

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES OF REGULAR MEETING
January 25, 2017
EDUCATION CENTER – BOARD ROOM

President McNicholas called the meeting to order at 5:46 p.m.

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

At 5:48 p.m. the Board recessed to closed session to discuss: Conference with Legal Counsel - Anticipated Litigation; Conference with Legal Counsel – Existing Litigation; Board Policy 4301 Appeal to the Board Regarding Discrimination Complaint Against Employees; Student Expulsions; Student Readmissions; Public Employee Discipline/Dismissal/Release; and Public Employment and Evaluation of Performance.

The regular meeting of the Board reconvened to open session and was called to order by President McNicholas at 7:20 p.m.

ROLL CALL:

Present: Trustees Hanacek, Holloway, Jones, McNicholas, Pritchard, Reardon and Student Advisor Quinn Darling

Absent: Trustee Hatton-Hodson

The Pledge of Allegiance was led by Coach Jaime Ortiz of Capistrano Valley High School.

**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

Prior to the adoption of the agenda, President McNicholas read the following statement regarding the absence of Trustee Hatton-Hodson:

**Adoption of the
Board Agenda**

“Trustee Hatton-Hodson will not be present at this evening’s meeting. She has requested we share the following information with the public:

- (1) She has been diagnosed with an illness that will temporarily prevent her from discharging her Trustee duties.
- (2) She is advised by her doctors that should her treatment regimen be effective, she will be able to return by April, 2017
- (3) She expects to fully recover, and she appreciates the well-wishes she has already received as well as the support of her colleagues in this time”.

It was moved by Trustee Pritchard, seconded by Trustee Reardon 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

Student Advisor Darling voted Aye to adopt the Board agenda.

President McNicholas reported the following action taken during closed session:

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

Agenda Item #3A-1 and A-2 - Conference with Legal Counsel – Anticipated

Litigation

Trustees voted 6-0-1 to approve the ratification of IDR Case Numbers 20161118 and 20161215.

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

The Board will return to Closed Session after the Regular Meeting to address this agenda item.

Agenda Item #3A-4 – Conference with Legal Counsel – Anticipated Litigation

By unanimous vote, with the absence of Trustee Hatton-Hodson, the Board took action in Closed Session to sustain the decision of the administration in denying the challenge to student records.

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

Trustees voted 6-0-1 to approve to approve OAH Case Numbers District Court Case 8:16-cv-0001000, 2016030010/2016020203, 2016100160 and 2016110313.

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

This item was continued to the February 22, 2017 Board Meeting.

Agenda Item #3D – Student Expulsions

Trustees voted 6-0-1 to approve the expulsion of Case Numbers 2017-014, 2017-015, 2017-017, 2017-018, 2017-020 and 2017-021.

Agenda Item #3E – Student Readmissions

Trustees voted 6-0-1 to approve the readmission of Case Number 2016-024.

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

Board gave direction to staff.

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

The Board will return to Closed Session after the Regular Meeting to address this agenda item.

Agenda Item #3G – Public Employment and Evaluation of Performance

The Board will return to Closed Session after the Regular Meeting to address this agenda item.

Superintendent Vital attended the MaxPreps Football Tour of Champions victory **Board and**

celebration of the San Clemente High School football team and congratulated the team on their recent state championship. She personally thanked Coach Ortiz for his commitment to building up young students and for his partnership in helping to create a culture in which coaches' feel supported District-wide and connected to the work they do for young people.

**Superintendent
Comments**

Amy Hanacek recognized Tesoro High School's Keith Hancock, for his nomination as a top ten finalist for the Grammy Music Educator Award. She also recognized the San Clemente High School on their state championship and invited the public to attend the PTA's Reflection Gallery Night.

Extra Miler

Jennifer Mele for her dedication to the students and staff at San Juan Hills High School in her role as media liaison.

