

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

March 14, 2018

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

Attorney: David Huff

Significant Exposure to Litigation – One Case
(Pursuant to Government Code § 54956.9(d))

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Capistrano Unified School District v. County of Orange
(OCSC #: 30-2017-00963064-CU-TT-CXC)
(Pursuant to Government Code § 54956.9(a))

C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Gregory Merwin/Sara Young

Attorney – Ernest Bell

Significant Exposure to Litigation – Three Cases

OAH Case Number 2017110451

OAH Case Number 2017120402

OAH Case Number 2018020037

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

**EXHIBIT C-1
EXHIBIT C-2
EXHIBIT C-3**

D. CONFERENCE WITH LABOR NEGOTIATORS

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

Employee Organizations:

1) Capistrano Unified Education Association (CUEA)

2) California School Employees Association (CSEA)

3) Teamsters

4) Capistrano Unified Management Association (CUMA)

(Pursuant to Government Code § 54957.6)

EXHIBIT D-1

E. STUDENT READMISSIONS

Mike Beekman

One Case

Case # 2017-025

EXHIBIT E-1

F. PUBLIC EMPLOYMENT AND EVALUATION OF PERFORMANCE

Superintendent

(Pursuant to Government Code § 54957(b))

RECORDING OF SCHOOL BOARD MEETINGS

In accordance with Board Policy 9324, Board Minutes, all Regular School Board Meetings will be audio recorded.

OPEN SESSION AT 7:00 P.M.

CALL TO ORDER – ROLL CALL

PLEDGE OF ALLEGIANCE

ADOPTION OF THE AGENDA

REPORT ON CLOSED SESSION ACTION

SPECIAL RECOGNITIONS

Associated Student Body

Capistrano Valley High School

John Misustin, *Principal*

Steven Bryant, *Activities Director*

Kennedy Dierckman, *Associated Student Body President*

Special Recognition

In recognition of their Participation in the District's Solar Project.

Joshua Block, *Tesoro High School*

Raul Duarte, *Aliso Niguel High School*

Daniel Goodin, *San Juan Hills High School*

Jack Hartstein, *Tesoro High School*

Ava Harvey, *San Clemente High School*

Declan Hayworth, *San Juan Hills High School*

Erika Hunting, *San Clemente High School*

Kyle Krueger, *Tesoro High School*

Yi-Ann Li, *Tesoro High School*

Perry Meade, *Tesoro High School*

Ally Novales, *Tesoro High School*

Millad Shokraee, *Dana Hills High School*

Russell Tran, *San Juan Hills High School*

Whitney Wachtel, *Dana Hills High School*

Jaykob Zaleski, *Aliso Niguel High School*

In recognition of their dedication to the students in the District's Structured Teaching Educating Prepared Students (STEPS) program.

ELEMENTARY

R. H. Dana ENF

Melissa Brizendine
Lori Sturdevant-Brown
Gina Fedena
Valery Fischer
Uki Hefft
Jennifer Labbe
Starline Martz
Karen Styles
Jennifer Sundell-Mizell

MIDDLE

Marco Forster

Patrick Derry
Paige Kilpatrick
Michelle Sills
Newhart
Danelle Aldaco
Amy Farrier
Carolyn Hayden
Kathleen Lewis

HIGH SCHOOL

Dana Hills

Rob Harris
Angela Rinke
Joel Tapper
San Clemente
Jamie Finnsson
Jeffrey Ridley
Tesoro
Traci Conner
Kevin Corbett
Danny Doyer
Sarah Snyder

ADULT TRANSITION

Amanda Bacopulos
Brian Howell
Reem Khalaf
Lori Kunze-Thibeau
Melanie Lavinger
Steve Lavinger
Lucille Robustelli
Sammie Snowden
Trey Wilmer III

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. 1718-40, RESOLUTION OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT TO AUTHORIZE CONVEYANCE OF AN EASEMENT TO SAN DIEGO GAS & ELECTRIC COMPANY FOR THE PURPOSES OF PROVIDING NECESSARY ELECTRICAL AND COMMUNICATION FACILITIES TO ESENCIA K-8 SCHOOL:** Page 1
EXHIBIT 1

The Board will conduct a public hearing on adopting Resolution No. 1718-40, Resolution of the Capistrano Unified School District to Authorize Conveyance of an Easement to San Diego Gas & Electric Company for Purposes of Providing Necessary Electrical and Communication Facilities to Esencia K-8 School. Supporting documentation is located in Exhibit 26.

