 3, 2016 at all school sites, the Education Center reception desk and on the District website.  
*Contact: Susan Holliday, Associate Superintendent, Education Services*

5. **SALES AND SERVICE AGREEMENT WITH THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, UNIVERSITY OF CALIFORNIA, IRVINE:** Page 120  
**EXHIBIT 5**  
Approval of the Sales and Service Agreement with The Regents of the University of California, University of California, Irvine, to provide a range of behavior support services. The term of this Agreement is August 1, 2016 through June 30, 2017. The services requested under this contract are estimated to be \$69,060 funded by Early Childhood Development.  
*Contact: Susan Holliday, Associate Superintendent, Education Services*

**HUMAN RESOURCE SERVICES**

6. **SOLUTION TREE PURCHASING AGREEMENT:** Page 129  
**EXHIBIT 6**  
Approval of the Solution Tree Purchasing Agreement which supplements the Solution Tree Purchasing Agreement initially approved by the Board on July 20, 2016. This supplemental agreement is to provide additional requested training sessions not previously contemplated under the original agreement. The term of this amendment remains the same. The additional services requested under this contract are quoted to be \$13,600 funded by Educator Effectiveness funds.  
*Contact: Gordon Amerson, Associate Superintendent, Human Resource Services*
7. **AVID PATH TO SCHOOLWIDE TRAINING AGREEMENT:** Page 140  
**EXHIBIT 7**  
Approval of the amendment to the AVID Path to Schoolwide Training Agreement. This amendment is to provide additional requested training sessions not previously contemplated under the AVID College Readiness System Services and Products Agreement for AVID District Leadership Training. The term of this amendment remains for the same term of July 1, 2016 through June 30, 2017. The additional services requested under this contract are quoted to be \$8,500 funded by Title I funds.  
*Contact: Gordon Amerson, Associate Superintendent, Human Resource Services*

8. **AUTHORIZATION OF COACHES TO PROVIDE FIRST SEMESTER PHYSICAL EDUCATION CREDIT:** Page 163  
**EXHIBIT 8**  
Approval of teachers who are credentialed in subjects other than physical education (PE) to provide PE credit to students in that respective sport. Districts may assign a teacher with a credential in a subject area other than PE to coach a competitive sport and award PE credit to students. State law requires that such teachers be full-time employees of a district, complete a minimum of 20 hours of first-aid instruction, have training on the harmful effects of steroid use, and be approved by the Board of Trustees. It has been determined all teachers who do not hold a physical education credential, but are assigned coaching activities for which such credit is given, are full-time employees of the District, and have completed cardiopulmonary resuscitation, first-aid instruction and concussion training. Coaching stipends are budgeted and funded through the general fund or booster club donations. There is no financial impact.  
*Contact: Gordon Amerson, Associate Superintendent, Human Resource Services*

9. **RESIGNATIONS/RETIREMENTS/EMPLOYMENT – CLASSIFIED EMPLOYEES:** Page 164  
**EXHIBIT 9**  
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*

10. **RESIGNATIONS/RETIREMENTS/EMPLOYMENT – CERTIFICATED EMPLOYEES:** Page 176  
**EXHIBIT 10**  
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*

### GENERAL FUNCTIONS

11. **SCHOOL BOARD MINUTES:** Page 192  
**EXHIBIT 11**  
Approval of the July 13, 2016 Regular Board Meeting minutes.  
*Contact: Nicole Perez, Executive Secretary, Board Operations*

### DISCUSSION ACTION ITEMS

12. **SECOND READING – REVISIONS TO BOARD POLICY 0420.4, CHARTER SCHOOL AUTHORIZATION:** DISCUSSION/  
ACTION  
Page 197  
**EXHIBIT 12**  
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. Additional revisions requested by Trustees during the first reading of this item have been made. 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

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

- 13. **SECOND READING – BOARD POLICY 0420.41, CHARTER SCHOOL OVERSIGHT:** DISCUSSION/  
ACTION  
Page 216  
**EXHIBIT 13**

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. Additional revisions requested by Trustees during the first reading of this item have been made. 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 0420.41, *Charter School Oversight*.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

- 14. **SECOND READING – BOARD POLICY 0420.43, CHARTER SCHOOL REVOCATION:** DISCUSSION/  
ACTION  
Page 229  
**EXHIBIT 14**

