

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

BOARD OF TRUSTEES
Regular Meeting

REVISED

May 10, 2017

Closed Session 4:30 p.m.
Open Session 7:00 p.m.

AGENDA

CLOSED SESSION AT 4:30 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

Attorney – Cathie Fields

Significant Exposure to Litigation – One Case

(Pursuant to Education Code §49070(c))

EXHIBIT A-1

Janie Hoy/Sara Young

Attorney – Ernest Bell

Significant Exposure to Litigation – Three Cases

IDR Case Number 20170110

IDR Case Number 20170327

IDR Case Number 20170410

(Pursuant to Government Code § 54956.9(d)(2))

EXHIBIT A-2

EXHIBIT A-3

EXHIBIT A-4

Attorney – David Huff

Significant Exposure to Litigation – One Case

(Pursuant to Government Code § 54956.9 (d)(2))

EXHIBIT A-5

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Janie Hoy/Sara Young

Attorney – Ernest Bell

Significant Exposure to Litigation – Two Cases

OAH Case Number 2017020910

OAH Case Number 2017031070

(Pursuant to Government Code § 54956.9(d)(1))

EXHIBIT B-1

EXHIBIT B-2

C. CONFERENCE WITH LABOR NEGOTIATORS

District Negotiators: Kirsten M. Vital/Gordon Amerson/Clark Hampton

Attorney – Jonathan Pearl

Employee Organizations:

1) Capistrano Unified Education Association (CUEA)

2) California School Employees Association (CSEA)

3) Teamsters

(Pursuant to Government Code § 54957.6)

D. PUBLIC EMPLOYEE/DISCIPLINE/DISMISSAL/RELEASE

Gordon Amerson
One Case
(Pursuant to Government Code § 54957)

EXHIBIT D-1

E. PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT

Gordon Amerson
Two Cases
(Pursuant to Government Code § 54957)

EXHIBIT E-1
EXHIBIT E-2

F. PUBLIC EMPLOYMENT AND EVALUATION OF PERFORMANCE

Superintendent
(Pursuant to Government Code § 54957(b))

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

Mike Beekman, Executive Director, Safety and Student Services
Chad Smith, Coordinator Pupil Welfare
Jenna Perry, School Counselor/SARB Coordinator

Recognized for creating a successful system to address student attendance issues that resulted in the District receiving the Model SARB Award by the State of California.

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 HEARINGS

1. PUBLIC HEARING: RESOLUTION NO. 1617-74, CONVEYANCE OF AN EASEMENT TO THE CITY OF SAN CLEMENTE FOR VERDE PARK:

The Board will conduct a public hearing on adopting Resolution No. 1617-74, to convey an easement to the City of San Clemente for Verde Park on a portion of property owned by the District located at 189 Avenida La Cuesta, San Clemente, Ca 92672 and 700 Avenida Pico, San Clemente, CA 92673 pursuant to Education Code § 17556 *et. seq.* in order for the City to install and maintain landscaping, hardscaping, vegetation, irrigation and related improvements consistent with use as a public park. Supporting information is located in Exhibit 28.

Page 1
EXHIBIT 1

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.

2. **PUBLIC HEARING: RESOLUTION NO. 1617-75, APPROVING ENERGY SERVICES CONTRACT WITH SCHNEIDER ELECTRIC BUILDINGS AMERICAS, INC. FOR APPROVED PLAN NO. 2 (APPLICATION NO. 1646) FOR THE DISTRICT’S ENERGY CONSERVATION PROGRAM FOR SIX SCHOOL SITES:** Page 2
EXHIBIT 2

The Board will conduct a public hearing on adopting Resolution No. 1617-75, Approving Energy Services Contract with Schneider Electric Buildings Americas, Inc. for Approved Plan No. 2 (Application No. 1646) 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

3. **DONATION OF FUNDS AND EQUIPMENT:** Page 3
EXHIBIT 3
Approval of donations of funds and equipment. A number of gifts have been donated to the District, including \$129,945.31 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

4. **PURCHASE ORDERS, COMMERCIAL WARRANTS AND PREVIOUSLY BOARD-APPROVED BIDS AND CONTRACTS:** Page 5
EXHIBIT 4
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 \$20,966,081.15 and the commercial warrants total \$18,967,935.32. 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