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

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

Staff Recommendation

It is recommended the Board President open the public hearing, determine if members of the public have submitted requests to speak on the item, and after hearing any speakers, formally close the public hearing.

- 2. **PUBLIC HEARING: RESOLUTION NO. 1718-41, AN INCREASE IN STATUTORY SCHOOL FEES IMPOSED ON NEW RESIDENTIAL AND COMMERCIAL/INDUSTRIAL CONSTRUCTION PURSUANT TO EDUCATION CODE § 17620 AND GOVERNMENT CODE § 65995:** Page 10
EXHIBIT 2

The Board will conduct a public hearing on adopting Resolution No. 1718-41, An Increase in Statutory School Fees Imposed on New Residential and Commercial/Industrial Construction Pursuant to Education Code § 17620 and Government Code § 65995. The Justification Study is included in Exhibit 27.

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

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

Staff Recommendation

It is recommended the Board President open the public hearing, determine if members of the public have submitted requests to speak on the item, and after hearing any speakers, formally close the public hearing.

CONSENT CALENDAR

All matters listed under the Consent Calendar are considered by the Board to be routine and will be enacted by the Board in one motion in the form listed below. There will be no discussion of these items prior to the time the Board votes on the motion unless members of the Board 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 11
EXHIBIT 3
Approval of donations of funds and equipment. A number of gifts have been donated to the District, including \$83,891.95 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 13
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 \$1,655,463.59 and the commercial warrants total \$4,486,965.99. 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 78
EXHIBIT 5
Approval of the District standardized Independent Contractor, Professional Services, Field Service and Master Contract agreements. The expenditures related to the listed agreements were previously authorized as part of the District’s budget approval process. The exhibit shows seven new agreements totaling \$308,347 and four amendments to existing agreements totaling \$85,000. Due to the size of the contract documents, the General Conditions for each type of agreement are posted online on the District’s Board Agendas and Supporting Documentation page.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

- 6. CHANGE ORDER NO. 6, BID NO. 1516-10, SAN CLEMENTE HIGH SCHOOL BUILDING 800 PROJECT:** Page 190
EXHIBIT 6
Approval of Change Order No. 6, Bid No. 1516-10 for the San Clemente High School Building 800 Project related to owner directed changes for project improvement, acceleration of work and unforeseen conditions. 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. 6 is \$9,864,424.21 funded by developer fees, school facility funds, special reserve funds and CFD 90-2. With this change order, the project continues to remain under budget.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

- 7. COLTON JOINT UNIFIED SCHOOL DISTRICT BID NO. 18-02, PLAYGROUND EQUIPMENT, SAFETY SURFACING, OUTDOOR SITE FURNISHINGS, DSA SHADE SHELTERS AND ATHLETIC EQUIPMENT – DAVE BANG ASSOCIATES, INCORPORATED:** Page 323
EXHIBIT 7
Approval to utilize the Colton Joint Unified School District Bid No. 18-02 and any subsequent revisions, amendments, and extensions awarded to Dave Bang Associates, Incorporated, for the purchase of playground equipment, safety surfacing, outdoor site furnishings, Division of State Architect (DSA) shade shelters and athletic equipment, as needed by the District, under the same terms and conditions of the public agency’s

contract. This contract provides competitive set pricing for the equipment, and furnishings. School boards have the authority to “piggyback” on another public agency’s bid, pursuant to Public Contract Code § 20118 when it is in the best interest of a district. It is often advantageous to utilize piggyback contracts when items are identical to the District’s specifications. Using piggyback contracts saves time and often provides lower prices than a single jurisdiction would be able to obtain. Expenditures utilizing this contract are estimated to be \$500,000 funded by the general fund, deferred maintenance and Community Facilities District funds. Due to the size of the contract and award, the documentation will be posted online on the District Board Agendas and Supporting Documentation page.

