

**CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES OF REGULAR MEETING
November 8, 2017
EDUCATION CENTER – BOARD ROOM**

President McNicholas called the meeting to order in open session at 4:05 p.m.

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

Present: Trustee Bullockus (Arrived at 4:14 p.m.)

Trustee Hanacek
Trustee Holloway
Trustee Jones
Trustee McNicholas
Trustee Pritchard

Absent: Trustee Reardon

Board President McNicholas noted the following:

1. Closed Session Item 3G had a typographical error and should read 4031 instead of 4301.
2. Agenda Item 36 Resolution No. 1718-24, paragraph 5 of the Resolution has a typographical error and should read “energy conservation” instead of “energy conversation.”

The following speaker addressed the Board:

- Dawn Urbanek spoke regarding Closed Session Conference with Labor Negotiators.

At 4:12 p.m. the Board recessed to Closed Session to discuss: Conference with Legal Counsel - Anticipated Litigation; Conference with Legal Counsel - Existing Litigation; Conference with Labor Negotiators; Student Expulsions; Student Readmissions; Public Employment and Evaluation of Performance; Board Policy 4031 Appeal to the Board regarding Discrimination Complaint Against Employees.

OPEN SESSION ROLL CALL

Present: Trustee Bullockus (Arrived at 4:14 p.m.)

Trustee Hanacek
Trustee Holloway
Trustee Jones
Trustee McNicholas
Trustee Pritchard

Absent: Trustee Reardon

At 7:22 p.m. the Board recessed into Open Session and agreed to reconvene back into Closed Session immediately following Open Session to discuss: Public Employment and Evaluation of Performance.

The Pledge of Allegiance was led by Dana Hills High School Principal Josh Porter.

Pledge of Allegiance

A CD of the Board meeting discussion related to each of the items on the public agenda is on file in the Superintendent’s office as a matter of the permanent record. An audio recording of the meeting is available on the District website: www.capousd.org

Permanent Record

It was moved by Trustee Pritchard and seconded by Trustee Jones to adopt the November 8, 2017 Board meeting agenda. The motion carried 6-0-1.

Adoption of the Board Agenda

AYES: Trustees Bullockus, Hanacek, Holloway, Jones, McNicholas and Pritchard

NOES: None

ABSENT: Trustee Reardon

President McNicholas reported the following action taken during closed session:

President’s Report from Closed Session Meeting

Agenda Item 3A-1 Conference With Legal Counsel – Anticipated Litigation
Trustees voted 6-0-1 to approve the staff recommendation.

Agenda Item 3A-2 Conference With Legal Counsel – Anticipated Litigation

Trustees voted 5-0-2 to approve the staff recommendation with Trustee Reardon and Trustee Bullockus not in attendance.

Agenda Item 3A-3 Conference With Legal Counsel – Anticipated Litigation

Trustees voted 5-0-2 to approve the staff recommendation with Trustee Reardon and Trustee Bullockus not in attendance.

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

Trustees voted 6-0-1 to approve the staff recommendation.

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

Trustees voted 6-0-1 to approve the staff recommendation.

Agenda Item 3B-3 Conference with legal Counsel – Existing Litigation

Trustees voted 6-0-1 to approve the staff recommendation.

Agenda Item 3B-4 Conference with legal Counsel – Existing Litigation

Trustees voted 6-0-1 to approve the staff recommendation.

Agenda Item 3C-1 Conference With Labor Negotiators

No reportable action. The Board will recess into Closed Session following open session to discuss Item 3C-1.

Agenda Item 3D-1 Student Expulsions

Case Number 2018-006 - Trustees voted 5-0-2 to approve the staff recommendation.

Agenda Item 3E-1 Student Readmissions

Case Number 2017-060 - Trustees voted 5-0-2 to approve the staff recommendation.

Agenda Item 3F Public Employment and Evaluation of Performance

The Board will recess into Closed Session following open session to discuss Item 3F.

Agenda Item 3G-1 Board Policy 4031 Appeal to the Board Regarding Discrimination Complaint Against Employees.

By unanimous vote, with member Reardon absent, the Board took action in Closed Session to sustain the decision of the Superintendent in finding the employee was not subject to unlawful sexual harassment or retaliation.

Associated Student Body

Student Advisor Eunice introduced Tommy Ferry, Student Body President of Dana Hills High School, who gave a brief update to the Board on the activities of the student body.

Special Recognition

Extra Miler

The Board recognized Danielle Serio for her work with the San Juan Hills High School staff and students in making an inclusive safe environment for all.