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. Additional revisions requested by Trustees during the first reading of this item have been made. 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 0420.43, *Charter School Revocation*.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

- 15. **SECOND READING – BOARD POLICY 4112.8, 4212.8, 4312.8, EMPLOYMENT OF RELATIVES:** DISCUSSION/  
ACTION  
Page 234  
**EXHIBIT 15**

This proposed revision of Board Policy 4112.8, 4212.8, 4312.8, *Employment of Relatives*, updates this policy to clarify language related to the employment of relatives. Additional revisions requested by Trustees during the first reading of this item have been made. 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 4112.8, 4212.8, 4312.8, *Employment of Relatives*.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

16. **SECOND READING – BOARD POLICY 4300, MANAGEMENT, SUPERVISORY AND CONFIDENTIAL PERSONNEL:** DISCUSSION/  
ACTION  
Page 237  
**EXHIBIT 16**

This proposed revision of Board Policy 4300, *Management, Supervisory and Confidential Personnel*, updates this policy to reflect current language as well as delineate the differences between Management, Supervisory and Confidential employees. 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 4300, *Management, Supervisory and Confidential Personnel*.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

17. **APPROVAL OF SUBSTITUTE INTERVENTION SPECIALIST:** DISCUSSION/  
ACTION  
Page 239  
**EXHIBIT 17**

The Intervention Specialist provides highly qualified counseling to special education students and parents, and is the primary provider of special education Educationally Related Mental Health Services (with contracted counseling as an available secondary option). To attract substitutes to this position, Special Education and Human Resource Services staff is proposing the approval of the Substitute Intervention Specialist position to be paid at a rate of \$250 per day. Funding for this position will be through mental health grant funds.

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

*Contact: Gordon Amerson, 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 the Substitute Intervention Specialist position funded at \$250 per day.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

18. **RESOLUTION NO. 1617-43, INTENT TO CONSIDER THE CONVEYANCE OF AN EASEMENT TO THE MOULTON NIGUEL WATER DISTRICT FOR PURPOSES OF CONSTRUCTING AND OPERATING CERTAIN WATER, RECLAIMED WATER, AND SEWER FACILITIES AT ALISO VIEJO TRANSPORTATION NORTH YARD:** DISCUSSION/  
ACTION  
Page 240  
**EXHIBIT 18**

The Moulton Niguel Water District (MNWD) currently possesses a waterline easement

over the driveway entering the District's Aliso Viejo Transportation Facility which provides service to the District's property as well as neighboring properties.

MNWD is now seeking an additional, smaller easement in order to install two fire hydrants along the driveway adjacent to the property at 4 Liberty. The new easement would allow MNWD to provide additional fire protection services to the District's property, but is primarily spurred by the need for added protection for construction at 4 Liberty. Consequently, the owners/developers of the 4 Liberty property are responsible for all costs of constructing the hydrants, and are reimbursing the District for its expenses relative to the consideration of this easement.

The District has the authority to grant easements pursuant to Education Code § 17556 *et seq.* Before granting an easement under this process; however, the Board must first adopt a "Resolution of Intent" declaring its intention to consider the conveyance of the easement, and setting a public hearing at least ten days after the adoption of the Resolution of Intent so that the public may comment on the proposed conveyance. After holding such hearing, the Board may, unless it receives a written protest signed by at least ten percent of the District's qualified electorate, consider a resolution conveying the requested easement. The hearing must be noticed both through the posting of the Resolution of Intent in at least three public places at least ten days before the hearing, and the publication of notice once in a newspaper of general circulation within the District at least five days before such hearing.

The Resolution of Intent currently before the Board will set a public hearing for October 26, 2016, after which the Board may consider a resolution to convey the easement.

Both the Resolution of Intent, which is currently before the Board, and the subsequent resolution to convey the easement interests, must be approved by a vote of at least two-thirds of all the members of the Board.

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

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

Staff Recommendation

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

Following discussion, it is recommended the Board of Trustees adopt Resolution No. 1617-43, Intent to Consider the Conveyance of an Easement to the Moulton Niguel Water District for the Purposes of Constructing and Operating Certain Water, Reclaimed Water, and Sewer Facilities at Aliso Viejo Transportation North Yard.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

**ADJOURNMENT**

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS  
WEDNESDAY, OCTOBER 26, 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](http://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.*