

President McNicholas called the meeting to order at 5:20 p.m.

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

Present: Trustee Bullockus
Trustee Hanacek
Trustee Holloway
Trustee Jones
Trustee McNicholas
Trustee Reardon

Absent: Trustee Pritchard

Before recessing into closed session, President McNicholas made the following **Closed Session** announcement:

“Before we begin, the following items have been pulled by staff from the Closed Session portion of the agenda and will be brought back to the Board for consideration at a future date:

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

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))”

There were no closed session comments.

**Closed Session
Comments**

At 5:21 p.m. the Board recessed to closed session to discuss: Conference with Legal Counsel – Anticipated Litigation; Conference with Labor Negotiators; Student Readmissions, and Public Employment and Evaluation of Performance – Superintendent.

The regular meeting of the Board reconvened in open session and was called to order at 7:07 p.m. by President McNicholas.

**Call to Order
Open Session**

Present: Trustee Bullockus
Trustee Hanacek
Trustee Holloway

Trustee Jones
Trustee McNicholas
Trustee Reardon
Student Advisor Max Eunice

Absent: Trustee Pritchard

The Pledge of Allegiance was led by Mike Beekman.

**Pledge of
Allegiance**

Prior to the adoption of the agenda, staff made the following revisions:

**Adoption of the
Agenda**

Item #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: There was a typographical error on the Exhibit number. Supporting documentation is located in Exhibit 24 and not Exhibit 26.

Item #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: There was a typographical error on the Exhibit number. The Justification Study is included in Exhibit 25 and not in Exhibit 27 as previously stated.

It was moved by Trustee Holloway and seconded by Trustee Jones to adopt the Board agenda. The motion carried 6-0-1.

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

Student Advisor Eunice voted Aye to adopt the agenda.

President McNicholas reported the following action taken during closed session.

**Report Out of
Closed Session**

Item 3B: Conference with Legal Counsel – Existing Litigation. The Board voted 5-1-1 to appeal case #30-2017-00963064-CU-TT-CXC.

Item 3D: Conference with Legal Counsel – Labor Negotiators. This item was pulled by staff.

Item 3E: Student Readmissions – The Board voted 5-0-2 with Trustees Pritchard and Jones out of the room to approve the staff recommendation.

Item 3F: Public Employment and Evaluation of Performance. No reportable action.

Associated Student Body

Student Advisor Max Eunice introduced Kennedy Dierckman, Associated Student Body President of Capistrano Valley High School, who presented the Associated Student Body update.

**Special
 Recognitions**

Special Recognition

Chief Communications Officer Ryan Burris introduced the item. The Board recognized the following students for their hard work on the CUSD 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

Chief Communications Officer Ryan Burris and Dr. Greg Merwin gave a brief report on the Structured Teaching Educating Prepared Students (STEPS) Special Education Program and introduced the following STEPS teachers who were recognized by the Board for their dedicated efforts:

ELEMENTARY	MIDDLE	HIGH SCHOOL	ADULT TRANSITION
<p><u>R. H. Dana ENF</u> Melissa Brizendine Lori Sturdevant-Brown Gina Fedena Valery Fischer Uki Hefft Jennifer Labbe Starline Martz Karen Styles Jennifer Sundell-Mizell</p>	<p><u>Marco Forster</u> Patrick Derry Paige Kilpatrick Michelle Sills <u>Newhart</u> Danelle Aldaco Amy Farrier Carolyn Hayden Kathleen Lewis</p>	<p><u>Dana Hills</u> Rob Harris Angela Rinke Joel Tapper <u>San Clemente</u> Jamie Finnsson Jeffrey Ridley <u>Tesoro</u> Traci Conner Kevin Corbett Danny Doyer Sarah Snyder</p>	<p>Amanda Bacopulos Brian Howell Reem Khalaf Lori Kunze-Thibeau Melanie Lavinger Steve Lavinger Lucille Robustelli Sammie Snowden Trey Wilmer III</p>

**Board and
Superintendent
Comments**

Superintendent Vital reported that between 500 - 1100 students at each of our comprehensive high school campuses participated in the national walkout that took place earlier in the day. She praised them for being respectful, organized and thoughtful during the walk-out. She referenced the students who were recognized at the meeting for their participation in the District's solar project and thanked them for their efforts. In addition, she expressed her gratitude to the Facilities and Finance Advisory Committee for its work on behalf of the students and families within the District. In reference to the Teen Talk curriculum, Superintendent Vital reported that staff has postponed the adoption of the curriculum so they can work through the issues and engage the community in the process of developing a curriculum.

