

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

October 11, 2017

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

**AGENDA**

**CLOSED SESSION AT 4:00 P.M.**

**1. CALL TO ORDER**

**2. CLOSED SESSION COMMENTS**

**3. CLOSED SESSION (as authorized by law)**

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** **EXHIBIT A-1**  
Gregory Merwin/Sara Young **EXHIBIT A-2**  
Attorney - Ernest Bell **EXHIBIT A-3**  
Significant Exposure to Litigation – Five Cases **EXHIBIT A-4**  
IDR Case Number 20170529 **EXHIBIT A-5**  
IDR Case Number 20170616  
IDR Case Number 20170626  
IDR Case Number 20170821  
IDR Case Number 20170823  
(Pursuant to Government Code § 54956.9(d)(2))
- Gordon Amerson **EXHIBIT A-6**  
Attorney – Anthony De Marco  
Significant Exposure to Litigation - One Case  
(Pursuant to Government Code § 54956.9(d)(2))
- Initiation of Litigation - One Case  
(Pursuant to Government Code § 54956.9(c))
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** **EXHIBIT B-1**  
Gregory Merwin/Sara Young **EXHIBIT B-2**  
Attorney - Ernest Bell **EXHIBIT B-3**  
Significant Exposure to Litigation – Five Cases **EXHIBIT B-4**  
OAH Case Number 2017050710 **EXHIBIT B-5**  
OAH Case Number 2017060893  
OAH Case Number 2017080136  
OAH Case Number 2017080454  
OAH Case Number 2017080947  
(Pursuant to Government Code § 54956.9(d)(1))
- Kirsten M. Vital and Clark Hampton **EXHIBIT B-6**  
Attorney: Scott Stettler  
Significant Exposure to Litigation - One Case  
(Pursuant to Government Code § 54956.9(d)(1))
- C. LIABILITY CLAIM** **EXHIBIT C-1**  
Clark Hampton

Significant Exposure to Litigation - One Case  
Rejection of Government Claim: No. LBI 1703953  
(Pursuant to Subdivision (d) of Government Code § 54956.9, Paragraph (2) or(3))

**D. STUDENT EXPULSIONS**

Mike Beekman  
Three Cases  
Case Number 2018-002  
Case Number 2018-003  
Case Number 2018-005

**EXHIBIT D-1**  
**EXHIBIT D-2**  
**EXHIBIT D-3**

**E. PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT**

Gordon Amerson  
Executive Director, Construction, Maintenance and Operations  
(Pursuant to Government Code § 54957)

**F. 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)

**G. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

District Negotiators: Kirsten M. Vital and Clark Hampton  
Attorney: Andreas Chialtas  
Financial Advisor: Keith Weaver  
Real Estate Consultant: George Peterson

Property: Pacifica San Juan property. 7.292 acre property located at the north east corner of Camino Las Ramblas and Avenida California  
Negotiating Party: One or more potential buyers for the Property who may purchase the Property through a request for proposals process

Property: South Transportation and Groundskeeping Facility. 5.51 acre property located at 26126 Victoria Blvd, Dana Point, CA 92624  
Negotiating Party: One or more potential lessees for the Property who may lease the Property through a request for proposals surplus property waiver process

Property: Paseo de Colinas property. 2.47 acre property located on Paseo de Colinas adjacent to Niguel Hills Middle School  
Negotiating Party: One or more potential buyers for the Property who may purchase the Property through a surplus property bid auction process

Under Negotiation: Price and Terms of Payment  
(Pursuant to Education Code § 54956.8)

**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**

Serra High School

Meg Ervais, Principal

Becky Tran, ASB Advisor

Todd Amon, STAP II

ASB Leadership Team; Yamilet Saldivar, Kaitlyn Bray-Sanchez, Luisa Mejia, Justin West, Brooke Zielke, Amber Steen and Chris Fajardo

**LEARNING IN CAPO SPOTLIGHT**

The District’s mission is to prepare students to meet the challenges of a rapidly changing world. Part of this lies in the commitment to teach our students how to behave, interact, solve problems and create in a digital environment. This commitment is show cased in how the District has sought and earned recognition from a nation-wide group of educators known as Common Sense Education. During the 2016-2017 school year, the District was the 2<sup>nd</sup> largest district in the nation honored as a CommonSense.org Certified School District. Common Sense certification highlights the District’s commitment to 21<sup>st</sup> century learning and empowering students to think critically, behave safely, and participate responsibly in our digital world. Earning recognition as a Common Sense District shows that the District’s dedication to redefining the way students interact online and harness the full power of technology for learning.