Learning in CAPO Spotlight

The Board heard a presentation on the work being done by OC Puppy Raisers/Guide Dogs for the Blind and recognized Jill O'Connell-Bogle, Principal, Oak Grove Elementary School, Madison Ross, Freshman, Aliso Niguel High School Video Production, Montse Gray, Bilingual Community Services Liaison, and Dawn Freeman for their efforts in helping to provide socialization for guide dog puppies in training.

Superintendent Vital reported on various system fixes that staff is working on in terms of employee payments. She also reported on the site assessments that identify the need for modernization and new facilities at our schools and noted that the Board would receive a presentation on this matter in December.

Board and Superintendent Comments

Trustee Hanacek commented on the working dog at RH Dana, and the teachers who work hard every day and expressed her thanks for all of them and the work they do.

The following speakers addressed the Board:

**Oral
Communications**

- Kelsey Torres spoke regarding negotiations.
- Jeff Ridley spoke regarding negotiations.
- Danielle Serio spoke regarding negotiations.
- Chuck Hobbs spoke regarding negotiations.
- Joel Tapper spoke regarding negotiations.
- Ben Hughes spoke regarding the Speech and Debate teams in CUSD.

At this time, it was the consensus of the Board to move items 26 and 35 up in the agenda following the Consent Calendar.

PUBLIC HEARINGS

At 8:25 p.m. President McNicholas opened the Public Hearing to receive public input on the College and Career Access Pathways agreement with South Orange County Community College District (SOCCCD). There being no public comments, President McNicholas declared the Public Hearing closed at 8:26 p.m.

**Public Hearing:
Biotechnology
College and
Career Access
Pathways
Partnership
Agreement with
South Orange
County
Community
College District
Agenda Item 1**

At 8:26 p.m. President McNicholas opened the Public Hearing to receive public input on the intention to request approval of the issuance of New Clean Renewal Energy Bonds for the purpose of financing the installation of energy conservation measures in accordance with Government Code § 4217.13. There being no public comments, President McNicholas declared the Public Hearing closed at 8:26 p.m.

**Public Hearing:
Financing Solar
Energy Projects
Agenda item 2**

CONSENT CALENDAR

Consent Calendar

The following speakers addressed the Board:

- Ms. Ronda Whalen addressed the Board on Consent Calendar Item 24 Resignation/ Retirements/Employment – Classified Employees.

There being no items pulled from the Consent Calendar for discussion, it was moved by Trustee Holloway and seconded by Trustee Bullockus to approve the Consent Calendar as presented. The motion carried 6-0-1.

AYES: Trustees Bullockus, Hanacek, Holloway, Jones,
McNicholas and Pritchard
NOES: None
ABSENT: Trustee Reardon

BUSINESS AND SUPPORT SERVICES

Approved donations of funds and equipment.

**Donation of
Funds and
Equipment
Agenda Item 3**

Approved purchase orders (Attachment 1) and commercial warrants (Attachment 2).

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

Approved the District standardized Independent Contractor, Professional Services, Master Contract and Field Service agreements.

**Independent
Contractor,
Professional
Services, Field
Service and
Master Contract
Agreements
Agenda Item 5**

Approved Resolution No. 1718-22 authorizing the Annual and Five-Year Reportable Fees Reports for Fiscal Year 2016-2017, in compliance with Government Code § 66001 and § 66006.

**Resolution No.
1718-22,
Approving the
Annual and Five-
Year Reportable
Fees Report for
Fiscal Year 2016-
2017, in
compliance with
Government
Code § 66001 and
§ 66006
Agenda Item 6**

Approved the Proposal for Services agreement with Harris School Solutions for quarterly migration support of all Quintessential School Systems (QSS) data.

**Proposal for
Services for
QSS/OASIS
Version L
Migration
Support-Harris
School Solutions
Agenda Item 7**

Approved the Oliver Equipment Lease with Oliver Packaging and Equipment Company to lease a heat sealing machine.

**Oliver Equipment
Lease – Oliver
Packaging and
Equipment
Company
Agenda Item 8**

Approved Change Order No. 1, Bid No. 1718-07 for the Crown Valley Elementary School Portable Classrooms and Restroom Project related to soil mitigation, additional asphalt to accommodate path of travel and Division of State Architect (DSA) required modifications to building ramps.

**Change Order
No. 1, Bid No.
1718-07, Crown
Valley
Elementary
School Portable
Classrooms and
Restroom Project
Agenda Item 9**

Approved the ratification of the Aliso Viejo Community Association Limited Use and Maintenance Agreement (LUMA) for Fall 2017.