- 5. INDEPENDENT CONTRACTOR, PROFESSIONAL SERVICES, FIELD SERVICE AND MASTER CONTRACT AGREEMENTS:** Page 67
EXHIBIT 5

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 \$224,840 and five amendments to existing agreements totaling \$280,000. 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

- 6. EXTENSION NO. 2 OF BID NO. 1415-17, MOVEMENT AND RECONFIGURATION OF RELOCATABLE BUILDINGS - G.A. DOMINGUEZ:** Page 188
EXHIBIT 6

Approval of Extension No. 2 of Bid No. 1415-17, Movement and Reconfiguration of Relocatable Buildings to G.A. Dominguez to provide movement and reconfiguration of relocatable buildings as needed throughout the District. The initial term of the bid award was for one year beginning March 1, 2015 through February 29, 2016 with two one-year renewal terms at the option of the Board of Trustees for a total contract term not-to-exceed 36 months. The vendor agrees to maintain their current pricing for the renewal period of March 1, 2017 through February 28, 2018 shown in Exhibit A attached. Annual expenditures utilizing this contract are estimated to be \$350,000 funded by deferred maintenance, routine restricted maintenance funds, Developer Fees and Community Facilities Districts, depending on the project. Actual expenditures will vary based on District needs and availability of funding.

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

- 7. EXTENSION NO. 2 OF BID NO. 1516-04, WEED ABATEMENT SERVICES - E. STEWART AND ASSOCIATES, INC.:** Page 206
EXHIBIT 7

Approval of Extension No. 2 of Bid No. 1516-04, Weed Abatement Services to E. Stewart and Associates, Inc. to provide weed abatement services as needed throughout the District. The initial term of the bid award was for one year beginning July 1, 2015 through June 30, 2016 with two one-year renewal terms at the option of the Board of Trustees for a total contract term not-to-exceed 36 months. Extension No. 1 was approved for an additional contract period of July 1, 2016 through June 30, 2017. The vendor agrees to maintain their current pricing for the renewal period of July 1, 2017 through June 30, 2018 as shown in Exhibit A attached. Annual expenditures utilizing this contract are estimated to be \$150,000 funded by the general fund. Actual expenditures will vary based on District needs and availability of funding.

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

- 8. CHANGE ORDER NO. 2, BID NO. 1516-10, SAN CLEMENTE HIGH SCHOOL BUILDING 800 PROJECT:** Page 226
EXHIBIT 8

Approval of Change Order No. 2, Bid No. 1516-10 for the San Clemente High School Building 800 Project related to unforeseen underground conditions which required adjustments to the building's footings. 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 \$8,988,888. The new contract sum including Change Order No. 2 is \$9,165,648.26 funded by Developer Fees, School Facility Funds, Special Reserve Funds and CFD 90-2.

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

9. **PROCURE ELIGIBLE TELECOMMUNICATION SERVICES UTILIZING REQUESTS FOR PROPOSALS PROCESS:** Page 282
EXHIBIT 9
- Approval to procure eligible telecommunications services utilizing a Requests for Proposals (RFP) process. Public Contract Code § 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. Section 20118.2(c) requires that prior to awarding contracts utilizing the competitive negotiation RFP process discussed in § 20118.2(d), the governing board must make a finding that the items listed in the proposed Request for Proposal No. 2-1718, Telecommunications Services is eligible under the Public Contract Code § 20118.2. The Request for Proposal No. 2-1718, Telecommunications Services is posted online on the District's Board Agendas and Supporting Documentation (Purchasing website) page.
- Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*

10. **RESOLUTION NO. 1617-76, SIGNATURE AUTHORIZATION:** Page 283
EXHIBIT 10
- Approval of Resolution No. 1617-76 to establish updated electronic signature authorizations. The Orange County Department of Education requires the Board of Trustees to establish the names of administrators authorized to sign payroll notices of employment/changes of status, timesheets, vendor orders for payment and warrant registers. This Resolution authorizes Kirsten M. Vital, Superintendent; Clark D. Hampton, Deputy Superintendent, Business and Support Services; Gordon D. Amerson, Associate Superintendent, Human Resource Services; Philippa K. Geiger, Assistant Superintendent, Fiscal Services; Dana A. Ramirez, Manager, Fiscal Accounting; Matthew L. Krause, Director, Fiscal Services and Elizabeth A. Bley, Manager, Payroll as the District administrators authorized to sign these documents. The Resolution also states a signature stamp is authorized for Kirsten M. Vital, Clark D. Hampton and Philippa K. Geiger and only one signature or signature stamp is required by the Board of Trustees for processing these documents. There are no financial implications related to adoption of this Resolution.
- Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*

