

CAPISTRANO UNIFIED SCHOOL DISTRICT  
33122 Valle Road  
San Juan Capistrano, CA 92675  
BOARD OF TRUSTEES  
Regular Meeting

September 13, 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 – Anthony De Marco/Lexe Davison  
Significant Exposure to Litigation – One Case  
(Pursuant to Government Code § 54956.9(d)(2))

**EXHIBIT A-1  
EXHIBIT A-2**

Susan Holliday  
Attorney – David Huff  
Significant Exposure to Litigation – One Case  
(Pursuant to Government Code § 54956.9(d)(2))

**B. LIABILITY CLAIMS**

Clark Hampton  
Significant Exposure to Litigation - One Case  
Rejection of Government Claim: No. ABI 1703925  
(Pursuant to Subdivision (d) of Government Code § 54956.9, Paragraph (2) or(3))

**EXHIBIT B-1**

**C. STUDENT EXPULSIONS**

Mike Beekman  
One Case  
Case Number 2017-058

**EXHIBIT C-1**

**D. STUDENT READMISSIONS**

Mike Beekman  
One Case  
Case Number 2016-019

**EXHIBIT D-1**

**E. PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT**

Gordon Amerson  
(Pursuant to Government Code § 54957)

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

Gordon Amerson  
(Pursuant to Government Code § 54957)

**G. CONFERENCE WITH LABOR NEGOTIATORS**

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

Attorney – Anthony De Marco

Employee Organizations:

- 1) Capistrano Unified Education Association (CUEA)
- 2) California School Employees Association (CSEA)
- 3) Teamsters

*(Pursuant to Government Code § 54957.6)*

## **H. 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**

#### **Associated Student Body**

Aliso Niguel High School

Deni Christensen, *Principal*

Ann Zender, *Activities Director*

John Hellewell, *Student Body President*

#### **Extra Miler**

Extra Miler Award for their participation on the Orange County Science Technology and Math Team (OC STEM Team).

Susan Holliday, *Associate Superintendent, Education Services*

Gregory Merwin, *Associate Superintendent, Student Support Services*

Dave Stewart, *Executive Director, Professional Development*

Debbi Keeler, *Director, Early Childhood Programs*

Heidi Crowley, *Coordinator, Charter Schools and Strategic Initiatives*

Stephanie Avera, *Coordinator, Educational Technology*

Cheryl Samson, *Principal, Lobo Elementary School*

Faith Morris, *Principal, Marblehead Elementary School*

Christina Portillo, *Principal, RH Dana Elementary School*

Sean McNamara, *Principal, Las Flores Middle School*

Kellie Little, *Curriculum Specialist, Elementary Math & Science, Lead STEM Practitioner*

Stacy Berrest, *Instructional Coach, TK-5*

Barbara Hardos, *Instructional Coach, Educational Technology*

Elisa Slee, *Teacher, Malcom Elementary School*

Marsha Johnson, *Teacher, Kinoshita Elementary School*

Kaycee Martin and Dorain Cassell, *YMCA, Area Managers*

Michelle Hart, *CUSD Foundation*

Laura Schmidl, *Discovery Science Center*

**BOARD AND SUPERINTENDENT COMMENTS**

**ORAL COMMUNICATIONS (Non-Agenda Items)**

Oral Communications will occur immediately following Board and Superintendent Comments. The total time for Oral Communications shall be twenty (20) minutes. Individual presentations are limited to a maximum of three (3) minutes per individual.

**PUBLIC HEARING**

**1. PUBLIC HEARING: INTENT TO REQUEST WAIVER - SOUTH BUS YARD:**

Page 1  
**EXHIBIT 1**

The Board will conduct a public hearing on the consideration of seeking a waiver from the State Board of Education of the competitive bidding procedures set forth in Education Code § 17466 *et seq.* for the lease of District property located at 26126 Victoria Blvd, Dana Point, CA 92624 (South Bus Yard). District staff recommends pursuing the Request for Proposals process through waiver because it will give the District more flexibility to pursue a ground lease with terms that benefit the District. The Traditional Lease Procedure requires the District to select the party which offers the highest total rent payment during a bid auction, based on the terms the District puts forth in a bid package of materials before the bid auction. However, the Request for Proposals process allows interested parties to submit proposals with various proposed ground lease terms, and allows the District to select the proposal that offers the best overall proposal by considering different factors such as the length of the lease term, the proposed use of the Property, as well as the total rent payment. Therefore, the Request for Proposals process gives the District the ability to negotiate a ground lease that provides the best overall benefit to the District. Supporting documentation is located in Exhibit 31.