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

8. FINAL ACCEPTANCE AND FILING OF NOTICE OF COMPLETION FOR BID NO. 1516-10, SAN CLEMENTE HIGH SCHOOL BUILDING 800 – PAUL C. MILLER CONSTRUCTION CO., INC.: Page 326
EXHIBIT 8

Approval of the Final Acceptance and filing of the Notice of Completion for Bid No. 1516-10, San Clemente High School Building 800. In order to obtain Division of State Architect closeout with certification, Notice of Completion is required. All work has been inspected and completed to the satisfaction of staff. The project was funded by developer fees, school facility funds, special reserve funds and CFD 90-2.

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

CURRICULUM AND INSTRUCTION

9. MEMORANDUM OF UNDERSTANDING WITH THE ORANGE COUNTY SUPERINTENDENT OF SCHOOLS AND SCHOOL DISTRICTS IN ORANGE COUNTY FOR PARTICIPATION IN THE ORANGE COUNTY INTEGRATED FOSTER YOUTH EDUCATION DATABASE 2018-2022: Page 330
EXHIBIT 9

Approval of Memorandum of Understanding (MOU) for the District’s participation in the Orange County Integrated Foster Youth Education Database (OCIFYED) maintained by the Orange County Department of Education (OCDE). The purpose of this MOU is to facilitate secured electronic data sharing for foster youth under the jurisdiction of the California Juvenile Courts.

The sharing of foster youth information will improve the identification, case management, and ability to utilize data to develop programs to support foster youth, improving their academic outcomes. Further, OCDE will be able to utilize the data to enhance the collaboration and coordination of foster youth services between school districts and the Orange County Social Services Agency. Both the District and OCDE will be able to generate academic reports to improve program planning and improve the educational outcomes of foster youth consistent with the Local Control Funding Formula. There is no financial impact.

Contact: Susan Holliday, Associate Superintendent, Education Services

10. THREE-YEAR EXPULSION PLAN: Page 344
EXHIBIT 10

Approval of the plan will satisfy the District’s requirement to adopt a three-year Expulsion Plan that is developed in collaboration with Orange County School Districts and the Orange County Department of Education (OCDE). OCDE in turn submits the three-year county plan to the California Department of Education. District staff has reviewed the previous plan with Orange County Districts and the Department of Education to update the District’s three year Expulsion Plan. Trustees adopted the previous three-year plan in February 2015.

Contact: Susan Holliday, Associate Superintendent, Education Services

HUMAN RESOURCE SERVICES

11. **RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CLASSIFIED EMPLOYEES:** Page 355
EXHIBIT 11
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
12. **RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CERTIFICATED EMPLOYEES:** Page 365
EXHIBIT 12
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
13. **ORANGE COUNTY DEPARTMENT OF EDUCATION SECOND QUARTER REPORT – WILLIAMS SETTLEMENT LEGISLATION:** Page 378
EXHIBIT 13
Acceptance of Williams Settlement Legislation Orange County Department of Education (OCDE) Second 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
14. **AFFILIATION AGREEMENT FOR DIETETICS INTERNSHIP WITH IOWA STATE UNIVERSITY:** Page 381
EXHIBIT 14
Approval of Affiliation Agreement for Dietetics Internship with Iowa State University, effective March 1, 2018. Dietetics Interns from Iowa State University will work with District Food and Nutrition employees to fulfill field experience requirements to earn their degree.
Contact: Gordon Amerson, Associate Superintendent, Human Resource Services
15. **AFFILIATION AGREEMENT FOR DIETETICS INTERNSHIP WITH BOWLING GREEN STATE UNIVERSITY:** Page 389
EXHIBIT 15
Approval of Affiliation Agreement for Dietetics Internship with Bowling Green State University, effective March 5, 2018. Nutrition and Dietetics Interns from Bowling Green State University will work with District Food and Nutrition employees to fulfill field experience requirements to earn their degree.
Contact: Gordon Amerson, Associate Superintendent, Human Resource Services
16. **PUBLIC AGENCY RETIREMENT SERVICES (PARS) SUPPLEMENTARY RETIREMENT PLAN FOR TEAMSTERS EMPLOYEES:** Page 395
EXHIBIT 16
Approval of the Public Agency Retirement Services (PARS) Supplementary Retirement Plan for Teamsters Employees. As a result of the Tentative Agreement reached with Teamsters and the number of participants enrolling in the program, staff seeks approval of the final PARS agreement. The total fiscal impact of this agreement is a savings of up to \$72,000 over a five year period.
Contact: Gordon Amerson, Associate Superintendent, Human Resource Services