Trustee Holloway spoke about school safety and introduced a resolution she would like the Board to consider at its April 25, 2018 Board meeting.

Trustee Hanacek referenced the national walkout that took place earlier in the day and expressed her appreciation to the students who participated in the walkout.

Trustee McNicholas noted that March 14 was Pi (3.14) day and wished all those in attendance a happy Pi day.

The following individuals addressed the Board:

**Oral
Communications
(Non-Agenda
Items)**

- *Nathan Banda presented a check to the District for \$1,500 from Four Directions Education.*
- *Stephanie Sorensen spoke about parent involvement in the selection of the sex ed. curriculum.*
- *Larry Kramer spoke about Citizens' Climate Lobby.*
- *Lucy Law spoke about the articles on relationships and sex published in the SJHHS school newspaper.*
- *Grace Aitken spoke about the articles on relationships and sex published in the SJHHS school newspaper.*
- *Alex Royal spoke about the articles on relationships and sex published in the SJHHS school newspaper.*
- *Olivia Fu spoke about the articles on relationships and sex published in the SJHHS school newspaper.*
- *Paul Fu spoke about the articles on relationships and sex published in the SJHHS school newspaper.*
- *Lucy Collins spoke about the articles on relationships and sex published in the SJHHS school newspaper.*
- *Luanne Biggs spoke about the articles on relationships and sex published in the SJHHS school newspaper.*
- *Ashley Renteria spoke about the articles on relationships and sex published in the SJHHS school newspaper.*
- *Michele Ploessel-Campbell gave an update on George White PTA activities and*

reported the George White Carnival had been rescheduled to May 31, 2018.

- *Shanin Kurtz spoke about transportation and the opening of Esencia K-8.*
- *Eddie Marquez spoke about the opening of Esencia K-8.*
- *Shauna Mangan spoke about the opening of Esencia K-8.*
- *Anna Marquiz –spoke about the opening of Esencia K-8.*
- *Dawn Urbanek spoke about the District's reserves.*

President McNicholas opened the Public Hearing at 8:18 p.m. for 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. Seeing no public comments, Trustee McNicholas closed the public hearing at 8:18 p.m.

**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.
Agenda Item 1**

President McNicholas opened the Public Hearing at 8:18 p.m. for 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. Seeing no public comments, Trustee McNicholas closed the public hearing at 8:18 p.m.

**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.
Agenda Item 2**

It was moved by Trustee Holloway and seconded by Trustee Reardon to approve the Consent calendar as presented. The motion carried 6-0-1.

**Consent
Calendar
Agenda Item 3**

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

Student Advisor Eunice voted Aye to approve the Consent Calendar.

BUSINESS AND SUPPORT SERVICES

Approved donations of funds and equipment. A number of gifts have been donated to the District, including \$83,891.95 in cash.

**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 the 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.

**Change Order
No. 6 Bid No.
1516-10, San
Clemente High**

**School Building
800 Project
Agenda Item 6**

Approved utilizing 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.

**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
Agenda Item 7**

Approved the final acceptance and filing of the Notice of Completion for Bid No. 1516-10, San Clemente High School Building 800.

**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.
Agenda Item 8**

CURRICULUM AND INSTRUCTION

Approved the 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).

**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
Agenda Item 9**

Approved the plan that satisfies 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).

**Three-Year
Expulsion Plan
Agenda Item 10**

HUMAN RESOURCE SERVICES

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

**Resignations/
Retirements/
Employment –
Classified
Employees
Agenda Item 11**

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

**Resignations/
Retirements/
Employment –
Certificated
Employees
Agenda Item 12**

Accepted the Williams Settlement Legislation Orange County Department of Education (OCDE) Second Quarter Report.

**Orange County
Department of
Education
Second Quarter
Report –
Williams
Settlement
Legislation
Agenda Item 13**

Approved Affiliation Agreement for Dietetics Internship with Iowa State University, effective March 1, 2018.