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

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

Staff Recommendation

It is recommended the Board President 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 or staff request specific items to be discussed and/or removed from the Consent Calendar. The Superintendent and the staff recommend approval of all Consent Calendar items.

**BUSINESS AND SUPPORT SERVICES**

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

Page 2  
**EXHIBIT 2**

Approval of donations of funds and equipment. A number of gifts have been donated to the District, including \$241,576.56 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*

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

Page 6  
**EXHIBIT 3**

Approval of purchase orders (Attachment 1) and commercial warrants (Attachment 2). The expenditures related to the listed purchase orders and commercial warrants

included in this item were previously authorized as part of the District's budget approval process. The purchase orders total \$20,568,348.03 and the commercial warrants total \$11,870,006.35. Attachment 3 is a list of previously Board-approved bids and contracts to assist in the review of the purchase order and commercial warrant listings. Attachment 4 is a list of previously Board-approved warrants, by vendor, exceeding \$250,000.

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

**4. INDEPENDENT CONTRACTOR, PROFESSIONAL SERVICES, FIELD SERVICE AND MASTER CONTRACT AGREEMENTS:** Page 78  
**EXHIBIT 4**

Approval of the District standardized Independent Contractor, Professional Services, Master Contract and Field Service agreements. The expenditures related to the listed agreements were previously authorized as part of the District's budget approval process. The exhibit shows 21 new agreements totaling \$1,871,247.23 and 3 amendments to existing agreements totaling \$0.00. Due to the size of the contract documents, the General Conditions for each type of agreement are posted online on the District's Board Agendas and Supporting Documentation page.

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

**5. AWARD BID NO. 1718-09, REFRIGERATION AND ICE MACHINE EQUIPMENT REPAIR SERVICE AND PREVENTATIVE MAINTENANCE SERVICES - REFRIGERATION CONTROL COMPANY, INC.:** Page 167  
**EXHIBIT 5**

Approval of Award of Bid No. 1718-09, Refrigeration and Ice Machine Equipment Repair Service and Preventative Maintenance Services to Refrigeration Control Company, Inc. This bid establishes a rate of pay for routine, recurring and usual maintenance work in the form of "service calls" related to commercial refrigeration systems for the preservation and protection of any District facility for its intended purpose. Maintenance work may include but is not limited to, the installation of new materials and removal of and replacement of commercial refrigeration equipment. In addition to service calls, the contractor will perform quarterly preventative maintenance for the Food and Nutrition Services Department.

Five contractors registered and downloaded documents; one bid from Refrigeration Control Company, Inc. was received and opened on July 26, 2017. The term of this base contract is for one year beginning September 1, 2017 through August 31, 2018 and may be extended by mutual written agreement of both parties and upon Board approval for a renewal term not-to-exceed four additional one-year periods. Annual expenditures utilizing this contract are estimated to be \$210,000 funded by Food and Nutrition Services fund and the general fund. Actual expenditures may vary depending on District need and availability of funds.

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

**6. CHANGE ORDER NO. 4, BID NO. 1516-10, SAN CLEMENTE HIGH SCHOOL BUILDING 800 PROJECT:** Page 174  
**EXHIBIT 6**

Approval of Change Order No. 4, Bid No. 1516-10 for the San Clemente High School Building 800 Project related to owner directed changes to maintain project schedule through inclement weather, unforeseen conditions and regrading of the fire lane to meet compaction requirements. This change order consists of additions, deletions, or other revisions that are now being presented to the Board 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. 4 is \$9,361,000.77 funded by developer fees, school facility funds, special reserve funds and CFD 90-2.