CURRICULUM AND INSTRUCTION

11. **AGREEMENT WITH ASSISTANCE LEAGUE OF CAPISTRANO VALLEY:** Page 288
EXHIBIT 11
- Approval of the Agreement with Assistance League of Capistrano Valley beginning May 18, 2017 through May 18, 2022 to provide the following philanthropic programs to students in the District: Operation School Bell, provides clothing, shoes, hygiene and other supplies to children in need; Hands on Literacy, provides reading assistance in the classroom of elementary students in need; Links to Learning, provides grants to qualified personnel to enrich classroom instruction for middle school children; Scholarships for Military Families, provides scholarships to District graduating seniors, in need, from active military families at Camp Pendleton. There is no financial impact
- Contact: Susan Holliday, Associate Superintendent, Education Services*
12. **AVID COLLEGE READINESS SYSTEM SERVICES AND PRODUCTS AGREEMENT - AVID ELEMENTARY AND SECONDARY MEMBERSHIP:** Page 293
EXHIBIT 12
- Approval of the Advancement Via Individual Determination (AVID) College Readiness System Services and Products Agreement for AVID Elementary and Secondary Membership. This Agreement provides services and products to support 11 Secondary AVID Sites, as well as 2 Elementary AVID Sites. The contract term is from July 1, 2017 through June 30, 2018. Annual expenditures under this contract for AVID Secondary Membership are limited to \$38,599 funded by LCFE Supplemental. AVID Elementary Membership is limited to \$5,598 funded by Title I.

Contact: Susan Holliday, Associate Superintendent, Education Services

13. **AMENDMENT NO. 1 TO THE MEMORANDUM OF UNDERSTANDING WITH CHILDREN’S HOSPITAL OF ORANGE COUNTY, A CALIFORNIA NONPROFIT PUBLIC BENEFIT CORPORATION:** Page 306
EXHIBIT 13

Approval of Amendment No. 1 to the Memorandum of Understanding (MOU) with Children’s Hospital of Orange County (CHOC), a California Non-profit Public Benefit Corporation, will extend current mobile health care service opportunities to students in the District from July 1, 2016 to June 30, 2019. Based on the current mobile health care schedule, no mobile health care services are currently provided by CHOC to District schools for the 2016-2017 school year. Past services have focused on the CHOC Breathmobile providing services for students with asthma. Future services, per the MOU, may include treatment of asthma, minor medical conditions, acute and well-child physical examinations, adolescent services, immunizations and appropriate medical referrals for follow-up care. All participants will require parent permission to participate in the services offered.

Contact: Susan Holliday, Associate Superintendent, Education Services

14. **CONTRACT #: CB-00019350 COLLEGE BOARD’S COLLEGE READINESS AND SUCCESS CONTRACT:** Page 316
EXHIBIT 14

Approval of Contract #: CB-00019350 College Board’s College Readiness and Success Contract for Preliminary Scholastic Aptitude Test (PSAT)/National Merit Scholarship Qualifying Test (NMSQT) Administration. This contract will allow College Board to administer the PSAT/NMSQT to all District grade 9, 10 and 11 students on October 11, 2017. The \$133,866 cost will be funded with Local Control Accountability Plan funds.

Contact: Susan Holliday, Associate Superintendent, Education Services

HUMAN RESOURCE SERVICES

15. **CALIFORNIA STATE UNIVERSITY, LONG BEACH STUDENT FIELD PLACEMENT AGREEMENT:** Page 328
EXHIBIT 15

Approval of Student Field Placement Agreement with California State University, Long Beach (CSULB), effective April 14, 2017 until terminated by either party with 30 days written notice. This agreement is an amendment to the District’s existing Educational Affiliation Agreement with CSULB, approved by the Board of Trustees on July 20, 2016. This amendment adds Student Teaching to the agreement. During the school year, credential candidates will work with District teachers to fulfill practicum/fieldwork requirements to earn their credential.

Contact: Gordon Amerson, Associate Superintendent, Human Resource Services

16. **UNIVERSITY OF REDLANDS INTERNSHIP PROGRAM MEMORANDUM OF UNDERSTANDING:** Page 334
EXHIBIT 16

Approval of University of Redlands Internship Program Memorandum of Understanding (MOU) effective June 1, 2017 until June 1, 2019. Human Resource Services has partnered with the University of Redlands in order to meet the growing demand of employing qualified teachers in hard-to-fill areas such as Special Education, Physics, Chemistry, Mathematics, World Languages, and Bilingual Cross-cultural and Academic Development (BCLAD).