Presented by: John Morgan, Director of Educational Technology

**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. 1718-19, APPROVING ENERGY SERVICES CONTRACT WITH SCHNEIDER ELECTRIC BUILDINGS AMERICAS, INC. FOR APPROVED PLAN NO. 3 (APPLICATION NO. 2085) FOR THE DISTRICT’S ENERGY CONSERVATION PROGRAM FOR 14 SCHOOL SITES:**

Page 1  
**EXHIBIT 1**

The Board will conduct a public hearing on adopting Resolution No. 1718-19, Approving Energy Services Contract with Schneider Electric Buildings Americas, Inc. for Approved Plan No. 3 (Application No. 2085) for the District’s Energy Conservation Program for 14 School Sites pursuant to Government Code § 4217.12. Supporting documentation is located in Exhibit 20.

*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.

2. **PUBLIC HEARING: RESOLUTION NO. 1718-18, STATEMENT OF ASSURANCE FOR INSTRUCTIONAL MATERIALS REALIGNMENT FUND, FISCAL YEAR 2017-2018:** Page 2  
**EXHIBIT 2**

The Board will conduct a public hearing on Resolution No. 1718-18, Statement of Assurance for Instructional Materials Realignment Fund, Fiscal Year 2017-2018. Supporting documentation is located in Exhibit 21.

*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 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**

3. **DONATION OF FUNDS AND EQUIPMENT:** Page 3  
**EXHIBIT 3**

Approval of donations of funds and equipment. In abundance of caution, the September 13, 2017 donations list is being re-noticed to correct a sorting error on the posted agenda. A number of gifts have been donated to the District, including \$617,420.08 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 10  
**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 \$70,172,339.23 and the commercial warrants total \$15,872,688.50. 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 120  
**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 22 new agreements totaling \$882,380.47 and 7 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 pages.

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

**6. EXTENSION NO. 1 OF THE LICENSE AGREEMENT WITH YMCA OF ORANGE COUNTY AT CROWN VALLEY ELEMENTARY SCHOOL:** Page 432  
**EXHIBIT 6**

Approval of Extension No. 1 of the License Agreement with YMCA of Orange County (YMCA) at Crown Valley Elementary School dated June 22, 2016. This extension proposes to extend the term of the initial agreement for one year. The renewal term will begin July 1, 2017 and will expire on June 30, 2018. The agreement was previously reviewed and approved by the District's legal counsel. There is no financial impact.

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

**7. PROPOSAL FOR SERVICES FOR QSS/OASIS VERSION L MIGRATION SUPPORT-HARRIS SCHOOL SOLUTIONS:** Page 440  
**EXHIBIT 7**

Approval of the Proposal for Services agreement with Harris School Solutions for quarterly migration services and support of all Quintessential School Systems (QSS) data. In May 2017, the District moved to a new Business Services and Human Resource Services software system, but needs to ensure all past archived data is migrated to a new virtual server and converted to a new structured query language (SQL) database. Harris School Solutions support is needed for many parts of the data migration and conversion. This agreement will provide full data migration and testing support for three months. Expenditures using this contract are \$25,446.50 funded by the general fund.

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

**CURRICULUM AND INSTRUCTION**

**8. LOCAL CONTROL ACCOUNTABILITY PLAN PARENT ADVISORY COMMITTEE FOR 2017-2018:** Page 442  
**EXHIBIT 8**

Approval of the Local Control Accountability Plan (LCAP) Parent Advisory Committee (PAC) members. The Local Control Funding Formula, California's school funding model, requires the development of an LCAP that links spending to specific district goals for student achievement. Districts are held accountable to the specific ways in which money is spent and how those decisions are improving student outcomes. A key aspect of the LCAP process is the engagement of and consultation with specific parent/guardian groups, including representation of students who are English learners, foster-youth and low socio-economic status. One way this is facilitated is through the formation of a PAC. The LCAP PAC will meet regularly to review the sections of the LCAP and provide ongoing input into the monitoring and revision of the LCAP. Applications for membership were available September 7-28, 2017 at all school sites, the Education Center reception desk and on the District website.