**Special
Recognitions**

Associated Student Body

Tesoro High School

Bill Mocnik, Principal

Christina Migge, Activities Director

Brian Kim, Associated Student Body President

The following speakers addressed the Board:

- Kim Sprague spoke regarding student suicide and post-intervention.
- Michael Yousef spoke regarding the Mandarin Immersion Program.
- Michele Ploessel-Campbell regarding the PTA Reflection Gallery Night.
- Kathy Brevoort spoke regarding PTA and monthly Communications with the Board.

**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.

President McNicholas asked Trustees for Items they wished to pull from the Consent Calendar. Trustee Jones requested to pull Items 19 and 20. Trustee Holloway requested to pull Item 8.

**Items Pulled from
the Consent
Calendar**

Staff pulled Agenda Item 28. Staff pulled Agenda Item 19 from the Consent Calendar to note the following change: Deletion of the language "subject to the proportionality of available space" and the addition of a period (.) at the end of the sentence.

Public speakers requested to pull Agenda Items 1, 3, 7, 14, 18, 19, 20 and 26.

It was moved by Trustee Hanacek, seconded by Trustee Reardon, and motion carried by a 6-0-1 Roll Call vote to approve the following Consent Calendar, with the exception of Items 19 and 20.

AYES: Trustees Hanacek, Holloway, 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 purchase orders and commercial warrants.

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

Approval of the Agreement For Use of Emerald Cove Outdoor Science Institute Facilities, Supplies, Equipment, and Services Public School Districts School Year 2016-2017 to provide a program and classes in outdoor science and environmental education.

**Agreement for Use
of Emerald Cove
Outdoor Science
Institute Facilities,
Supplies,
Equipment, and
Services Public
School Districts
School Year 2016-
2017
Agenda Item 4**

Approval of the Amendment to Extension No. 1 of Agreement Bid No. 1516-02 for the purchase of audio visual equipment with Golden Star Technology dba GST, removing Item No. 27, Epson LCD Projector HDMI Powerlite 575W.

**Amendment to
Extension No. 1 of
Agreement Bid No.
1516-02, Audio
Visual Equipment
With Golden Star
Technology DBA
GST
Agenda Item 5**

Approval of the Award of Bid No. 1617-02, Tree Trimming Maintenance Service to West Coast Arborists, Inc.

**Award Bid No.
1617-02, Tree
Trimming
Maintenance
Service – West
Coast Arborists,
Inc.
Agenda Item 6**

Approval of Change Order No. 1, Bid No. 1516-10 for the San Clemente High School Building 800 Project related to unforeseen underground work for the building pad and utilities.

**Change Order No.
1, Bid No. 1516-10,
San Clemente High
School Building**

**800 Project
Agenda Item 9**

Approval of the Award of Bid No. 1617-01, San Juan Hills High School Building J to the lowest bidder.

**Change Order No. 1, Bid No. 1617-01, San Juan Hills High School Building J Project
Agenda Item 10**

Approval of the continuous public notice related to the disposal of District-owned surplus property.

**Continuous Public Notice – Disposal of Surplus Property
Agenda Item 11**

Approval of the declaration of surplus items listed and described as surplus, and the approval of the public and private disposition of the surplus items in accordance with Education Code §§17545-17546 and Board Policy 3270, posted on the Purchasing Bids/RFP's Supporting Documentation webpage.

**Declaration of Surplus Items
Agenda Item 12**

Approval of Extension No. 2 of Bid No. 1415-08 with Vertical Transport, Inc., to provide elevator service, maintenance, and repairs as needed throughout the District.

**Extension No. 2 of Bid No. 1415-08, Elevator Service, Maintenance and Repair – Vertical Transport, Inc.
Agenda Item 13**

Approval of the filing of a Notice of Exemption for the Tesoro High School Classroom Addition in compliance with California Environmental Quality Act (CEQA) Guidelines § 15302.