**Aliso Viejo
Community
Association
Limited Use and
Maintenance
Agreement for
Fall 2017
Agenda Item 10**

Approved Amendment No. 2 to the parking space Rental Agreement with Capo Beach Calvary to extend the contract term through September 30, 2018.

**Amendment No.
2, Parking Space
Rental Agreement
– Capo Beach
Calvary
Agenda Item 11**

Approved the adoption of Board Policy 3461, *Debt Management Policy* in accordance with new law effective this year, Government Code § 8855.

**Second Reading -
Board Policy
3461, Debt**

**Management
Policy
Agenda Item 12**

CURRICULUM AND INSTRUCTION

Approved the Affiliation Agreement with the Regents of the University of California, Irvine (UCI), Department of Ophthalmology for the 2017-2018 school year will allow preschool and transitional kindergarten students to receive free vision care services and support with prescription eye glasses for those that fail the District's annual vision screening.

**Affiliation
Agreement with
Regents of the
University of
California
Agenda Item 13**

Approved the Outdoor Science School Contract with High Trails Inc. to provide an overnight outdoor science school trip aligned with grade level science standards.

**Outdoor Science
School Contract -
High Trails Inc.
Agenda Item 14**

Approved Resolution No. 1718-23, Amends Agreement No. CSPP-7335 with the California Department of Education for the Purpose of Providing Child Care and Development Services.

**Resolution No.
1718-23 Amends
Agreement Cssp-
7335 with the
California
Department of
Education for the
purpose of
Providing Child
Care and
Development
Services
Agenda Item 15**

Approved the YMCA Program Service Agreement to provide noontime sports activities.

**YMCA Program
Service
Agreement
Agenda Item 16**

STUDENT SUPPORT SERVICES

Approved Income Agreement No. 44777 with Orange County Superintendent of Schools to provide the Resilient Mindful Counselor workshop (Stress Management for School Counselors and Nurses).

**Income
Agreement No.
44777 – Orange
County**

**Superintendent of
Schools
Agenda Item 17**

Approved the Master Contract with TERI Inc. to provide general education programs and special education instruction for eligible District students as determined by Individualized Education Program (IEP) team.

**Master Contract
With TERI Inc.
for 2017-2018
Agenda Item 18**

HUMAN RESOURCE SERVICES

Approved Amendment to Memorandum of Understanding (MOU) with Alliant International University.

**Amendment to
Memorandum of
Understanding
with Alliant
International
University
Agenda Item 19**

Approved Supervised Secondary Special Education and Transition Services Internship Placement, effective September 1, 2017 and expiring August 31, 2020 unless terminated by either party upon 60 days' notice to the other party.

**Affiliation
Agreement with
George
Washington
University
Agenda Item 20**

Approved Student Teaching Agreement with Northern Arizona University effective January 1, 2018 to December 31, 2022.

**Student Teaching
Agreement with
Northern Arizona
University
Agenda Item 21**

Approved Annual Report –Williams Settlement Legislation, 2016-2017 School Year.

**Annual Report –
Williams
Settlement
Legislation, 2016-
2017 School Year
Agenda Item 22**

Accepted Williams Settlement Legislation Uniform Complaint First 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 mis-assignments, and facility conditions posing a threat to student/staff health or safety.

**First Quarter
Report – Williams
Settlement
Legislation
Uniform
Complaint
Agenda Item 23**

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

**Resignations/
Retirements/
Employment -
Classified
Employees
Agenda Item 24**

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

**Resignations/
Retirements/
Employment -
Certificated
Employees
Agenda Item 25**

DISCUSSION/ACTION ITEMS

Dr. Susan Holliday presented the staff report on this item. The following speakers addressed the Board:

**Second Reading –
Board Policy
5142, Dress and
Grooming
Agenda Item 26**

- Merrick Verinsky spoke about the dress code.
- Amanda Bourne spoke about the dress code.
- Don Hallowell spoke about the dress code.
- Lauren Hallowell spoke about the dress code.
- Michele Ploessel-Campbell spoke about the dress code.

The Board reviewed and discussed the item. Trustee Jones motioned to table this item to a workshop in January and, following discussion, withdrew the motion. The Board gave direction to staff to bring the item back to the Board in December for further review and consideration based on input provide by the Board. No further action was taken.

Deputy Superintendent Hampton introduced Russell Driver from ARC Alternatives, the District's energy advisor, who presented an update to the Board on the Request for Proposals process for solar energy projects.

