

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES OF REGULAR MEETING
October 26, 2016
EDUCATION CENTER – BOARD ROOM

President Hanacek called the meeting to order at 5:33p.m.

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

At 5:33 p.m. the Board recessed to closed session to discuss: Conference with Legal Counsel - Anticipated Litigation; Conference with Legal Counsel – Existing Litigation; and Student Expulsions.

The regular meeting of the Board reconvened to open session and was called to order by President Hanacek at 7:00 p.m.

ROLL CALL:

Present: Trustees Alpay, Hanacek, Jones, McNicholas, Pritchard, Reardon and Student Advisor Quinn Darling
Absent: Trustee Hatton-Hodson

The Pledge of Allegiance was led by Principal of Dana Hills High School, Jason Allemann.

**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 McNicholas, seconded by Trustee Jones and motion carried by a 6-0-1 vote to adopt the Board agenda.

**Adoption of the
Board Agenda**

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

Student Advisor Darling voted Aye to adopt the Board agenda.

President Hanacek reported the following action taken during closed session:

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

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

Trustees voted 6-0-1 to approve the ratification of IDR Case Numbers 20160728, 20160729, 20160804, 20160810, 20160811, 20160829, 20160831, 20160902, 20160903 and 20160922.

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

Trustees voted 6-0-1 to approve OAH Case Number 2016070067.

Agenda Item #3B-2 – Conference with Legal Counsel – Existing Litigation

Trustee Reardon recused himself from this item.

Trustees vote 5-0-1-1 to approve OAH Case Number 2016071071.

Agenda Items #3B-3 through #3B-6 – Conference with Legal Counsel – Existing Litigation

Trustees vote 6-0-1 to approve OAH Case Numbers 2016071099, 2016081025, 2016081176 and 2016090206.

Agenda Item #3C – Student Expulsions

Trustees voted 6-0-1 to approve the expulsion of Case Number 2017-006.

Extra Miler

Albert Jeung, Performing Arts Teacher and Orchestra Director from Aliso Niguel High School will present and recognize the following staff members from Soka Performing Arts Center for their support and dedication to the orchestra students at Aliso Niguel High School.

*David C. Palmer, General Manager
Shannon Lee Blas, Patron Services Manager
Rebecca Pierce Goodman, Marketing and Administrative Manager
Samuel Morales, Production and Technical Services Manager*

**Special
Recognitions**

Associated Student Body

*Dana Hills High School
Jason Allemann, Principal
Ken Nedler, Activities Director
Reagan Orloff, Associated Student Union President*

Superintendent Vital reported on various school visits and the activities of the past two weeks. She met with PTSA Presidents from school families around the District and attended several events at their request. She expressed her thanks for the support and dedication of the PTA and the work they do for all of our young people.

**Board and
Superintendent
Comments**

Superintendent Vital attended the Serra High School graduation. She thanked the teachers and staff for the heart and commitment they dedicate to their students.

She attended both the Capistrano Valley High School and Dana Hills High School football games along with the San Clemente High School Homecoming parade.

The following speakers addressed the Board:

- Katie Nichols spoke regarding the Mandarin Immersion Program.
- Mary Salgado spoke regarding the PSAT Exam.
- Brad Jones spoke regarding the Mandarin Immersion Program.
- Dawn Urbanek spoke regarding the District and PTSA Political Advocacy
- Susanne Dachgruber spoke regarding the Mandarin Immersion Program.
- Michele Ploessel-Campbell spoke regarding Jog-A-Thon.

**Oral
Communications**

PUBLIC HEARING

President Hanacek announced the Public Hearing open at 7:44 p.m. to hear College Readiness Block Grant Plan.

**Public Hearing:
College Readiness
Block Grant Plan**

President Hanacek announced the Public Hearing closed at 7:44 p.m.

Agenda Item 1

President Hanacek announced the Public Hearing open at 7:45 p.m. to hear Resolution No. 1617-44, Resolution of the Capistrano Unified School District to Authorize 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.

**Public Hearing:
Resolution No.
1617-44,
Resolution of the
Capistrano Unified
School District to
Authorize
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
Agenda Item 2**

President Hanacek announced the Public Hearing closed at 7:45 p.m.

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.

President Hanacek asked Trustees for Items they wished to pull from the Consent Calendar. Trustee Jones requested to pull Items 7 and 12. Trustee Alpay requested to pull Items 12, 13 and 17. Trustee Reardon requested to pull Item 8.

**Items Pulled from
the Consent
Calendar**

It was moved by Trustee Alpay, seconded by Trustee McNicholas, and motion carried by a 6-0-1 Roll Call vote to approve the following Consent Calendar, with the exception of Items 7, 12, 13 and 17.