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

7. **CHANGE ORDER NO. 4, BID NO. 1617-01, SAN JUAN HILLS HIGH SCHOOL BUILDING J PROJECT:** Page 320  
**EXHIBIT 7**  
Approval of Change Order No. 4, Bid No. 1617-01 for the San Juan Hills High School Building J Project related to unforeseen conditions and additional Division of State Architect requirements. This change order consists of additions, deletions, or other revisions that are now being presented to the Board for approval. All such changes in the work are performed under applicable conditions of the change in contract documents. The original contract sum was \$8,495,000. The new contract sum including Change Order No. 4 is \$8,967,607.78 funded by developer fees, CFD 90-2, CFD 98-2 and CFD 2004-1.  
*Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*
8. **CHANGE ORDER NO. 1, BID NO. 1617-20, TESORO HIGH SCHOOL BUILDING D PROJECT:** Page 399  
**EXHIBIT 8**  
Approval of Change Order No. 1, Bid No. 1617-20 for the Tesoro High School Building D Project related to the relocation of storage containers, increase asphalt areas in an effort to mitigate for lost parking and removal of unforeseen conditions of asbestos in existing roof mastic during demolition. This change order consists of additions, deletions, or other revisions that are now being presented to the Board for approval. All such changes in the work are performed under applicable conditions of the change in contract documents. The original contract sum was \$9,410,000. The new contract sum including Change Order No. 1 is \$9,469,837.11 funded by capital facilities fund.  
*Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*
9. **EMPLOYEE MILEAGE ALLOWANCE:** Page 422  
**EXHIBIT 9**  
Approval of the revised employee mileage allowance. Certain District-based and site-based employees have been designated by the Board to be paid a monthly mileage allowance for use of a personal vehicle for District business-related travel in lieu of reimbursement for actual mileage. Employees assigned a District vehicle are not eligible to receive a stipend. Due to the requirement for some employees to respond to District emergencies or work extended hours, certain positions require significantly higher rates of travel between sites, specifically, the area of Facilities Services. The employee mileage allowance list was approved at the December 14, 2016 Board meeting; unfortunately, the job title of Director I, Performing Arts Centers and Facilities was inadvertently omitted. Changes are underlined; deletions are struck through.  
*Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*
10. **EXTENSION NO. 1 OF BID NO. 1516-14, CO-CURRICULAR BUS SERVICE – VARIOUS VENDORS:** Page 424  
**EXHIBIT 10**  
Approval of Extension No.1 of Bid No. 1516-14, Co-Curricular Bus Service to the following vendors: Certified Transportation Services, Incorporated; First Student, Incorporated; Grand Pacific Charter; and JFK Transportation Company, Incorporated for co-curricular transportation services, as needed by the District. The terms of the initial contracts were January 1, 2016 through December 31, 2016 with extensions, by mutual agreement and Board approval, for a total term not-to-exceed five years. The vendors agree to maintain their current pricing for the renewal period of January 1, 2017 through December 31, 2017. Annual expenditures under these contracts are estimated to be \$500,000 funded by the appropriate accounts, including Associated Student Body (ASB) and parent groups. Actual expenditures may vary based on District needs and availability of funding.  
*Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*

11. **EXTENSION NO. 1 OF BID NO. 1617-02, TREE TRIMMING - WEST COAST ARBORIST, INC.:** Page 454  
**EXHIBIT 11**  
Approval of Extension No. 1 of Bid No. 1617-02, Tree Trimming with West Coast Arborist, Inc. The vendor agrees to maintain current pricing for the renewal period of September 27, 2017 through September 26, 2018. Annual expenditures utilizing this contract are estimated to be \$350,000 funded by deferred maintenance. Actual expenditures may vary based on District needs and availability of funding.  
*Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*
12. **EXTENSION NO. 2 OF BID NO. 1516-08, DISTRICTWIDE ROOF ASSESSMENT AND PREVENTATIVE ROOF MAINTENANCE - WEATHERPROOFING TECHNOLOGIES, INC.:** Page 463  
**EXHIBIT 12**  
Approval of Extension No. 2 of Bid No. 1516-08, Districtwide Roof Assessment and Preventative Roof Maintenance with Weatherproofing Technologies, Inc. The vendor agrees to maintain current pricing for the renewal period of September 10, 2017 through September 9, 2018. Annual expenditures utilizing this contract are estimated to be \$250,000 funded by deferred maintenance. Actual expenditures may vary based on District needs and availability of funding.  
*Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*
13. **RESOLUTION NO. 1718-14, AUTHORIZING THE INCREASE AND DECREASE IN APPROPRIATIONS FOR THE FISCAL YEAR ENDING 2016-2017:** Page 472  
**EXHIBIT 13**  
Approval of Resolution No. 1718-14, Authorizing the Increase and Decrease in Appropriations for the Fiscal Year ending 2016-2017. Resolution No. 1718-14 will adjust the budget approved at second interim 2016-2017 to final unaudited actuals budgets.  
*Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*
14. **RESOLUTION NO. 1718-15, REAPPROPRIATION OF CARRYOVER FUNDS:** Page 476  
**EXHIBIT 14**  
Approval of Resolution No. 1718-15, Authorizing the Reappropriation of Carryover Funds. Resolution No. 1718-15 authorizes the reappropriation of carryover income and associated expenditures for the 2017-2018 fiscal year based on final unaudited balances for the 2016-2017 fiscal year. The carryover income and expenditures will adjust balances adopted in June 2017.  
*Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*
15. **RESOLUTION NO. 1718-16, ADOPTING THE 2016-2017 ACTUAL GANN LIMIT AND THE 2017-2018 ESTIMATED GANN LIMIT:** Page 481  
**EXHIBIT 15**  
Approval of Resolution No. 1718-16, Adopting the 2016-2017 Actual Gann Limit and the 2017-2018 Estimated Gann Limit. Resolution No. 1718-16 establishes the actual Gann Limit for 2016-2017 at \$293,102,757.52 and the estimated Gann Limit for 2017-2018 at \$326,626,995.89. Approval of this Resolution will have no financial implications on either the 2016-2017 or 2017-2018 budgets.  
*Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*