**Affiliation
Agreement for
Dietetics
Internship with**

**Iowa State
University
Agenda Item 14**

Approved the Affiliation Agreement for Dietetics Internship with Bowling Green State University, effective March 5, 2018.

**Affiliation
Agreement for
Dietetics
Internship with
Bowling Green
State University
Agenda Item 15**

Approved the Public Agency Retirement Services (PARS) Supplementary Retirement Plan for Teamsters Employees.

**Public Agency
Retirement
Services (PARS)
Supplementary
Retirement Plan
for Teamsters
Employees
Agenda Item 16**

GENERAL FUNCTIONS

Approved the February 13, 2018 Special Board meeting minutes.

**School Board
Minutes
February 13,
2018 Special
Board Meeting
Agenda Item 17**

Approved the February 28, 2018 Regular Board meeting minutes.

**School Board
Minutes
February 28,
2018 Regular
Board Meeting
Agenda Item 18**

DISCUSSION/ACTION ITEMS

The Board recognized Ryan Burriss who introduced Ron Rueff and John Harms from the Facilities and Finance Advisory Committee. Mr. Rueff and Mr. Harms made a presentation to the Board regarding the Committee's key findings and conclusions regarding a potential bond.

**Presentation
from the School
Facilities and
Finance
Advisory
Committee**

This was an information only item and no action was taken by the Board.

Agenda Item 19

The Board recognized Dr. Susan Holliday, Associate Superintendent, Education Services who presented the item.

The following people addressed the Board on this matter.

- Anna Marquiz
- Eddie Marquiz

The Board reviewed and discussed the matter. Following discussion, it was moved by Trustee Reardon and seconded by Trustee Holloway to approve the 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.

The motion carried 6-0-1.

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

Student Advisor Eunice voted Aye to support this item.

NOTE: Trustee McNicholas left the dais at 8:58 p.m. and returned to the dais at 9:03 p.m.

The Board recognized Dr. Susan Holliday, Associate Superintendent, Education Services, and Mike Beekman, Executive Director of Safety and Student Services who presented the report.

The Board reviewed and discussed the information. As this was an information only item, no action was taken by the Board.

The Board recognized Dr. Susan Holliday, Associate Superintendent, Education Services, who introduced Josh Hill to present the item.

The following individuals addressed the Board regarding this matter.

- Jamie Luby
- Michele McNutt
- Jessica Geyer

**Esencia K-8
Update on
Progress and
Enrollment
Projections
Agenda Item 20**

**School Safety
Update
Agenda Item 21**

**Board
Presentation –
California
Healthy Youth
Act
Agenda Item 22**

- Lisa Tita
- Michele Ploessel-Campbell

The Board reviewed and discussed the item. As this was an information only item, no action was taken by the Board.

At 10:55 p.m. it was moved by Trustee Holloway and seconded by Trustee Bullockus to extend the meeting to 11:30 p.m. The motion passed 6-0-1.

It was the consensus of the Board to move this item forward on the agenda. The Board recognized Dr. Susan Holliday, Associate Superintendent, Education Services, who presented the item.

The following individuals addressed the Board on this matter:

1. Kathleen Daugherty
2. Joseph W. Haney, III

The Board reviewed and discussed the information. Following the discussion, it was moved by Trustee Reardon and seconded by Trustee Bullockus to approve the following recommendation:

1. Issue a Notice of Violation to OPA pursuant to *Education Code § 47607(c) and (d)* and requesting remedy by May 14, 2018.

At this time, Trustee Reardon amended his motion to include item 2 below. The amendment was seconded by Trustee Bullockus.

2. 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)*.

It was moved by Trustee Reardon and seconded by Trustee Bullockus to:

1. Issue a Notice of Violation to OPA pursuant to *Education Code § 47607(c) and (d)* and requesting remedy by May 14, 2018; and
2. 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)*.

The motion carried 6-0-1.

AYES: Bullockus, Hanacek, Holloway, Jones, McNicholas, and Reardon.

NOES: None.

ABSTAIN: None.