GENERAL FUNCTIONS

17. **SCHOOL BOARD MINUTES:** Page 400
EXHIBIT 17
Approval of the February 13, 2018 Special Board Meeting minutes.
Contact: Pauline Colvin, Executive Secretary, Board Operations

18. **SCHOOL BOARD MINUTES:**
Approval of the February 28, 2018 Regular Board Meeting minutes.
Contact: Pauline Colvin, Executive Secretary, Board Operations

Page 405
EXHIBIT 18

DISCUSSION/ACTION ITEMS

19. **PRESENTATION FROM THE SCHOOL FACILITIES AND FINANCE ADVISORY COMMITTEE:** INFORMATION/
DISCUSSION
Page 421
EXHIBIT 19
In the Fall of 2017, the District invited all stakeholders to apply to serve on the School Facilities and Finance Advisory Committee. The School Facilities and Finance Advisory Committee was established to provide input, advice, and recommendations on topics pertaining to school facilities and finance, including the implementation of the general obligation bond program. The committee was designed to include regional representation from high school attendance boundaries throughout the District.

The Advisory Committee has been meeting since January 2017. The Committee independently established its own governing structure, meeting agendas and subjects of interest to examine and research. District staff attends the meetings to provide information and presentations and to follow up on requests from the Committee.

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

Contact: Ryan Burris, Chief Communications Officer

Staff Recommendation

It is recommended the Board President recognize Ryan Burris, Chief Communications Officer to introduce this item and answer any questions Trustees may have. This is an information item only and no Board action is necessary.

20. **ESENCIA K-8 UPDATE ON PROGRESS AND ENROLLMENT PROJECTIONS:** DISCUSSION/
ACTION
Page 446
EXHIBIT 20
Based on Trustee direction at the February 13, 2018 Board meeting, staff conducted two middle school round-ups to collect enrollment data for grades 6, 7 and 8. Staff will present data and recommendations for Esencia's grade level offerings.
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 3: Facilities-Optimize facilities and learning environments 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 staff's recommendation to open Esencia grade levels as follows: K-5 for the 2018-2019 school year, K-6 for the 2019-2020 school year, K-7 for the 2020-2021 school year and K-8 for the 2021-2022 school year.

Motion by _____ Seconded by _____

21. **SCHOOL SAFETY UPDATE:** INFORMATION/
DISCUSSION
Page 449
EXHIBIT 21
Mike Beekman, Executive Director, Safety and Student Services, will provide Trustees an overview of the District's school safety measures, currently in place, to support student and staff safety. The presentation and provided materials associated

with this exhibit will briefly review the Districtwide training requirements, preparation, prevention, response measures, emergency drills, communication and notification strategies, and partnerships with local safety services. Staff will also share outcomes of a District safety task force established in 2013.

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 of Trustees recognize Susan Holliday, Associate Superintendent, Education Services, and Mike Beekman, Executive Director of Safety and Student Services, to present information on this item, including current safety measures within the District, and answer any questions Trustees may have.

Staff supports working with our city and local officials on school safety. Staff will be meeting with key leaders to better understand efforts to collaborate on initiatives including the proposed commission of securing Orange County schools. In response to the Secure O.C. Schools coalition priorities:

- The District works very closely with local Law Enforcement. The District welcomes the concept of an increased Law Enforcement presence on campus, although, the District does not have the fiscal resources to support this endeavor.
- The District supports training of all staff as measure to protect children in the event there is a threat on campus. However, the District is committed to using the DEE (Deny Access, Evade and Engage) Lockdown procedure and will not be using the ALICE Lockdown procedure.

22. BOARD PRESENTATION – CALIFORNIA HEALTHY YOUTH ACT:

Assembly Bill 329, referred to as the California (CA) Healthy Youth Act, was enacted on January 1, 2016, and modified CA Education Code (EC) §§ 51930 to 51939. The law requires school districts to add a comprehensive sexuality education to the already existent human immunodeficiency virus (HIV) prevention education and to require this instruction one time during grades 6 through 8 and one time during grades 9 through 12. District staff will present the Education Code requirements as well as proposed plans to implement the CA Healthy Youth Act. Staff recommends developing materials collaboratively to meet the minimum requirements under Education Code. Portions of state reviewed curriculum and other resources will be used to augment currently accepted materials to ensure compliance with the law. Education Services' staff will continue to work with teachers and community members to refine the instructional activities that are presented to students and these materials will be brought back to the Instructional Materials Review Committee (IMRC) for approval before being recommended for adoption by Trustees during the fall of the 2018-2019 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.