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

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

Approval of donations of funds and equipment.

**Donation Of Funds
And Equipment
Agenda Item 3**

Approval of the Agreement for Bond Counsel Services with Orrick, Herrington & Sutcliffe LLP which secures bond counsel services for the issuances of four series of special tax bonds related to Community Facilities District (CFD) 98-1A, 98-1B, 2005-1 and the prepayment of special tax bonds related to CFD 87-1.

**Agreement For
Bond Counsel
Services With
Orrick, Herrington
& Sutcliffe LLP
Agenda Item 6**

Approval of OpenGov, Inc. Software Agreement to provide a software platform to share internal operational reports and provide public access to annual and monthly budget data to understand how tax dollars are spent.

**Opengov, Inc.
Software
Agreement:
Agenda Item 9**

Approval of Progress Adviser, Inc. Service Contract to provide an online data collection tool to assist the District with meeting state-mandated annual facility inspection requirements reporting.

**Progress Adviser,
Inc. Service
Contract
Agenda Item 10**

This item was pulled by staff.

Approval of the Academic Event Contract with Irvine Ranch Outdoor Education Center to provide an overnight outdoor science school trip aligned with grade level science standards.

**Academic Event
Contract With
Irvine Ranch
Outdoor Education
Center
Agenda Item 11**

Approval of Educational Affiliation Agreement with the Rancho Santiago Community College District in the area of the Speech-Language Pathology Assistant Program.

**Educational
Affiliation
Agreement With
The Rancho
Santiago
Community
College District
Agenda Item 14**

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

**Resignations/
Retirements/
Employment –
Classified
Employees
Agenda Item 15**

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

**Resignations/
Retirements/
Employment –
Certificated
Employees
Agenda Item 16**

Approval of the August 10, 2016 Special Board Meeting minutes.

**School Board
Minutes
Agenda Item 18**

ITEMS PULLED FROM CONSENT CALENDAR

Approval of purchase orders and commercial warrants.

**Purchase Orders,
Commercial
Warrants and
Previously Board-
Approved Bids and
Contracts.
Agenda Item 4**

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding a contract in Agenda Item 4.

Following discussion, it was moved by Trustee Alpay, seconded by Trustee McNicholas, and motion carried by a 6-0-1 vote to approve Agenda Item 4.

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

Student Advisor Darling voted Aye to approve Agenda Item 4.

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 5**

It was moved by Trustee Reardon, seconded by Trustee Alpay, and motion carried by a 6-0-1 vote to move Agenda Item 5 for reconsideration.

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

Student Advisor Darling voted Aye to move Agenda Item 5 for reconsideration.

Following discussion, it was moved by Trustee McNicholas, seconded by Trustee Jones, and motion carried by a 6-0-1 vote to approve Agenda Item 5.

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

Student Advisor Darling voted Aye to approve Agenda Item 5.

Approval of the Agreement Letter to participate in the California School Funding Coalition to support and to participate in a legislative effort to influence the implementation and modification of the Local Control Funding Formula, Local Control and Accountability Plan and other legislative/regulatory priorities of the Coalition, to ensure all students and school agencies are treated equitably.

**Agreement Letter
To Participate In
The California
School Funding
Coalition
Agenda Item 7**

The following speakers addressed the Board:

- Sally White spoke regarding the California School Funding Coalition.
- Dawn Urbanek spoke regarding the Agreement Letter, California School Funding Coalition.

Following discussion, it was moved by Trustee Reardon, seconded by Trustee Jones, and motion carried by a 6-0-1 vote to approve Agenda Item 7.

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

Student Advisor Darling voted Aye to approve Agenda Item 7.

Approval of the Simon Youth Academy at the Shops at Mission Viejo Memorandum of Understanding (MOU) to utilize space at the Shops at Mission Viejo, for a term beginning November 1, 2016 and continuing through October 31, 2021.

**Memorandum Of Understanding With Simon Youth Foundation
Agenda Item 12**

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding the Simon Youth Foundation.

Following discussion, it was moved by Trustee Reardon, seconded by Trustee Jones, and motion carried by a 6-0-1 vote to approve Agenda Item 12 with the suggested edit from Trustee Alpay to revise Section 5.3 of the agreement to reflect the “ laws of the State of California”.

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

Student Advisor Darling voted Aye to approve Agenda Item 12.

Approval to utilize the Newport Mesa Unified School District Bid No. 108-16, Fuel (Gasoline and Diesel), awarded to Pinnacle Petroleum, Inc. for the purchase of fuel, as needed by the District, under the same terms and conditions of the public agency’s contract.