## **CURRICULUM AND INSTRUCTION**

16. **AGREEMENT WITH ORANGE COUNTY DEPARTMENT OF EDUCATION TO PROVIDE INTERPRETATION AND TRANSLATION SERVICES (WRITTEN AND ORAL) IN ANY LANGUAGE:** Page 491  
**EXHIBIT 16**  
Approval of the Agreement with Orange County Department of Education to Provide Translation and Interpretation Services for the 2017-2018 school year. Currently the District is able to support interpretation and translation in the 2 predominant languages

spoken by District students, Spanish and Farsi. With 52 different languages represented in the District, occasional interpretation and translation support is needed. The contract with Orange County Department of Education is to provide translation services to District families upon the request of the District.

*Contact: Susan Holliday, Associate Superintendent, Education Services*

17. **MEMORANDUM OF UNDERSTANDING WITH THE SAN DIEGO COUNTY OFFICE OF EDUCATION FOR THE 2017-2018 MIGRANT EDUCATION PROGRAM, REGION 9:** Page 502  
**EXHIBIT 17**  
Approval of renewal of the annual Memorandum of Understanding (MOU) for the 2017-2018 Migrant Education Program with San Diego County Office of Education for the 2017-2018 Migrant Education Program, Region 9. Currently, migrant students are entitled to specific services provided by the California Department of Education. Migrant Education Programs target students from migrant families who may have gaps in their schooling due to work schedules and work locations. The goal of this MOU is to outline the partnership and services that will be provided to students within the Migrant Education Program in the District, by the San Diego County's Regional Office of Migrant Education. There is no financial impact.  
*Contact: Susan Holliday, Associate Superintendent, Education Services*
18. **MEMORANDUM OF UNDERSTANDING WITH WESTERN YOUTH SERVICES INCORPORATED - MENTAL HEALTH SERVICES FOR CHILDREN AND FAMILIES:** Page 524  
**EXHIBIT 18**  
Approval of the ratification of the Memorandum of Understanding (MOU) with Western Youth Services, Incorporated (WSY). In the 2016-2017 school year, WSY provided students accessibility to mental health services through the Alternatives to Suspension program. The MOU provides a continued level of support for the 2017-2018 school year with no significant change in language from previous year's agreements. The community welcomes the opportunity to continue the partnership with WSY. There is no financial impact.  
*Contact: Susan Holliday, Associate Superintendent, Education Services*
19. **MEMORANDUM OF UNDERSTANDING WITH PLAYWORKS FOR 2017-2018:** Page 530  
**EXHIBIT 19**  
Approval of Playworks Memorandum of Understanding for 2017-2018. Playworks provides on-site consultation for school staff to promote safe, fun and healthy play during recess. Strategies encourage inclusion, activity and building social and emotional skills. Teachers and student supervisors at Las Palmas, San Juan and Viejo Elementary Schools will receive professional learning to model and teach strategies, games and systems to develop and sustain a positive recess culture. Through this program, students will have increased opportunities for activity, leadership and enhanced conflict resolution skills. Playworks has received a grant to provide this program at no cost to Las Palmas, San Juan, and Viejo Elementary Schools for 2017-2018. Professional learning will take place during existing teacher collaboration and student supervisor meeting time. There is no financial impact.  
*Contact: Susan Holliday, Associate Superintendent, Education Services*
20. **AGREEMENT FOR USE OF DOCUMENT TRACKING SERVICES SCHOOL YEAR 2017-2018:** Page 550  
**EXHIBIT 20**  
Approval of the Agreement for Use of Document Tracking Services School Year 2017-2018 to provide a web-based application that allows staff to streamline the completion of various school and District-level reports. Some key features are pre-population of data, customization, application for up to five separate reports, document history, multiple logins and translation services. The District has previously used Document Tracking Services to complete the mandated annual School Accountability Report

Card, Single Plan for Student Achievement and Local Control Accountability Plan documents. Expenditures under this contract are estimated to be \$13,990 paid by general funds.