Contact: Gordon Amerson, Associate Superintendent, Human Resource Services

17. **UNIVERSITY OF REDLANDS EDUCATIONAL FIELDWORK AGREEMENT:** Page 341
EXHIBIT 17

Approval of Educational Affiliation Agreement with the University of Redlands, effective July 1, 2017 until June 30, 2019. During the school year, credential

candidates will work with District teachers to fulfill fieldwork requirements to earn their credential.

Contact: Gordon Amerson, Associate Superintendent, Human Resource Services

18. **WAKE FOREST UNIVERSITY PRACTICUM AND INTERNSHIP SITE AGREEMENT:** Page 345
EXHIBIT 18
Approval of a Supervised Practicum and Internship Site Agreement with Wake Forest University Department of Counseling effective August 1, 2017 through August 2, 2022. During the school year, students from the university will work with District Counselors to provide clinical learning experiences as a requirement for their degree.
Contact: Gordon Amerson, Associate Superintendent, Human Resource Services
19. **RESIGNATIONS/RETIREMENTS/EMPLOYMENT – CLASSIFIED EMPLOYEES:** Page 354
EXHIBIT 19
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
20. **RESIGNATIONS/RETIREMENTS/EMPLOYMENT – CERTIFICATED EMPLOYEES:** Page 367
EXHIBIT 20
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

21. **SCHOOL BOARD MINUTES:** Page 378
EXHIBIT 21
Approval of the March 8, 2017 Regular Board Meeting minutes.
Contact: Nicole Perez, Executive Secretary, Board Operations
22. **SCHOOL BOARD MINUTES:** Page 387
EXHIBIT 22
Approval of the March 22, 2017 Regular Board Meeting minutes.
Contact: Nicole Perez, Executive Secretary, Board Operations
23. **SCHOOL BOARD MINUTES:** Page 399
EXHIBIT 23
Approval of the April 12, 2017 Special Board Meeting minutes.
Contact: Nicole Perez, Executive Secretary, Board Operations
24. **SCHOOL BOARD MINUTES:** Page 401
EXHIBIT 24
Approval of the April 12, 2017 Board Workshop Meeting minutes.
Contact: Nicole Perez, Executive Secretary, Board Operations
25. **SCHOOL BOARD MINUTES:** Page 402
EXHIBIT 25
Approval of the April 19, 2017 Regular Board Meeting minutes.
Contact: Nicole Perez, Executive Secretary, Board Operations

DISCUSSION/ACTION ITEMS

26. **CITIZENS REQUEST:** INFORMATION/
DISCUSSION
Page 416
EXHIBIT 26
Board Policy 9322, *Agenda/Meeting Materials*, states any member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. Michelle Wendehost requested the placement of an agenda item to address the Board regarding Assembly Bill 424, *Possession of a firearm in a school zone*.

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

Contact: Kirsten M. Vital, Superintendent

27. TRUSTEE REQUEST:

Board Policy 9322, *Agenda/Meeting Materials*, states any member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. During the April 19, 2017 Board Meeting, Trustee Hatton-Hodson requested the placement of Board Bylaw 9323, *Meeting Conduct*, on the May 10, 2017 agenda to discuss the bylaw language and alignment of the public speaker “blue card”.

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

Contact: Kirsten M. Vital, Superintendent

INFORMATION/
DISCUSSION
Page 424
EXHIBIT 27

28. RESOLUTION NO. 1617-74, CONVEYANCE OF AN EASEMENT TO THE CITY OF SAN CLEMENTE FOR VERDE PARK:

Approval to Convey an Easement to the City of San Clemente on a portion of the property owned by the District in order for the City to install and maintain landscaping, hardscaping, vegetation, irrigation and related improvements consistent with use as a public park. The City of San Clemente’s (City) Verde Park is an approximately 3-acre park site that includes a tennis court, playground equipment, picnic benches, sidewalks, parking area and a large turf area. San Clemente High School Upper campus is located on the west side adjacent to Verde Park. In April 2014, the City of San Clemente hired an arborist to conduct an arboricultural assessment of the Verde Park trees. During the evaluation, it was discovered a portion of Verde Park was constructed on District property. The Board of Trustees is considering granting an Easement to the City on a portion of the property owned by the District located at 189 Avenida La Cuesta, San Clemente, CA 92672 and 700 Avenida Pico, San Clemente, CA 92673 in order for the City to install and maintain landscaping, hardscaping, vegetation, irrigation and related improvements consistent with use as a public park.