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

**9. AGREEMENT NO. 44145 FOR QUALITY RATING AND IMPROVEMENT SYSTEM OF EARLY EDUCATION PROGRAMS WITH THE ORANGE COUNTY SUPERINTENDENT OF SCHOOLS AND EARLY QUALITY SYSTEMS, LLC:** Page 445  
**EXHIBIT 9**

Approval of Agreement No. 44145 for Quality Rating and Improvement System (QRIS) of Early Education Preschool Programs with the Orange County Superintendent of Schools, and Early Quality Systems (EQS). The Agreement allows the Parties to implement the Orange County QRIS program for quality improvement based on a tiered rating structure, satisfying grant requirements, receiving incentive funds of \$2,500 and access covered information in compliance with federal and state laws and regulations related to student privacy. This Agreement is for the term of July 1, 2016 to June 30, 2018.

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

**10. ADDENDUM AGREEMENT FOR ADDITIONAL SCHOOL PARTICIPATING IN INSIDE THE OUTDOORS SCHOOL PROGRAMS AGREEMENT NUMBER: #10004:** Page 458  
**EXHIBIT 10**

Approval of an Addendum to the original Agreement for Participation with the Orange County Department of Education's (OCDE) Inside the Outdoors school program for public schools. The Board approved the original agreement at the August 23, 2017 Board meeting for five schools to participate in OCDE's Inside the Outdoors "Travel Scientist" program in which classroom sessions are provided at schools on a variety of science topics. Don Juan Avila Elementary School has expressed an interest in adding additional sessions to those already scheduled and approved. An addendum to the original Agreement is required in order to add these additional requested sessions. The estimated additional amount required by this addendum to the contract is \$655 paid by gift funds from the school site.

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

**STUDENT SUPPORT SERVICES**

**11. ADDENDUM TO THE MEMORANDUM OF UNDERSTANDING WITH MISSION HOSPITAL MEDICAL CENTER:** Page 462  
**EXHIBIT 11**

Approval of the Addendum to the Memorandum of Understanding (MOU) with Mission Hospital Medical Center (Hospital). In 2013, the District entered into an MOU with the Hospital to provide educational support and programs to District students with a focus on childhood obesity and asthma. The Addendum changes the focus of the educational support to substance use prevention and mental health awareness. The MOU and Addendum will be in effect through June 30, 2020. There is no financial impact.

*Contact: Gregory Merwin, Associate Superintendent, Student Support Services*

**12. ADDENDUM TO THE MEMORANDUM OF UNDERSTANDING WITH WELLNESS AND PREVENTION CENTER:** Page 477  
**EXHIBIT 12**

Approval of the ratification of Addendum No. 2 to the Memorandum of Understanding (MOU) with Wellness and Prevention Center (WPC). In August 2017, the District entered into an MOU with WPC to provide youth counseling and wellness programs at San Clemente High School, Bernice Ayers Middle School, Shorecliffs Middle School and Vista del Mar Middle School. Services include assessment, and individual and family therapy for students seeking mental health services related to their functioning and relationships and universal wellness education. The Addendum adds the same services at San Juan Hills High School. There is no financial impact.

*Contact: Gregory Merwin, Associate Superintendent, Student Support Services*

**HUMAN RESOURCE SERVICES**

**13. AUTHORIZATION OF COACHES TO PROVIDE FIRST SEMESTER PHYSICAL EDUCATION CREDIT:** Page 484  
**EXHIBIT 13**

Approval of teachers who are credentialed in subjects other than Physical Education (PE) to provide PE credit to students in that respective sport. Districts may assign a teacher with a credential in a subject area other than PE to coach a competitive sport and award PE credit to students. State law requires that such teachers be full-time employees of a district who have completed a minimum of 20 hours of first-aid instruction, and have been approved by the Board of Trustees. It has been determined all teachers who do not hold a physical education credential, but are assigned coaching activities for which such credit is given, are full-time employees of the District, and have completed cardiopulmonary resuscitation, first-aid instruction and concussion training. There is no financial impact.

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

**14. SUBSCRIPTION, SERVICES AND HOSTING AGREEMENT - PERFORMANCE MATTERS, LLC: Page 488 EXHIBIT 14**

Approval of the renewal of the Subscription, Services and Hosting Agreement with Performance Matters, LLC. This Agreement provides that Performance Matters, LLC will provide the District a subscription that includes access to and usage of Performance Matters hosted, District-branded website on the internet and the Performance Matters internet-based PK-12 professional growth and data management products. This agreement includes Google Classroom Learning Management System (LMS) integration, allowing the District to host virtual online Google Classroom professional learning classes on the Performance Matters platform. Certificated, classified, and management employees will be able to search the course catalog and quickly find all applicable live and online learning opportunities, and register and track progress with transcripts that include their course completion status and credits. The contract term is from July 1, 2017 through June 30, 2018. Annual expenditures under this agreement are limited to \$43,640 funded by the Educator Effectiveness Grant.