*Contact: Susan Holliday, Associate Superintendent, Education Services*

## **STUDENT SUPPORT SERVICES**

21. **MEMORANDUM OF UNDERSTANDING WITH SANTA ANA UNIFIED SCHOOL DISTRICT:** Page 556  
**EXHIBIT 21**  
Approval of the Memorandum of Understanding (MOU) with Santa Ana Unified School District (SAUSD) to provide special education Deaf and Hard of Hearing programs and services for District students referred by their Individualized Education Program (IEP) team. SAUSD provides specialized programs for Deaf or Hard of Hearing students in grades K – 6 who require a more intensive special education placement. The District is currently projected to have two students in the SAUSD program, but the approval of the MOU allows the District to place additional students as determined by the IEP team or through a settlement agreement. Estimated cost per student is \$45,000. Annual expenditures under this MOU are limited to \$90,000, paid by special education funds.  
*Contact: Gregory Merwin, Associate Superintendent, Student Support Services*
22. **PERSONNEL REIMBURSEMENT AGREEMENT WITH LAGUNA BEACH UNIFIED SCHOOL DISTRICT:** Page 563  
**EXHIBIT 22**  
Approval of a Personnel Reimbursement Agreement with Laguna Beach Unified School District (LBUSD) to provide five days of instruction by a qualified Orientation and Mobility Specialist to LBUSD during the 2017-2018 school year. The District staff has provided these services to LBUSD from the time both districts were part of the South Orange County Special Education Local Plan Area. LBUSD will pay the employee salary and benefit costs for the days of instruction.  
*Contact: Gregory Merwin, Associate Superintendent, Student Support Services*
23. **PERSONNEL REIMBURSEMENT AGREEMENT WITH SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT:** Page 567  
**EXHIBIT 23**  
Approval of a Personnel Reimbursement Agreement with Saddleback Valley Unified School District (SVUSD) to provide 40 days of instruction by a qualified Orientation and Mobility Specialist to SVUSD during the 2017-2018 school year. The District staff has provided these services to SVUSD from the time both districts were part of the South Orange County Special Education Local Plan Area. SVUSD will pay the employee salary and benefit costs for the days of instruction.  
*Contact: Gregory Merwin, Associate Superintendent, Student Support Services*

## **HUMAN RESOURCE SERVICES**

24. **CALIFORNIA STATE UNIVERSITY, FULLERTON MASTER TEACHER PAYMENTS:** Page 571  
**EXHIBIT 24**  
Approval of payment to District Master Teachers who supported a California State University, Fullerton student teacher during the 2017 spring semester. Student Teachers from various universities are placed in the District throughout the school year. Current university agreements specify that institutions pay Master Teachers a nominal stipend for their supervision and support of Student Teachers. California State University, Fullerton has agreed to reimburse the District for the cost of compensating Master Teachers.  
*Contact: Gordon Amerson, Associate Superintendent, Human Resource Services*
25. **ORANGE COUNTY DEPARTMENT OF EDUCATION FOURTH QUARTER** Page 574

**REPORT – WILLIAMS SETTLEMENT LEGISLATION:**

**EXHIBIT 25**

Acceptance of Williams Settlement Legislation Orange County Department of Education (OCDE) Fourth Quarter Report. Education Code § 1240 requires OCDE to report visits and reviews of District schools conducted by OCDE, if any. Furthermore, the law requires the report be provided to the Board of Trustees at a regularly scheduled public meeting each quarter.

*Contact: Gordon Amerson, Associate Superintendent, Human Resource Services*

**26. FOURTH QUARTER REPORT – WILLIAMS SETTLEMENT LEGISLATION UNIFORM COMPLAINT:**

Page 578  
**EXHIBIT 26**

Acceptance of Williams Settlement Legislation Uniform Complaint Fourth Quarter Report. Board Policy 1312.4 mandates school districts establish policies and procedures to resolve deficiencies related to textbooks and instructional materials, teacher vacancies or misassignments, and facility conditions posing a threat to student/staff health or safety. Furthermore, Education Code § 35186 requires any deficiencies or complaints be reported to the Board of Trustees at a regularly scheduled public meeting each quarter. During the fourth quarter, the District received zero complaints.

*Contact: Gordon Amerson, Associate Superintendent, Human Resource Services*

**27. RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CLASSIFIED EMPLOYEES:**

Page 581  
**EXHIBIT 27**

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*

**28. RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CERTIFICATED EMPLOYEES:**

Page 601  
**EXHIBIT 28**

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**

**29. SCHOOL BOARD MINUTES:**

Page 627  
**EXHIBIT 29**

Approval of the July 26, 2017 Regular Board Meeting minutes.