**Filing A Notice of Exemption for the Tesoro High School Classroom Addition Project
Agenda Item 15**

Approval to procure eligible E-Rate items (Categories 1 and 2) utilizing Requests for Proposals (RFP) process. Public Contract Code Section 20118.2 states that due to the highly specialized nature of technology, telecommunications, related equipment, software and services, it is in the public's best interest to allow a school district to consider, in addition to price, various factors.

**Procure Eligible E-Rate Items Utilizing Requests for Proposals Process
Agenda Item 16**

Approval of Resolution No. 1617-49, Authorization to Renew a Community Service Program (SP) Certification through the Department of Resources Recycling and Recovery (CalRecycle).

**Resolution No. 1617-49
Authorization to Renew a Community Service Program Certification**

**Through the
Department of
Resources
Recycling and
Recovery
Agenda Item 17**

Approval of revised Amendment #2 to the Orange County Career Pathways Partnership Program Memorandum of Understanding Number 40909 includes a revision to paragraph D regarding reporting requirements.

**Revised
Amendment #2 to
The Orange
County Career
Pathways
Partnership
Program MOU
Number 40909
Agenda Item 21**

Approval of the Capistrano Unified School District's response to the preconditions adopted in December 2015 by the Commission on Teacher Credentialing (CTC).

**General
Institutional
Preconditions for
All Educator
Preparation
Programs
Agenda Item 22**

Approval of Internship Agreement with the California State University, Long Beach for January 26, 2017 until terminated by either party.

**Internship
Agreement with
California State
University of Long
Beach
Agenda Item 23**

Approval of Memorandum of Understanding (MOU) with Alliant International University Inc. This MOU shall become effective January 1, 2017 – December 31, 2021 in the areas of School Psychology, School Counseling, and Teacher Credentialing.

**Memorandum of
Understanding
with Alliant
International
University, Inc.
Agenda Item 24**

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

**Resignations/
Retirements/
Employment –
Classified
Employees
Agenda Item 25**

Approval of the August 30, 2016 Special Board Meeting minutes.

**School Board
Minutes
Agenda Item 27**

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

**School Board
Minutes
Agenda Item 28**

This item was pulled by staff.

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 Reardon, and motion carried by a 6-0-1 Roll Call vote to approve Agenda Item 1.

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

Student Advisor Darling voted Aye to approve Agenda Item 1.

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**

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding District contracts.

It was moved by Trustee Hanacek, seconded by Trustee Reardon, and motion carried by a 6-0-1 Roll Call vote to approve Agenda Item 3.

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

Student Advisor Darling voted Aye to approve Agenda Item 3.

Approval of the Award of Bid No. 1617-15, Modular Building Services at Tesoro High School to Class Leasing LLC.

**Award Bid No.
1617-15, Modular
Building Services
at Tesoro High
School – Class
Leasing LLC
Agenda Item 7**

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding Award Bid No. 1617-15, Modular Building Services at Tesoro High School.

It was moved by Trustee Hanacek, seconded by Trustee Reardon, and motion carried by a 6-0-1 Roll Call vote to approve Agenda Item 7.

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

Student Advisor Darling voted Aye to approve Agenda Item 7.

Approval of the Award of Bid No. 1617-16, Marblehead Elementary School Outdoor Classroom to So Cal Seven, Inc. dba Prunin Arboriculture & Landscape Maintenance.

**Award Bid No.
1617-16,
Marblehead
Elementary School
Outdoor
Classroom –
Prunin
Arboriculture &
Landscape
Maintenance
Agenda Item 8**

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

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

Student Advisor Darling voted Aye to approve Agenda Item 8.

Approval of the District response to the Grand Jury Report titled Dealing with Asbestos in Orange County Public Schools (Report).

**Grand Jury Report
and District
Response
Agenda Item 14**

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding the Grand Jury Report and District Response.

It was moved by Trustee Hanacek, seconded by Trustee Reardon, and motion carried by a 6-0-1 Roll Call vote to approve Agenda Item 14.