**Notice of
Violation to
Oxford
Preparatory
Academy
Pursuant to
Education Code
§ 47607 (C) and
(D) and
Requesting
Remedy by April
13, 2018
(Enclosure)
Agenda Item 28**

ABSENT: Pritchard.

Student Advisor Eunice voted Aye to approve this item.

NOTE: Trustee Reardon left the dais at 11:24 p.m.

At 11:25 p.m. it was moved by Trustee Holloway and seconded by Trustee Bullockus to extend the meeting to 11.45 p.m. The motion carried 5-0-2.

The Board recognized Clark Hampton, Deputy Superintendent, Business and Support Services who introduced Philippa Geiger to present the item.

At 11:30 p.m. Trustee Jones and Holloway left the Dais. Trustee McNicholas paused the meeting due to lack of a quorum. Trustee Jones and Holloway returned to the dais at 11:31 p.m. and the meeting resumed.

The Board reviewed and discussed the information. Following the discussion it was moved by Trustee Hanacek and seconded by Trustee Jones to approve the Certification of the 2017-2018 Second Interim Report and adopted Resolution No. 1718-39, 2017-2018 Revenue and Expenditure Increases/Decreases. The motion carried 5-0-2.

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

Student Advisor Eunice voted Aye to approve this item.

The Board recognized Clark Hampton, Deputy Superintendent, Business and Support Services, who presented the item.

The Board reviewed and discussed the information. Following the discussion, it was moved by Trustee Holloway and seconded by Trustee Hanacek to 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. The motion carried 5-0-2.

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

Student Advisor Eunice voted Aye to approve this item.

**Certification of
the 2017-2018
Second Interim
Report and
Adoption of
Resolution No.
1718-39, 2017-
2018 Revenue
and Expenditure
Increases/
Decreases
Agenda Item 23**

**Resolution No.
1718-40,
Resolution of the
Capistrano
Unified School
District to
Authorize
Conveyance for
the Purposes of
Providing
Necessary
Electrical and
Communication
Facilities to
Esencia K-8
School
Agenda Item 24**

The Board recognized Clark Hampton, Deputy Superintendent, Business and Support Services, who presented the item.

The Board reviewed and discussed the information. Following the discussion, it was moved by Trustee Bullockus and seconded by Trustee Holloway to 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. The motion carried 5-0-2.

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

Student Advisor Eunice voted Aye to approve this item.

The Board recognized Dr. Gordon Amerson, Associate Superintendent, Human Resource Services, who presented the item. The Board took no action on the First Reading of Board Policy 3320, Claims and Actions Against the District.

This item will come back to the Board for consideration at a later date.

The Board recognized Clark Hampton, Deputy Superintendent, Business and Support Services, who presented the item.

The Board reviewed and discussed the information. Following the discussion, it was moved by Trustee Jones and seconded by Trustee Holloway to approve the Consulting Engagement with Efficiency Energy, LLC. The motion carried 5-0-2.

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

Student Advisor Eunice voted Aye to approve this item.

There being no further business before the Board, it was moved by Trustee Jones and seconded by Trustee Holloway to adjourn the meeting at 11:40 p.m. The motion carried 5-0-2.

AYES: Bullockus, Hanacek, Holloway, Jones, McNicholas.

**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
Agenda Item 25**

**First Reading – Board Policy 3320, Claims and Actions Against the District
Agenda Item 26**

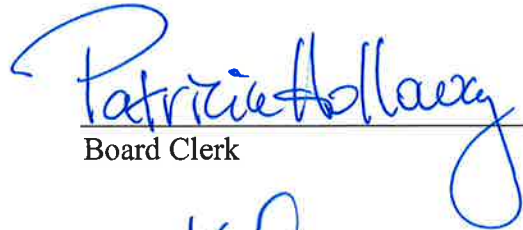
**Consulting Engagement – Efficiency Energy, LLC
Agenda Item 27**

Adjournment


CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES OF REGULAR MEETING
MARCH 14, 2018
EDUCATION CENTER – BOARD ROOM

NOES: None.
ABSTAIN: None.
ABSENT: Pritchard and Reardon.

Student Advisor Eunice voted Aye to adjourn the meeting.



Board Clerk



Secretary, Board of Trustees

Minutes submitted by Pauline Colvin, Executive Secretary, Board Operations