Contact: Susan Holliday, Associate Superintendent, Education Services

Staff Recommendation

It is recommended the Board of Trustees 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.

INFORMATION/
DISCUSSION
Page 490
EXHIBIT 22

23. CERTIFICATION OF THE 2017-2018 SECOND INTERIM REPORT AND ADOPTION OF RESOLUTION NO. 1718-39, 2017-2018 REVENUE AND EXPENDITURE INCREASES/DECREASES:

DISCUSSION/
ACTION
Page 512
EXHIBIT 23

In accordance with Education Code § 42130, school districts are required to prepare and submit Interim Financial Reports to the governing board. Resolution No. 1718-39 adjusts the various fund budgets to reflect the Second Interim Report. The purpose of these reports is to satisfy appropriate State and County Office of Education officials as to whether or not the District will be able to meet its financial obligations for the remainder of the fiscal year. Additionally, as required by AB 2756, districts must certify that minimum reserve levels are projected to be met in the two subsequent fiscal years.

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 approve the Certification of the 2017-2018 Second Interim Report and Adoption of Resolution No. 1718-39, 2017-2018 Revenue and Expenditure Increases/Decreases.

Motion by _____ Seconded by _____

24. RESOLUTION NO. 1718-40, RESOLUTION OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT TO AUTHORIZE CONVEYANCE OF AN EASEMENT TO THE SAN DIEGO GAS & ELECTRIC COMPANY FOR THE PURPOSES OF PROVIDING NECESSARY ELECTRICAL AND COMMUNICATION FACILITIES TO ESENCIA K-8 SCHOOL:

DISCUSSION/
ACTION
Page 642
EXHIBIT 24

Approval to convey an easement to San Diego Gas & Electric Company (SDG&E) within Esencia K-8 School to provide necessary electrical and communication facilities. The Board of Trustees is considering granting an easement to SDG&E on a portion of Esencia K-8 School in order to erect, construct, change the size of, improve, reconstruct, relocate, repair, maintain and use facilities consisting of: (1) underground facilities, together with aboveground structures consisting of, but not limited to, pad-mounted electrical equipment and appurtenances for the transmission and distribution of electricity; and (2) communication facilities and appurtenances.

Pursuant to Education § 17556 *et. seq.*, the Board, at its February 28, 2018 meeting, adopted Resolution No. 1718-34 indicating its intention to convey the SDG&E Easement and calling a noticed “Public Hearing” to address the issue of whether the District should convey the SDG&E Easement (Resolution of Intent). Consistent with the Resolution of Intent, the Board will hold a public hearing before considering the Easement.

The Board, having both adopted its Resolution of Intent, as required by Education Code § 17557, and held a public hearing on whether to convey the SDG&E Easement as required by Education Code § 17558, is permitted to consider a resolution conveying the SDG&E Easement. As such, the Board may consider the adoption of Resolution No. 1718-40 authorizing the conveyance of the SDG&E Easement to SDG&E, pursuant to Education Code § 17559.

This Resolution to Convey an Easement to SDG&E must be approved by a vote of at least two-thirds of all the members of the Board.

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

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

Staff Recommendation

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

Following discussion, it is recommended the Board of Trustees adopt Resolution No. 1718-40, Resolution of the Capistrano Unified School District to Authorize Conveyance of an Easement to the San Diego Gas & Electric Company for the Purposes of Providing Necessary Electrical and Communication Facilities to Esencia K-8 School.