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

**15. RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CLASSIFIED EMPLOYEES: Page 498 EXHIBIT 15**

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*

**16. RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CERTIFICATED EMPLOYEES: Page 524 EXHIBIT 16**

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**

**17. SCHOOL BOARD MINUTES: Page 571 EXHIBIT 17**

Approval of the August 23, 2017 Regular Board Meeting minutes.

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

**18. SCHOOL BOARD MINUTES: Page 586 EXHIBIT 18**

Approval of the September 13, 2017 Regular Board Meeting minutes.

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

**DISCUSSION/ACTION ITEMS**

**19. TRUSTEE REQUEST:**

A Trustee requested that staff provide an estimate of expenditures and resources used to defend false accusations against the District to the District Attorney and the Fair Political Practices Commission. One such allegation, the alleged conflict of interest against former Trustee Lynn Hatton-Hodson, cost the District approximately \$69,469.20 to defend. The District Attorney concluded the investigation and determined “there is no legal or factual basis for a finding that Trustee Hatton-Hodson violated either of the statutory conflict of interest regulations in connection with this matter”. Supporting documentation related to the investigation can be located in the exhibit.

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

*Contact: Martha McNicholas, President, Board of Trustees*

Staff Recommendation

It is recommend the Board President present information on this item. This is an information item only and no Board action is necessary.

**20. RESOLUTION NO. 1718-19, APPROVING ENERGY SERVICES CONTRACT WITH SCHNEIDER ELECTRIC BUILDINGS AMERICAS, INC. FOR APPROVED PLAN NO. 3 (APPLICATION NO. 2085) FOR THE DISTRICT’S ENERGY CONSERVATION PROGRAM FOR 14 SCHOOL SITES:**

This agenda item pertains to the adoption of Resolution No. 1718-19, Approving Energy Services Contract with Schneider Electric Buildings Americas, Inc. for Approved Plan No. 3 (Application No. 2085) for the District’s Energy Conservation Program for 14 School Sites. The District’s Energy Conservation Program Application 2085 was approved by the California Energy Commission (CEC) on June 13, 2017. The implementation of Approved Plan No. 3 (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. 3 in the amount of \$4,702,128.21. On December 9, 2015, the District issued a 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, American 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 December 2015 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

INFORMATION/  
DISCUSSION  
Page 598  
**EXHIBIT 19**

DISCUSSION/  
ACTION  
Page 604  
**EXHIBIT 20**



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 October 11, 2017 Board and as such, Notice was given on September 27, 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 October 11, 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. 3 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. 3 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. 1718-19, Approving Energy Services Contract with Schneider Electric Buildings

Americas, Inc. for Approved Plan No. 3 (Application No. 2085) for the District's Energy Conservation Program for 14 School Sites.

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

21. **RESOLUTION NO. 1718-18, STATEMENT OF ASSURANCE FOR INSTRUCTIONAL MATERIALS REALIGNMENT FUND, FISCAL YEAR 2017-2018:** DISCUSSION/  
ACTION  
Page 700  
**EXHIBIT 21**

Education Code § 60119 specifies a public hearing shall be held in order to receive funding for the Pupil Textbook and/or Instructional Materials Realignment Program and encourages participation by parents, teachers, members of the community and bargaining unit leaders. Education Code § 60252 specifies all purchases of instructional materials made from State Instructional Materials Fund shall conform to the law and applicable rules and regulations. The Board of Trustees shall make a determination through a resolution as to whether each pupil in each school in the District has sufficient textbooks and/or instructional materials in each of the following subject areas: English/Language Arts, History/Social Science, Health, Mathematics, Science, World Languages and science laboratory equipment. There is no financial impact.

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

***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 the Resolution No.1718-18, Statement of Assurance for Instructional Materials Realignment Fund, Fiscal Year 2017-2018.

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

22. **FIRST READING - BOARD POLICY 6145.5, STUDENT ORGANIZATIONS AND EQUAL ACCESS:** DISCUSSION/  
ACTION  
Page 729  
**EXHIBIT 22**

The proposed revision to Board Policy 6145.5, *Student Organizations and Equal Access*, provides recommended language to grant middle school campuses the opportunity to offer a limited open forum for non-academic clubs. The proposed language allows for non-curriculum based groups access to property for meetings where by the club does not interfere with the orderly conduct of the educational activities within the school. The club must be voluntary and student initiated and shall not be sponsored by the school or its employees. 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 6145.5, *Student Organizations and Equal Access*.