*Contact: Nicole Berkman, Executive Secretary, Board Operations*

**30. SCHOOL BOARD MINUTES:**

Page 637  
**EXHIBIT 30**

Approval of the August 9, 2017 Special Board Meeting minutes.

*Contact: Nicole Berkman, Executive Secretary, Board Operations*

**DISCUSSION/ACTION ITEMS**

**31. RESOLUTION NO. 1718-17, RESOLUTION OF THE BOARD OF TRUSTEES OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT RECONFIRMING ACCEPTANCE OF THE ADVISORY COMMITTEE RECOMMENDATION; RATIFYING DECLARATION OF SURPLUS PROPERTY; DECLARING INTENTION TO OFFER THE PROPERTY FOR GROUND LEASE; AND AUTHORIZING REQUEST FOR WAIVER OF COMPETITIVE BIDDING PROCEDURES UNDER EDUCATION CODE SECTION 17466 ET SEQ. (SOUTH BUS YARD PROPERTY):**

DISCUSSION/  
ACTION  
Page 639  
**EXHIBIT 31**

The Board is asked to consider adoption of Resolution No. 1718-17, Resolution of the Board of Trustees of the Capistrano Unified School District Reconfirming Acceptance

of the Advisory Committee Recommendation; Ratifying Declaration of Surplus Property; Declaring Intention to Offer the Property for Ground Lease; and Authorizing Request for Waiver of Competitive Bidding Procedures Under Education Code Section 17466 Et Seq. (South Bus Yard Property). The Resolution reconfirms acceptance of the advisory committee recommendation to dispose of the Property and ratifies the declaration of property as surplus from 2006. It further authorizes District staff to seek a waiver to pursue a ground lease through a Request for Proposals process instead of the Traditional Lease Procedure involving a public bid auction. District staff recommends pursuing the Request for Proposals process through waiver because it will give the District more flexibility to pursue a ground lease with terms that benefit the District. The Traditional Lease Procedure requires the District to select the party which offers the highest total rent payment during a bid auction, based on the terms the District puts forth in a bid package of materials before the bid auction. However, the Request for Proposals process allows interested parties to submit proposals with various proposed ground lease terms, and allows the District to select the proposal that offers the best overall proposal by considering different factors such as the length of the lease term, the proposed use of the Property, as well as the total rent payment. Therefore, the Request for Proposals process gives the District the ability to negotiate a ground lease that provides the best overall benefit to the District .

***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. 1718-17, Resolution of the Board of Trustees of the Capistrano Unified School District Reconfirming Acceptance of the Advisory Committee Recommendation; Ratifying Declaration of Surplus Property; Declaring Intention to Offer the Property for Ground Lease; and Authorizing Request for Waiver of Competitive Bidding Procedures Under Education Code Section 17466 Et Seq. (South Bus Yard Property).

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

**32. CONSIDERATION TO PURSUE LEGISLATION ALLOWING TRANSFER OF COMMUNITY FACILITIES DISTRICTS (CFDS) TO COUNTY OF ORANGE:**

A Trustee asked staff if the District can transfer the administration and governance of our nine Community Facilities Districts (CFDs) to the County of Orange. Currently there is no law allowing for the transfer; therefore, the District would be required to pursue legislation. Additionally, the County would need to be agreeable to negotiating terms for a transfer to occur. This item is needed to determine a consensus from the Board to initiate this process.

***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 provide direction to staff on whether or not to pursue legislation allowing a transfer of CFDs to the County

DISCUSSION/  
ACTION  
Page 644  
**EXHIBIT 32**

of Orange.

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

- 33. **UTILIZE REMAINING FUNDS IN CFD 87-1 AND REDEVELOPMENT FUNDS–MISSION VIEJO TO CONSTRUCT STEM CLASSROOM BUILDINGS AT ALISO NIGUEL HIGH SCHOOL AND NEWHART MIDDLE SCHOOL; APPROVAL OF ARCHITECTURAL AND RELATED SERVICES AGREEMENT; APPROVAL TO ADVERTISE FOR BIDS:** DISCUSSION/  
ACTION  
Page 646  
**EXHIBIT 33**