**Newport Mesa Unified School District Bid No. 108-16, Fuel (Gasoline And Diesel) – Awarded To Pinnacle Petroleum, Inc.
Agenda Item 8**

Trustee Reardon directed staff to research and ensure the sales taxes the District remits are from a District address and not from a Newport Beach address.

Following discussion, it was moved by Trustee Reardon, seconded by Trustee Alpay, and motion carried by a 6-0-1 vote to approve Agenda Item 8.

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

Student Advisor Darling voted Aye to approve Agenda Item 8.

Approval of DynaFile Subscription Agreement with Blue Ribbon, LLC.

**Dynafile
Subscription
Agreement With
Blue Ribbon, LLC
Agenda Item 13**

Following discussion, it was moved by Trustee Alpay, seconded by Trustee McNicholas, and motion carried by a 6-0-1 vote to approve Agenda Item 13.

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

Student Advisor Darling voted Aye to approve Agenda Item 13.

Approval of the August 10, 2016 Regular Board Meeting minutes.

**School Board
Minutes
Agenda Item 17**

Following discussion, it was moved by Trustee Alpay, seconded by Trustee McNicholas, and motion carried by a 6-0-1 vote to approve Agenda Item 17.

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

Student Advisor Darling voted Aye to approve Agenda Item 17.

DISCUSSION/ACTION ITEMS

President Hanacek recognized Clark Hampton, Deputy Superintendent, Business and Support Services to present information on this item and answer any questions Trustees may have.

**Update on General
Obligation Bond
Measures
Agenda Item 19**

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

President Hanacek recognized Susan Holliday, Associate Superintendent, Education Services to present information on this item and answer any questions Trustees may have.

**College Readiness
Block Grant Plan
Agenda Item 20**

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

President Hanacek recognized Clark Hampton, Deputy Superintendent, Business and Support Services to present this item.

**Resolution No.
1617-44,
Resolution of the
Capistrano Unified
School District to
Authorize
Conveyance of an
Easement to the
Moulton Niguel
Water District for
Purposes of
Constructing and
Operating Certain**

Following discussion, it was moved by Trustee McNicholas, seconded by Trustee Reardon and motion carried by a 5-0-2 Roll Call vote to adopt Resolution No. 1617-44, Resolution of the Capistrano Unified School District to Authorize 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.

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

Student Advisor Darling voted Aye to adopt Resolution No. 1617-44, Resolution of the Capistrano Unified School District to Authorize 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.

**Water, Reclaimed Water, and Sewer Facilities at Aliso Viejo Transportation North Yard
Agenda Item 21**

President Hanacek recognized Susan Holliday, Associate Superintendent, Education Services to present this item.

**Third Reading – Board Policy 0420.41, Charter School Oversight
Agenda Item 22**

Following discussion, it was moved by Trustee Reardon, seconded by Trustee McNicholas and motion carried by a 5-0-2 vote to approve Third Reading – Board Policy 0420.41, Charter School Oversight, as written, with the substitution of “may” for “shall” and the addition of the language “in accordance with law and board policy, the Board may deny a charter’s renewal petition and may revoke upon the grounds set forth in Education Code Section 47605 and Board Policy 0420.4”.

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

Student Advisor Darling voted Aye to approve Third Reading – Board Policy 0420.41, Charter School Oversight.

President Hanacek recognized Gordon Amerson, Associate Superintendent, Human Resource Services to present this item.

**Second Reading – Board Policy 9270, Conflict of Interest
Agenda Item 23**

This item was moved to a Third Reading.

President Hanacek recognized Daniel Burch, Interim Associate Superintendent, SELPA, Special Education Services to present this item.

**Fiscal Crisis and Management Assistance Team Special Education Review Report
Agenda Item 24**

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

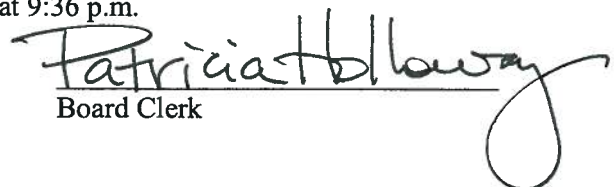
It was moved by Trustee McNicholas, seconded by Trustee Jones and motion carried by a 5-0-2 vote to adjourn the meeting.

Adjournment

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

Student Advisor Darling voted Aye to adjourn the meeting.

President Hanacek announced the meeting adjourned at 9:36 p.m.


Board Clerk



Secretary, Board of Trustees

Minutes submitted by Nicole Perez, Executive Secretary, Board Operations