- 23. FIRST READING – BOARD POLICY 5142, DRESS AND GROOMING:** INFORMATION/  
DISCUSSION  
Page 737  
**EXHIBIT 23**
- The proposed revisions to Board Policy 5142, *Dress and Grooming*, provides recommended language based on committee feedback. Last Spring of 2017, the Board received public feedback from students regarding the District’s dress code policy and its relevancy. Due to the feedback, a committee was established to review the dress code policy and make recommendations for revisions. Recommended modifications include gender equity, concealing certain body parts, what items of clothing students can and cannot wear, and how the policy is implemented. This item will present a brief overview of the work of the committee and the process implemented to gather stakeholder input. The policy is currently being reviewed by legal counsel. 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 information on this item and answer any questions trustees may have. This is an information item only and no board action is necessary.
- 24. PRESENTATION REGARDING UPCOMING GOALS FOR 2017-2018 SCHOOL YEAR:** INFORMATION/  
DISCUSSION  
Page 751  
**EXHIBIT 24**
- District staff has aligned all District plans, management evaluations, and site and department work plans to our Wildly Important Goals (WIGs). Tonight staff will present the goals for the 2017-2018 school year.
- CUSD WIG 1: Teaching and Learning – Engage students in meaningful, challenging, and innovative educational experiences to increase post-secondary options for all students.***
- CUSD WIG 2: Communications – Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions.***
- CUSD WIG 3: Facilities – Optimize facilities and learning environments for all students.***
- Contact: Kirsten Vital, Superintendent***
- Staff Recommendation
- It is recommended the Board President recognize Kirsten Vital, Superintendent and the Executive Cabinet 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.
- 25. FINANCING SOLAR ENERGY PROJECTS:** INFORMATION/  
DISCUSSION  
Page 783  
**EXHIBIT 25**
- The Board will receive an information presentation from Government Financial Strategies, the District’s financial advisor, on financing solar energy projects with Clean Renewable Energy Bonds.
- 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 information on this item and

answer any questions Trustees may have. This is an information item only and no Board action is necessary.

**26. SMARTER BALANCED ASSESSMENT RESULTS:**

During the Spring of 2017, over 25,000 District students in grades 3 through 8 and 11 participated in the Smarter Balanced Assessment (SBA) computerized test as part of the California Assessment of Student Performance and Progress (CAASPP). The assessments measure students' mastery of The State Standards in mathematics and English-language arts/Literacy as well as readiness for college-level work. This item presents a summary of the SBA results.

*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.

**27. BOARD PRESENTATION – COLLEGE PROMISE:**

Efforts are underway statewide to expand opportunities to support a greater number of students in being able to access college programs. These efforts are often part of a Promise made between cities, universities, community college districts, and K-12 school districts to provide financial support in the form of free tuition. This Promise would also extend to academic support both in the K-12 setting and while students are attending college to help remove barriers that traditionally prohibit students from attending and/or being successful in college. This presentation is intended to acquaint Trustees with efforts in South Orange County to provide a Promise for K-12 students including those who attend District schools as well as to outline the next steps toward the development of such a program.

*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 and answer any questions Trustees may have. This is an information item only and no Board action is necessary.

**28. BOARD UPDATE ON PROGRESS OF ENGLISH LEARNERS AND SERVICES PROVIDED:**

The Services for English Learners Department provides support and services to ensure the District is in compliance with the legal obligations to serve English learners (EL). The department works in collaboration with other District departments to ensure these obligations are met. The department works in four specific areas: translation and interpretation, assessment and reclassification, support of EL parents and community, and instruction of English learners. This report will share department progress on goals as well as the performance of EL students by school site.

*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*

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DISCUSSION  
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**EXHIBIT 26**

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**EXHIBIT 27**

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**EXHIBIT 28**

Staff Recommendation

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

**29. BOARD PRESENTATION ON SAN ONOFRE NUCLEAR GENERATING STATION:**

Staff will present to the Board an update on the pending movement of spent nuclear fuel at the San Onofre Nuclear Generating Station from temporary wet storage to more permanent dry storage container. Staff will also review emergency response procedures in the event that there is an issue at San Onofre Nuclear Generating Station.

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

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

INFORMATION/  
DISCUSSION  
Page 867  
**EXHIBIT 29**

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.

**30. ESTABLISHING ESENCIA K-8 SCHOOL BOUNDARY AND ASSOCIATED BOUNDARY ADJUSTMENTS:**

With the construction of Esencia K-8 School now in progress and scheduled to open for the 2018-2019 school year, the official boundaries will be established for the school and existing boundaries impacted by the new boundary adjustment.