Approval to Utilize Remaining Funds in Community Facilities District (CFD) 87-1 and Redevelopment Funds-Mission Viejo (RDA-MV) to Construct Science, Technology, Engineering and Mathematics (STEM) Classroom Buildings at Aliso Niguel High School and Newhart Middle School; Approval of the Architectural and Related Services Agreement; Approval to Advertise for Bids. Approval to utilize the approximately \$11 million in remaining CFD 87-1 funds to construct a new STEM classroom building at Aliso Niguel High School and pursue state matching funds. Approval to utilize the approximately \$10.5 million in RDA-MV funds to construct a new STEM classroom building at Newhart Middle School and pursue matching funds. WLC Architects have provided an estimate of \$10,971,106 for the Aliso Niguel High School project, and \$10,484,548 for the Newhart Middle School project. Staff will also provide a brief presentation outlining the scope of both projects. The architectural-related services for these projects are outlined in the Agreement for Architectural and Related Services. The Aliso Niguel High School STEM classroom building will be funded by the remaining CFD 87-1 funds (CFD ended), and the Newhart Middle School STEM classroom building will be funded by RDA-MV funds. No other uses of these funds are contemplated in this item other than the projects notes .

***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 approve Utilize Remaining Funds in CFD 87-1, and Redevelopment Funds-Mission Viejo (RDA-MV) to Construct STEM Classroom Buildings at Aliso Niguel High School and Newhart Middle School; Approval of the Architectural and Related Services Agreement; Approval to Advertise for Bids.

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

- 34. **DISTRICT DASHBOARD:** INFORMATION/  
DISCUSSION  
Page 742  
**EXHIBIT 34**

At the May 17, 2017 Board workshop, staff presented an overview of information regarding the development of a District Dashboard including the rationale for the selection of various academic and social emotional indicators. This District Dashboard is to augment the California School Dashboard providing local relevant data to support early intervention. The presentation will provide an update regarding the development of the District Dashboard contents and next steps.

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

***Contact: Susan Holliday, Associate Superintendent, Education Services***

Staff Recommendation

It is recommended the Board President recognize Susan Holliday, Associate Superintendent, Education Services, to present information on this item and answer any questions Trustees may have. This is an information item only and no Board action is necessary.

**35. PRESENTATION OF #CAPOFORWARD METRICS:**

The Board will receive a presentation regarding the “re-imagining” project for seven elementary schools (as a follow-up to the December 14, 2016, January 25, 2017 and February 22, 2017 presentations). This presentation will spotlight the “official launch” of the #CapoForward initiative, program highlights of each school, online marketing strategies, professional learning and proposed program metrics.

***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 #CapoForward Metrics.

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

DISCUSSION/  
ACTION  
Page 783  
**EXHIBIT 35**

**36. RESOLUTION NO. 1718-13, PRELIMINARY 2016-2017 FINANCIAL STATEMENTS (UNAUDITED ACTUALS):**

The Board of Trustees will be provided with a brief update on the 2016-2017 actuals and the revisions to the 2017-2018 budget. Resolution No. 1718-13 will be forwarded to the Orange County Department of Education, reviewed for accuracy and compliance, and subsequently transmitted to the Superintendent of Public Instruction.

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

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

Staff Recommendation

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

Following discussion, it is recommended the Board of Trustees adopt Resolution No. 1718-13, Preliminary 2016-2017 Financial Statements (Unaudited Actuals).

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

DISCUSSION/  
ACTION  
Page 805  
**EXHIBIT 36**

**37. SECOND READING – BOARD POLICY 0420.4, CHARTER SCHOOL AUTHORIZATION:**

The proposed revision to Board Policy 0420.4, *Charter School Authorization*, updates and aligns the policy to Board Policy 0420.41, *Charter School Oversight*. Per legal counsel, the District can safely continue to include a requirement that charter schools comply with the Public Records Act in its Board policy. The language remains in the policy at this time. 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.***

DISCUSSION/  
ACTION  
Page 965  
**EXHIBIT 37**

*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 \_\_\_\_\_

**38. FIRST READING - BOARD POLICY 6175, EDUCATION OF MIGRANT STUDENTS:** DISCUSSION/  
ACTION

The proposed revision to Board Policy 6175, *Education of Migrant Students*, removes language which reflected specific categorical and state and federal funding sources which no longer exist. The language of the new policy is aligned to current District practice. Students identified and are qualified for Migrant Education are entitled to specific services per the California Department of Education. Migrant Education Programs target students from migrant families who may have gaps in their schooling due to the families' work schedules and/or location changes. 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*

Page 988  
**EXHIBIT 38**

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 6175, *Education of Migrant Students*.

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

**39. FIRST READING - BOARD POLICY 4111, 4211, 4311, RECRUITMENT, SELECTION AND APPOINTMENT:** DISCUSSION/  
ACTION

This proposed revision of Board Policy 4111, 4211, 4311, *Recruitment, Selection and Appointment*, revises this policy to add management titles of Chief and Associate Superintendent to the existing list. Changes are underlined; deletions are struck through. There is no fiscal impact.