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

Student Advisor Darling voted Aye to approve Agenda Item 14.

Approval of a 3 year Science Technology Engineering and Mathematics professional development proposal from Discovery Education for 11 elementary schools.

**Discovery
Education
Professional
Development
Agenda Item 18**

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding Discovery Education Professional Development.

It was moved by Trustee Hanacek, seconded by Trustee Reardon, and motion carried by a 6-0-1 Roll Call vote to approve Agenda Item 18.

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

Student Advisor Darling voted Aye to approve Agenda Item 18.

Board Policy 5119, *School of Choice (SOC)*, has been updated to reflect the following changes: removal of language indicating the 2016-2017 school year, adding a

**First Reading -
Board Policy 5119,**

stipulation that “continuing students” who move out of the boundary cannot displace a student living in that boundary, updated language that references Title I and Program Improvement schools and changing it to reflect the new Every Student Succeeds Act language to “participating in Title I Public School Choice” and clarifying language regarding students transferring back to school of residence that is impacted.

**School of Choice
Agenda Item 19**

The following speakers addressed the Board:

- Kim Sprague spoke regarding Board Policy 5119, School of Choice.
- Dawn Urbanek spoke regarding Board Policy 5119, School of Choice.
- Diana Eubanks spoke regarding Board Policy 5119, School of Choice.

It was moved by Trustee Jones, seconded by Trustee Reardon, and motion carried by a 6-0-1 Roll Call vote to approve Agenda Item 19 with the revisions provided by Trustee Jones and with the status of Tesoro High School reflected as “open” for School of Choice.

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

Student Advisor Darling voted Aye to approve Agenda Item 19.

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

**Hanover Research
Partnership
Agreement
Extension
Agenda Item 20**

The following speaker addressed the Board:

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

It was moved by Trustee Jones, seconded by Trustee Reardon, and motion carried by a 6-0-1 Roll Call vote to continue Item 20 and add the language “subject to the laws of the State of California” to the agreement.

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

Student Advisor Darling voted Aye to approve Agenda Item 20.

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

**Resignations/
Retirements/
Employment –
Certificated
Employees
Agenda Item 26**

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding Resignations/Retirements/Employment of Certificated Employees.

It was moved by Trustee Hanacek, seconded by Trustee Reardon, and motion carried by a 6-0-1 Roll Call vote to approve Agenda Item 26.

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

Student Advisor Darling voted Aye to approve Agenda Item 26.

DISCUSSION/ACTION ITEMS

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

**#CapoForward
Presentation Part
Two (of Three)
Agenda Item 34**

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

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

**Presentation and
Receipt of the
District and
Community
Facilities Districts
Annual Financial
Reports for the
Fiscal Year Ending
June 30, 2016
Agenda Item 29**

Following discussion, it was moved by Trustee Jones, seconded by Trustee Reardon, and motion carried by a 6-0-1 vote to approve Agenda Item 29.

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

Student Advisor Darling voted Aye to approve Agenda Item 29.

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

**Board Policy 4031
Appeal to the
Board Regarding
Discrimination
Complaint Against
Employees
Agenda Item 30**

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

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

**Governor's
January Budget
Proposal for Fiscal
Year 2017-2018
Agenda Item 31**

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding the January Budget Proposal for Fiscal Year 2017-2017.

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

Following discussion, it was moved by Trustee Hanacek, seconded by Trustee Jones, and motion carried by a 6-0-1 vote to postpone Agenda Items 32, 33, 35, 36 and 37 to the February 22, 2017 Board Meeting so the Board could reconvene to Closed Session

**Postponement of
Agenda Items 32,
33, 35, 36 and 37**

due to time constraints and the length of the current meeting.

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

Student Advisor Darling voted Aye to approve the postponement of Agenda Items 32, 33, 35, 36 and 37 to the February 22, 2017 Board Meeting.

This item was moved to the February 22, 2017 Board Meeting.