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

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

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ACTION  
Page 886  
**EXHIBIT 30**

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 establishing of Esencia K-8 School boundary and associated boundary adjustments.

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

**31. RECOMMENDATION OF TENTATIVE AGREEMENT WITH TEAMSTERS, FOR JULY 1, 2016 – JUNE 30, 2018:**

The purpose of this agenda item is to seek approval of the Tentative Agreement between the District and Teamsters, Local 952. In addition to the Tentative Agreement, the Public Disclosure Bargaining Agreement is included in the exhibit. The total estimated fiscal impact of this agreement is approximately \$287,500 in 2017-2018, \$130,000 in 2018-2019 and \$102,000 ongoing thereafter.

*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*

DISCUSSION/  
ACTION  
Page 905  
**EXHIBIT 31**

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 the Tentative Agreement with Teamsters, Local 952, for July 1, 2016 – June 30, 2018.

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

**32. FIRST READING – BOARD POLICY 6158, INDEPENDENT STUDY:**

The proposed revisions to Board Policy 6158, *Independent Study*, have been necessitated based on compliance concerns raised in May 2017 during the District’s most recent audit. The annual audit recommended that changes be made in order to comply with state law. The changes that are being recommended are technical in nature and do not substantively alter the current Independent Study program. 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 6158, *Independent Study*.

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

**33. INSTRUCTIONAL MATERIALS RECOMMENDED FOR ADOPTION: ELEMENTARY ENGLISH LANGUAGE DEVELOPMENT, GRADE 4-5:**

The District English Learners Services Department is requesting the adoption of *In the U.S.A.* for elementary English Language Development, grade 4-5: National Geographic Learning/Cengage ©2011. This title was approved as a supplemental title by the Instructional Materials Review Committee and would be adopted for an 8-year period. Approximate one time cost for materials are \$14,000, paid with Title III funds.

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

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

It is recommended the Board President recognize Susan Holliday, Associate Superintendent, Education Services to present this item.

Staff Recommendation

Following discussion, it is recommended the Board of Trustees approve the adoption of *In the U.S.A.* as a supplemental title for elementary English Language Development, grade 4-5: National Geographic Learning/Cengage ©2011.

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

**34. FIRST READING - BOARD POLICY 3461, DEBT MANAGEMENT POLICY:**

The Board is asked to consider adoption of a debt policy in accordance with new law effective this year, Government Code § 8855.

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

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

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**EXHIBIT 32**

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**EXHIBIT 33**

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**EXHIBIT 34**

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 Board Policy 3461, *Debt Management Policy*.

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

**ADJOURNMENT**

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

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS  
WEDNESDAY, NOVEMBER 8, 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

**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. Members of the public shall have an opportunity to address the Board regarding items on the agenda to be considered during Closed Session prior to the Board adjourning the meeting to Closed Session. Individual presentations are limited to a maximum of three minutes; however, the time assigned for individual presentations could be fewer than three minutes depending upon the total number of speakers who wish to address a specific agenda topic.

**ORAL COMMUNICATIONS (Non-Agenda Items):** Regular, scheduled meetings of the Board shall have a portion of each meeting devoted to Oral Communications. Oral Communications, will take place following Special Recognitions. The total time for the Oral Communications portion of regular meetings shall be twenty minutes. Individual presentations are limited to a maximum of three minutes per individual 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. The Board may, however, at its discretion, refer items to the administration for follow-up or place topics on a future Board agenda.

**ORAL COMMUNICATIONS (Agenda Items):** Members of the public shall also have an opportunity to address the Board on Open Session agenda items before their consideration by the Board. Individual presentations for the Consent Calendar are limited to a maximum of five minutes for all Consent Calendar items. Individual presentations for Discussion/Action agenda items are limited to a maximum of three minutes however; the time assigned for individual presentations could be fewer than three minutes depending upon the total number of speakers, who wish to address a specific agenda topic. The total time for presentations shall be limited to twenty minutes per agenda topic, unless the Board grants additional time. The Board shall hear all presentations after any staff comments but prior to the formal discussion by Board members 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 unless otherwise approved by the Board. When addressing a specific item on the agenda, the Board may vote to allow additional public speaker time for an individual Discussion/Action item.

**PUBLIC HEARINGS:** Any time the Board schedules a separate public hearing on a 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 recommended action at the time of the hearing.

#### 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.*