DISCUSSION/
ACTION
Page 429
EXHIBIT 28

Pursuant to Education Code § 17556 *et. seq.*, the Board, at its April 19, 2017 meeting, adopted Resolution No. 1617-68 indicating its intention to convey the Easement to the City of San Clemente and calling a noticed “Public Hearing” to address the issue of whether the District should convey the Easement to the City of San Clemente (Resolution of Intent). The Resolution of Intent established that the Public Hearing would be held during the Board’s May 10, 2017 meeting and directed the Superintendent or Superintendent’s designee to provide notice of Public Hearing as required by Education Code § 17558. The District complied with the notice requirements by posting three copies of the Resolution of Intent, signed by the Board clerk and secretary, in three public places by May 1, 2017 (ten days before the Public Hearing), and by publishing notice of the Public Hearing in the Orange County Register by May 5, 2017 (five days before the Public Hearing). The Board will now hold the Public Hearing. The Board, having both adopted its Resolution of Intent, as required by Education Code § 17557, and held a public hearing on whether to convey the Easement to the City of San Clemente as required by Education Code § 17558, may then consider whether to convey the Easement to the City of San Clemente, unless the Board receives a petition signed by at least ten percent of the qualified voters within the District (Protest Petition) objecting to the proposed conveyance. Absent receipt of a Protest Petition, the Board may consider the adoption of Resolution No. 1617-74 authorizing the conveyance of the Easement to the City of San Clemente, pursuant to Education Code § 17559. If a Protest Petition is received, then the Board must postpone any decision on whether to convey the Easement to the City of San Clemente and first

submit the question of whether to convey the Easement to the Orange County Superintendent of Schools. If the Superintendent of Schools approves the Easement, then the Board may consider approval of the conveyance. If the Superintendent disapproves of the Easement, its final and the District may not convey the Easement. This Resolution to Convey an Easement to the City of San Clemente must be approved by a vote of at least two-thirds of all 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. 1617-74, Conveyance of an Easement to the City of San Clemente for Verde Park.

Motion by _____ Seconded by _____

29. RESOLUTION NO. 1617-75, APPROVING ENERGY SERVICES CONTRACT WITH SCHNEIDER ELECTRIC BUILDINGS AMERICAS, INC. FOR APPROVED PLAN NO. 2 (APPLICATION NO. 1646) FOR THE DISTRICT'S ENERGY CONSERVATION PROGRAM FOR SIX SCHOOL SITES:

DISCUSSION/
ACTION
Page 446
EXHIBIT 29

This agenda item pertains to the adoption of Resolution No. 1617-75, Approving Energy Services Contract with Schneider Electric Buildings Americas, Inc. for Approved Plan No. 2 (Application No. 1646) for the District's Energy Conservation Program for Six School Sites. The District's Energy Conservation Program Application 1646 was approved by the California Energy Commission (CEC) on October 26, 2016. The implementation of Approved Plan No. 2 (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. 2 in the amount of \$3,409,320. On December 9, 2015, 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 May 10, 2017 Board and as such, Notice was given on April 24, 2017 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 May 10, 2017, to 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. 2 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. 2 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. 1617-75, Approving Energy Services Contract with Schneider Electric Buildings Americas, Inc. for Approved Plan No. 2 (Application No. 1646) for the District's Energy Conservation Program for Six School Sites.

30. CANDIDATE APPRAISERS FOR REAPPRAISAL OF THE ESENCIA SCHOOL SITE:

DISCUSSION/
ACTION
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EXHIBIT 30