**Update on Solar
Energy Projects
Agenda Item 35**

The following speakers addressed the Board on this matter:

- Jack Hartstein
- Kyle Krueger
- Erika Hunting

Following public input, the Board reviewed and discussed the matter. No action was taken.

The Board recognized Dr. Susan Holliday who presented an overview of the study conducted on the District's Gifted and Talented Education (GATE) program, an update on recent stakeholder feedback, and outlined next steps on moving forward in refining the GATE program.

**Gifted and Talented Education Program Review
Agenda Item 27**

The Board recognized Dr. Susan Holliday who presented the staff report on the Approval of Memorandum of Understanding for the California Healthy Kids Survey (CHKS) 2017-2018.

**Memorandum of Understanding for the California Healthy Kids Survey 2017-2018
Agenda Item 28**

Following the presentation, it was moved by Trustee Pritchard and seconded by Trustee Hanacek, to approve the Memorandum of Understanding for the California Healthy Kids Survey (CHKS) 2017-18. The motion carried 6-0-1.

AYES: Trustees Bullockus, Hanacek, Holloway, Jones, McNicholas and Pritchard
NOES: None
ABSENT: Trustee Reardon

The Board recognized Dr. Susan Holliday who presented the staff report on the Language Immersion program and progress. The Board reviewed and discussed the matter. No action was taken.

**Study of Language Immersion K-12 Program
Agenda Item 29**

The Board recognized Dr. Susan Holliday who presented the staff report on the new state accountability system and Local Control Funding Formula priority areas that meet the criteria established for state indicators. Following the presentation, no action was taken.

**State Accountability Local Indicators
Agenda Item 30**

The Board recognized Dr. Greg Merwin who presented the staff report on two new resources for parents - The Parent Resource to Support Individualized Education Program (IEP) Development, and the Special Education: Parent Rights and Procedural Safeguards.

**Parent Resource to support Individualized Education Program Process
Agenda Item 31**

The following speakers addressed the Board on this matter:

- Veronica Hogitt
- Rachel Lewis

Following public input, no action was taken.

The Board recognized Dr. Susan Holliday who presented the staff report on the proposed revisions to Board Policy 6158, Independent Study.

Second Reading – Board Policy 6158,

Following the staff report, it was moved by Trustee Holloway and seconded by Trustee Bullockus to approve Board Policy 6158, Independent Study. The motion carried 6-0-1.

**Independent Study
Agenda Item 32**

AYES: Trustees Bullockus, Hanacek, Holloway, Jones,
McNicholas and Pritchard
NOES: None
ABSENT: Trustee Reardon

No action was taken on this item.

**Board Policy 4031
Appeal to the Board regarding discrimination complaint against employees (Government Code § 54957)
Agenda Item 33**

The Board recognized Deputy Superintendent Clark Hampton who presented the staff report on the easement required by the Santa Margarita Water District (SMWD) to install and connect necessary water services, including fire protection services, to the new construction of Esencia K-8 School.

**Resolution No. 1718-21, Intent to Consider the Conveyance of an Easement to the Santa Margarita Water District for the Purposes of Providing Necessary Water Services to Esencia K-8 School
Agenda Item 34**

Following the presentation, it was moved by Trustee Holloway and seconded by Trustee Pritchard to adopt Resolution No. 1718-21, Intent to Consider the Conveyance of an Easement to the Santa Margarita Water District for the Purposes of Providing Necessary Water Services to Esencia K-8 School. The motion carried 6-0-1.

AYES: Trustees Bullockus, Hanacek, Holloway, Jones,
McNicholas and Pritchard
NOES: None
ABSENT: Trustee Reardon

The Board recognized Deputy Superintendent Clark Hampton who presented the staff report regarding Resolution No. 1718-24 authorizing the issuance of bonds for solar energy projects and approving several bond legal documents.

Resolution No. 1718-24, Resolution of the Board of Trustees of the Capistrano Unified School District Authorizing the Execution and Delivery of the Capistrano Unified School District 2017 Certificates of Participation (New Clean Renewable Energy Bonds) (Series A – Direct Subsidy) and the Capistrano Unified School District 2017 Certificates of Participation (Series B –

Following the presentation, the Board reviewed and discussed the matter. It was moved by Trustee Pritchard and seconded by Trustee Bullockus to adopt Resolution No. 1718-24, A Resolution of the Board of Trustees of the Capistrano Unified School District Authorizing the Execution and Delivery of the Capistrano Unified School District 2017 Certificates of Participation (New Clean Renewable Energy Bonds) (Series A – Direct Subsidy) and the Capistrano Unified School District 2017 Certificates of Participation (Series B –

Taxable) in an Aggregate Principal Amount of Not to Exceed \$26,000,000, Authorizing the Distribution of an Official Statement in Connection Therewith, and Authorizing the Execution of Various Documents, Agreements, and Related Actions.