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

*Contact: Gordon Amerson, Associate Superintendent, Human Resource Services*

Page 992  
**EXHIBIT 39**

Staff Recommendation

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

Following discussion, it is recommended the Board of Trustees approve Board Policy 4111, 4211, 4311, *Recruitment, Selection and Appointment*.

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

**40. FIRST READING - BOARD POLICY 4315, DISCUSSION/  
EVALUATION/ACCOUNTABILITY: ACTION  
Page 995  
EXHIBIT 40**

This proposed revision of Board Policy 4315, *Evaluation/Accountability*, revises this policy to extend the probationary period of Management, Supervisory and Confidential Personnel. Changes are underlined; deletions are struck through. There is no fiscal impact.

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

*Contact: Gordon Amerson, Associate Superintendent, Human Resource Services*

Staff Recommendation

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

Following discussion, it is recommended the Board of Trustees approve Board Policy 4315, *Evaluation/Accountability*.

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

**ADJOURNMENT**

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

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS  
WEDNESDAY, OCTOBER 11, 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](http://www.capousd.org)

## **INSTRUCTIONS FOR PRESENTATIONS TO THE BOARD BY PARENTS AND CITIZENS PRESENT AT THIS MEETING**

We are pleased you can be with us at this meeting, and we hope you will return often. Your visit assures us of continuing community interest in our schools.

The members of the Board of Trustees of this District are locally elected state officials, who serve four-year terms of office, and who are responsible for the educational program of our community from grades kindergarten through twelve. They are required to conduct programs of the schools in accordance with the State of California Constitution, the State Education Code, and other laws relating to schools enacted by the Legislature, and policies and procedures which this Board adopts.

The Board is a policy-making body whose actions are guided by the school district's Mission and Goals. Administration of the District is delegated to a professional administrative staff headed by the Superintendent.

The agenda and its extensive background material are studied by each member of the Board for at least two days preceding the meeting. Board Members can call the administrative staff for clarification on any item, and many of the items on the agenda were discussed by the Board during previous meetings. These procedures enable the Board to act more effectively on agenda items than would otherwise be possible.

### **WHAT TO DO IF YOU WISH TO ADDRESS THE BOARD OF TRUSTEES**

**ITEMS ON THE AGENDA.** Any person may address the Board concerning any item on the agenda and may, at the discretion of the Board, be granted three (3) minutes to make a presentation to the Board at the time a specific item is under discussion. However, the time assigned for individual presentations could be fewer than three (3) minutes depending upon the total number of speakers who wish to address a specific agenda topic. Prior to the opening of the meeting, a Request to Address the Board card (located in the foyer) should be completed and submitted to the Secretary of the Board. The total time devoted to presentations to the Board shall not exceed twenty (20) minutes, unless additional time is granted by the Board. All presentations shall be heard by the Board prior to the formal discussion of the agenda topic under consideration. Once an agenda item has been opened for public comment, no additional "Request to Address the Board of Trustees" cards shall be accepted for that topic.

**ORAL COMMUNICATIONS (Non-Agenda Items).** Citizens may address the Board on any item not appearing on the agenda. Individual presentations are limited to three (3) minutes per individual, with twenty (20) minutes in total being devoted for this purpose, but could be less if there are a large number of Oral Communication speakers. Legally, the Board may not take action on items raised by speakers under Oral Communications. However, at its discretion, the Board may refer items to the administration for follow-up or place topics on a future Board agenda.

**PUBLIC HEARINGS.** Anytime the Board schedules a separate public hearing on any given topic, it shall not hear speakers on that topic before the public hearing, except as to the scheduling of the hearing, nor shall it hear speakers after the hearing, except as to changes in the policy or recommended actions which are directed at the time of the hearing.

**CLOSED SESSION.** In accordance with Education Code § 35146 and Government Code § 54957, the Board may recess to Closed Session to discuss personnel matters which they consider inadvisable to take up in a public meeting.

#### **REASONABLE ACCOMMODATION**

*In order to help ensure participation in the meeting of disabled individuals, appropriate disability-related accommodations or modifications shall be provided by the Board, upon request, in accordance with the Americans with Disabilities Act (ADA). Persons with a disability who require a disability-related accommodation or modification, including auxiliary aids and services in order to participate in a Board meeting, shall contact the Superintendent or designee in writing by noon on the Friday before the scheduled meeting. Such notification shall provide school district personnel time to make reasonable arrangements to assure accessibility to the meeting.*