The District entered into a Memorandum of Understanding (MOU) Regarding Agreement for Purchase and Sale and Escrow Instructions (PA2 School Site) with RMV Community Development, LLC and RMV PA2 Development, LLC (Developer) that relates to the School Facilities and Funding Agreement and Option Purchase School Site (SFF/Agreement) executed in 2013 and the Agreement for Purchase and Sale and Escrow Instruction PA2 School Site (Purchase Agreement) executed on January 19, 2017. With execution of the SFF/Agreement, the District is granted the right to purchase a 14-acre site in PA2 with a purchase price based on the fair market value of the land based upon its highest and best use as residential development pursuant to developer's entitlements, as determined by an MAI appraiser. An appraisal of the PA2 School Site was completed by Larry W. Heglar & Associates on October 24, 2016 and an opinion of fair market value of the land was determined to be \$33,860,000. On March 24, 2017, the District and the Developer entered into the MOU providing for confirmation or adjustment of the purchase price by obtaining and averaging two additional appraisals. Per the MOU, the District is to select two Developer approved MAI appraisers with experience appraising commercial and residential properties in South Orange County to conduct the reappraisal.

District staff has identified the following five candidate appraisers who are MAI and state licensed with specific South Orange County experience:

- Steve Calandra, Integra Realty Resources
- David Cornell, Cornell Realty Advisors
- Michael Frauenthal, Michael Frauenthal & Associates, Inc.
- Casey Jones, George Hamilton Jones, Inc.
- Elizabeth Kiley, Kiley Company Real Estate Appraisers

The Board is requested to identify which of these candidate appraisers are acceptable for conducting the reappraisal of the Esencia School site. After the Developer approves of two appraisers, the District will engage the two approved appraisers to conduct the reappraisal. Upon completion, the finalized reappraisals will be presented to 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 identify which candidate appraisers that are acceptable to the District and approve of the District's presentation of them to the Developer for its approval.

31. ESENCIA K-8 SCHOOL BOUNDARY ESTABLISHMENT PROCESS:

INFORMATION/
DISCUSSION
Page 520
EXHIBIT 31

The information presentation will summarize the process for establishing Esencia K-8 School boundaries. The District demographer will be facilitating a District stakeholder committee to make recommendations for adjustments to existing boundaries in Sendero and Esencia for Tesoro High School and San Juan Hills High School to accommodate the Esencia K-8 School.

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, to present information on this item and answer any questions Trustees may have. This is an information only item and no Board action is necessary.

- 32. RESOLUTION NO. 1617-81, TO PURSUE A PROVISIONAL APPOINTMENT TO FILL VACANCY OF TRUSTEE AREA 7:** DISCUSSION/
ACTION
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EXHIBIT 32

At the April 19, 2017 Board Meeting, Trustee Lynn Hatton-Hodson formally announced her resignation from the Board of Trustees effective Friday, June 2, 2017. Pursuant to Education Code § 5090-5095, the resignation necessitates action be taken by the Board of Trustees within 60 days of the vacancy to make a provisional appointment or call for a special election.

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

Contact: Kirsten M. Vital, Superintendent

Staff Recommendation

It is recommended the Board President recognize Kirsten M. Vital, Superintendent, to present information on this item.

Following discussion, it is recommended the Board of Trustees adopt Resolution No. 1617-81, To Pursue a Provisional Appointment to Fill Vacancy of Trustee Area 7.

Motion by _____ Seconded by _____

- 33. RESOLUTION NO. 1617-82, TO CALL FOR A SPECIAL ELECTION TO FILL VACANCY OF TRUSTEE AREA 7:** DISCUSSION/
ACTION
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EXHIBIT 33

At the April 19, 2017 Board Meeting, Trustee Lynn Hatton-Hodson formally announced her resignation from the Board of Trustees effective Friday, June 2, 2017. Pursuant to Education Code § 5090-5095, the resignation necessitates action be taken by the Board of Trustees within 60 days of the vacancy to make a provisional appointment or call for a special election.

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

Contact: Kirsten M. Vital, Superintendent

Staff Recommendation

It is recommended the Board President recognize Kirsten M. Vital, Superintendent, to present information on this item.

Following discussion, it is recommended the Board of Trustees adopt Resolution No. 1617-82, To Call for a Special Election to Fill Vacancy of Trustee Area 7.

Motion by _____ Seconded by _____

- 34. FIRST READING - BOARD POLICY 6146.1, HIGH SCHOOL GRADUATION REQUIREMENTS:** DISCUSSION/
ACTION
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EXHIBIT 34

The Board of Trustees participated in five Board Study Sessions on the topic of Graduation Requirements. These study sessions took place on March 25, 2015, July

15, 2015, January 20, 2016, March 16, 2016 and April 12, 2107. Staff is recommending revisions to Board Policy 6146.1, *High School Graduation Requirements*, as a result of Trustee feedback during these sessions. The majority of the Board requested language be revised to support greater flexibility for students to meet the graduation requirements. There will be a discussion on the reconsideration of College and Career Planning and Health as a high school graduation requirement. Staff is recommending one more year of these two courses tied to specific accountability measures and metrics. Staff will return to the Board in January 2018, to report progress on these agreed upon metrics to determine next steps. Legal counsel reviewed the policy as well. 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 6146.1, *High School Graduation Requirements*.