**State
Accountability
Overview
Agenda Item 32**

This item was moved to the February 22, 2017 Board Meeting.

**First Reading -
Board Policy 6171,
Title I Programs
Agenda Item 33**

This item was moved to the February 22, 2017 Board Meeting.

**First Reading –
Revisions to Board
Policy 3430,
Investment And
Debt Management
Agenda Item 35**

This item was moved to the February 22, 2017 Board Meeting.

**First Reading –
Board Policy 5111,
Admission
Agenda Item 36**

This item was moved to the February 22, 2017 Board Meeting.

**First Reading –
Revisions to Board
Policy 5111.1,
District Residency
Agenda Item 37**

This item was moved to a Third Reading.

**Second Reading –
Revisions to Board
Policy 5112,
Absences and
Excuses
Agenda Item 38**

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

**First Reading -
Board Policy
6146.1, High
School Graduation
Requirements
Agenda Item 39**

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding Board Policy 6146.1, High School Graduation

Requirements.

Following discussion, it was moved by Trustee Reardon, seconded by Trustee Hanacek, and motion carried by a 6-0-1 vote to suspend Board Bylaw 9311, to allow the Board to waive a Second Reading, and to approve Board Policy 6146.1, High School Graduation Requirements on a First Reading.

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

Student Advisor Darling voted Aye to approve Agenda Item 39.

President McNicholas recognized Gordon Amerson, Associate Superintendent, Human Resource Services to present information on this item and answer any questions Trustees may have.

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding the Adoption of the District's Proposal to California School Employees Association for 2016-2017 Negotiations.

Following discussion, it was moved by Trustee Hanacek, seconded by Trustee Pritchard, and motion carried by a 6-0-1 vote to approve Agenda Item 40.

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

Student Advisor Darling voted Aye to approve Agenda Item 40.

President McNicholas recognized Gordon Amerson, Associate Superintendent, Human Resource Services to present information on this item and answer any questions Trustees may have.

Following discussion, it was moved by Trustee Pritchard, seconded by Trustee Holloway, and motion carried by a 6-0-1 vote to approve Agenda Item 41.

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

Student Advisor Darling voted Aye to approve Agenda Item 41.

At 11:04 p.m. the Board recessed to closed session to discuss: Conference with Legal Counsel - Anticipated Litigation; Public Employee Discipline/Dismissal/Release; and Public Employment and Evaluation of Performance.

The Board reconvened from Closed Session at 11:47 p.m.

**Adoption of
District's Initial
Proposal to
California School
Employees
Association for
2016-2017
Negotiations
Agenda Item 40**

**Adoption of
District's Initial
Proposal to
Teamsters for
2016-2017
Negotiations
Agenda Item 41**

**Recess to Closed
Session**

President McNicholas reported the following action taken during closed session: **President's Report from Closed Session Meeting**
Agenda Item #3A-3 – Conference with Legal Counsel – Anticipated Litigation

No Reportable Action.

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

No Reportable Action.

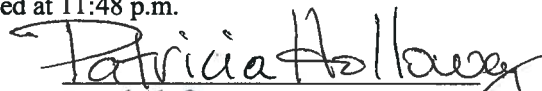
Agenda Item #3G – Public Employment and Evaluation of Performance

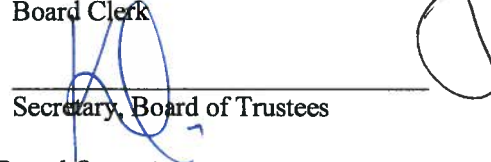
No Reportable Action.

It was moved by Trustee Reardon, seconded by Trustee Pritchard and motion carried **Adjournment** by a 6-0-1 vote to adjourn the meeting.

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

President McNicholas announced the meeting adjourned at 11:48 p.m.



Board Clerk


Secretary, Board of Trustees

Minutes submitted by Nicole Perez, Executive Secretary, Board Operations