The motion passed 5-0-2.

AYES: Trustees Bullockus, Hanacek, Holloway, McNicholas and Pritchard
NOES: None
ABSENT: Trustees Jones and Reardon

Unified School District 2017 Certificates of Participation (New Clean Renewable Energy Bonds) (Series A – Direct Subsidy) and the Capistrano Unified School District 2017 Certificates of Participation (Series B – Taxable) in an Aggregate Principal Amount of Not to Exceed \$26,000,000, Authorizing the Distribution of an Official Statement in Connection therewith, and Authorizing the Execution of Various Documents, Agreements, and Related Actions Agenda Item 36

It was moved by Trustee Pritchard and seconded by Trustee Bullockus, to adopt Resolution of the Board of Directors of the Capistrano Unified School District School Facilities Corporation Authorizing Delivery and Sale of Capistrano Unified School District 2017 Certificates of Participation (New Clean Renewable Energy Bonds) (Series A – Direct Subsidy) and the Capistrano Unified School District 2017 Certificates of Participation (Series B – Taxable) in the Maximum Principal Amount of \$26,000,000 and Approving Related Documents, Agreements and Actions.

The motion passed 5-0-2.

AYES: Trustees Bullockus, Hanacek, Holloway, McNicholas and Pritchard

Resolution No. 1718-25, A Resolution of the Board of Directors of the Capistrano Unified School District School Facilities Corporation Authorizing Delivery and Sale of Capistrano

NOES: None
ABSENT: Trustees Jones and Reardon

**Unified School District 2017 Certificates of Participation (New Clean Renewable Energy Bonds) (Series A – Direct Subsidy) and the Capistrano Unified School District 2017 Certificates of Participation (Series B – Taxable) in the Maximum Principal Amount Of \$26,000,000 and Approving Related Documents, Agreements and Actions
Agenda Item 37**

The Board recognized Deputy Superintendent Clark Hampton who presented the staff report on the PA2 School Implementing Agreement with RMV Community Development, LLC, a California limited liability company and RMV.

**PA2 School Implementing Agreement – RMV Community Development, LLC and RMV PA2 Development, LLC
Agenda Item 38**

Following the presentation, it was moved by Trustee Holloway and seconded by Trustee Bullockus to approve the PA2 School Implementing Agreement with RMV Community Development, LLC and RMV PA2 Development, LLC. The motion carried 5-0-2.

AYES: Trustees Bullockus, Hanacek, Holloway, McNicholas and Pritchard
NOES: None
ABSENT: Trustees Jones and Reardon

Trustee McNicholas corrected a statement she made earlier noting that the Board will recess into closed session following open session to discuss Closed Session Item 3F Public Employment and Evaluation Performance, not Item 3C.

It was moved by Trustee Pritchard and seconded by Trustee Holloway to extend the time of the meeting to 11:30 p.m. The motion carried by a 5-0-2.

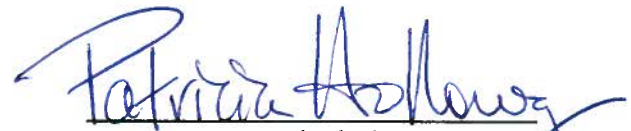
AYES: Trustees Bullockus, Hanacek, Holloway, McNicholas and Pritchard
NOES: None
ABSENT: Trustees Jones and Reardon

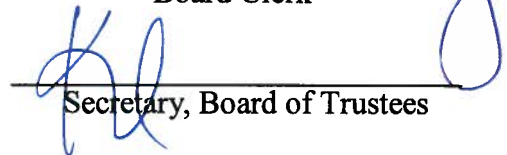
The Board recessed into closed session at 10:28 p.m. At 11:05 p.m. the Board reconvened in open session. There was no reportable action.

There being no further business before the Board of Trustees, it was moved by Trustee Holloway and seconded by Trustee Bullockus to adjourn the meeting at 11:05 p.m. The motion carried 5-0-2. **Adjournment**

AYES: Trustees Bullockus, Hanacek, Holloway, McNicholas and Pritchard
NOES: None
ABSENT: Trustees Jones and Reardon

President McNicholas announced the meeting adjourned at 11:05 p.m.



Board Clerk


Secretary, Board of Trustees

Minutes submitted by Pauline Colvin, Executive Secretary, Board Operations