Motion by _____ Seconded by _____

**35. FIRST READING - BOARD POLICY 0420.4, CHARTER SCHOOL AUTHORIZATION: DISCUSSION/
ACTION**

The proposed revision to Board Policy 0420.4, *Charter School Authorization*, updates and aligns the policy to Board Policy 0420.41, *Charter School Oversight*. The policy was updated to add language to require charter school board meetings take place within District boundaries. The District can require a charter school to hold board meetings within District boundaries. Government Code § 54953 does permit meetings to take place outside of a school district’s boundaries if the requirements for teleconferencing are satisfied. Per Trustee feedback, at the October 12, 2017 Board meeting, staff added language to the policy to require charter petitions to comply with the Brown Act and California Public Records Act. In addition, staff has provided two versions of the policy to evaluate and consider. Staff recommends the first policy that is left as is, and keeps the conditional approval language. Option two, that staff does not recommend, removes the conditional language and requires use of a Memorandum of Understanding to address corrections that need to be resolved in the charter petition. Changes are underlined; deletions are struck through.

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EXHIBIT 35

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 _____

36. RESOLUTION NO. 1617-79, RESOLUTION OF THE BOARD OF TRUSTEES DISCUSSION/

TO CONDITIONALLY APPROVE THE CHARTER PETITION OF OPPORTUNITIES FOR LEARNING PUBLIC CHARTER SCHOOL-SAN JUAN CAPISTRANO OR RESOLUTION NO. 1617-80, RESOLUTION OF THE BOARD OF TRUSTEES TO APPROVE THE CHARTER RENEWAL PETITION OF OPPORTUNITIES FOR LEARNING PUBLIC CHARTER SCHOOL-SAN JUAN CAPISTRANO SUBJECT TO ENTRY INTO MEMORANDUM OF UNDERSTANDING:

ACTION
Page 576
EXHIBIT 36

A charter petition for Opportunities for Learning (OFL) was approved by the District on February 25, 2002, with subsequent five-year renewals on January 8, 2007 and June 11, 2012. OFL submitted a third charter renewal petition to the District on March 8, 2017. District staff has reviewed the petition and finds it to be in compliance with requirements for renewal set forth in Education Code § 47605. Pending Board approval of Board Policy 0420.4, *Charter School Authorization*, staff has prepared two Resolutions: A) Resolution No. 1617-79 approval with conditions, B) Resolution No. 1617-80 approval with a Memorandum of Understanding. Staff recommends option A, the approval with conditions.

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 adopt Resolution No. 1617-79, Resolution of the Board of Trustees to Conditionally Approve the Charter Petition of Opportunities for Learning Public Charter School-San Juan Capistrano or Resolution No. 1617-80, Resolution of the Board of Trustees to Approve the Charter Renewal Petition of Opportunities for Learning Public Charter School-San Juan Capistrano Subject to Entry Into Memorandum of Understanding.

Motion by _____ Seconded by _____

37. RESOLUTION NO. 1617-78, IMPLEMENTING CERTIFICATED LAYOFF AND TERMINATING SERVICES OF CERTIFICATED EMPLOYEES AS A RESULT OF REDUCTION OR DISCONTINUATION OF PARTICULAR KINDS OF SERVICES:

DISCUSSION/
ACTION
Page 596
EXHIBIT 37

Consideration and approval of Resolution No. 1617-78, Implementing Certificated Layoff and Terminating Services of Certificated Employees as a result of Reduction or Discontinuation of Particular Kinds of Services. Final action to reduce or eliminate services performed by certificated employees for the 2017-2018 school year.

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 adopt Resolution No. 1617-78, Implementing Certificated Layoff and Terminating Services of Certificated Employees as a Result of Reduction or Discontinuation of Particular Kinds of Services.

Motion by _____ Seconded by _____

ADJOURNMENT

Motion by _____ Seconded by _____

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS
WEDNESDAY, MAY 24, 2017, 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.