Motion by _____ Seconded by _____

25. **RESOLUTION NO. 1718-41, AN INCREASE IN STATUTORY SCHOOL FEES IMPOSED ON NEW RESIDENTIAL AND COMMERCIAL/INDUSTRIAL CONSTRUCTION PURSUANT TO EDUCATION CODE § 17620 AND GOVERNMENT CODE § 65995:** DISCUSSION/
ACTION
Page 652
EXHIBIT 25

Assembly Bill 181 authorizes the State Allocation Board (SAB) to approve an increase in developer fees every two years. On January 24, 2018, the SAB authorized an increase in the amount of the developer fees a school district can levy. Developer fees for new residential development were increased from \$3.48 to \$3.79 per square foot and commercial/industrial fees were increased from \$0.56 to \$0.61 per square foot, as long as such increases are properly justified by the District pursuant to the law. The District last approved an increase in developer fees on March 23, 2016.

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. 1718-41, An Increase in Statutory School Fees Imposed on New Residential and Commercial/Industrial Construction Pursuant to Education Code § 17620 and Government Code § 65995.

Motion by _____ Seconded by _____

26. **FIRST READING - BOARD POLICY 3320, CLAIMS AND ACTIONS AGAINST THE DISTRICT:** DISCUSSION/
ACTION
Page 721
EXHIBIT 26

This proposed Board Policy 3320, *Claims and Actions Against the District*, was written to ensure the District's operations are conducted in a manner that minimizes risk, protects District resources, and promotes the health and safety of students, staff and the public. 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

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 3320, *Claims and Actions Against the District*.

Motion by _____ Seconded by _____

27. CONSULTING ENGAGEMENT - EFFICIENCY ENERGY, LLC:

This agreement would allow the District to work with Efficiency Energy on obtaining one-time funds as a result of energy efficiency tax deductions authorized under § 179D of the Internal Revenue Code. The District and Schneider Electric are eligible to jointly obtain these funds as a result of completing Proposition 39 energy efficiency projects last year at the six high schools within the District. Expenditures under this agreement are contingent upon the District receiving funds, payable from the funds and based on the amount of funds the District actually receives.

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 the Consulting Engagement with Efficiency Energy, LLC.

Motion by _____ Seconded by _____

28. NOTICE OF VIOLATION TO OXFORD PREPARATORY ACADEMY PURSUANT TO EDUCATION CODE § 47607 (C) AND (D) AND REQUESTING REMEDY BY APRIL 13, 2018 (ENCLOSURE):

Issuing a *Notice of Violation* notifies a charter school that the authorizer has significant concerns regarding the operation of that school. There is a substantial showing of evidence that Oxford Preparatory Academy (OPA) has engaged in activities and/or committed violations pursuant to *Education Code* § 47607(c) as follows:

- OPA failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement (*Ed. Code*, § 47607(c)(1)(C))
- OPA committed a material violation of the conditions, standards, or procedures set forth in the charter (*Ed. Code*, § 47607(c)(1)(A))

A *Notice of Violation* to OPA providing the findings of fact and substantial evidence that supports issuing the *Notice of Violation* pursuant to *Education Code* § 47607(c) and (d) is attached. Due to the size of the supporting documentation, complete information can be found at the following link:

<https://drive.google.com/file/d/1FCyW93h2ulyq-sFM7iZIFrkENm1pEyp6/view?usp=sharing>

The charter school shall have a reasonable opportunity to cure the violations by April 13, 2018 as stated in the *Notice of Violation*.

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

DISCUSSION/
ACTION
Page 725
EXHIBIT 27

DISCUSSION/
ACTION
Page 728
EXHIBIT 28

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 the recommendation to issue a Notice of Violation to OPA pursuant to *Education Code* § 47607(c) and (d) and Requesting Remedy by April 13, 2018.

Staff recommends that the Capistrano Unified School District Board of Trustees (“District Board”) adopt the written finding of facts based on the evidence provided and take action to issue a *Notice of Violation* pursuant to *Education Code section* 47607(c)(1) and (d).

Motion by _____ Seconded by _____

ADJOURNMENT

Motion by _____ Seconded by _____

**THE NEXT BOARD WORKSHOP OF THE BOARD OF TRUSTEES IS
WEDNESDAY, MARCH 28, 2018, 6:00 P.M.**

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS
WEDNESDAY, APRIL 25, 2018, 7:00 P.M.**

**AT THE CAPISTRANO UNIFIED SCHOOL DISTRICT OFFICE BOARD ROOM
33122 VALLE ROAD, SAN JUAN CAPISTRANO, CALIFORNIA**

For information regarding Capistrano Unified School District, please visit our website:

www.capousd.org

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

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

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

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

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

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

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.