

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES OF REGULAR MEETING
September 12, 2018
EDUCATION CENTER – BOARD ROOM

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

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

The Board recessed to closed session to discuss: Conference with Legal Counsel – Anticipated Litigation; Conference with Legal Counsel – Existing Litigation; Public Employee Employment/Appointment; Public Employee Discipline/ Dismissal/ Release.

The regular meeting of the Board of Trustees reconvened to open session and was called to order by President, Martha McNicholas at 7:08 p.m.

Board President McNicholas called upon Trustee Jones to address the audience in Spanish to share translation services was available.

ROLL CALL:

Present: Trustees Hanacek, Holloway, Jones, McNicholas, Pritchard, Reardon and Student Advisor Amirseyedian

Absent: Trustee Bullockus

Board President Martha McNicholas made a statement in remembrance of 9/11. The Pledge of Allegiance was led by Board President Martha McNicholas.

**Pledge of
Allegiance**

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, seconded by Trustee Holloway and motion carried by a 6-0-1 vote to adopt the Board agenda.

**Adoption of the
Board Agenda**

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

President McNicholas asked Colleen Hayes, Manager II - Board Operations/Superintendent's Office to read the report out of closed session:

**President's Report
from Closed
Session Meeting**

Agenda Item #3A– Conference with Legal Counsel – Anticipated Litigation

Item 3A Item 1 Significant Exposure to Litigation – One Case
Attorney Ernest Bell was not in attendance; Daniel Gigli attended in his absence.

Trustees voted 5-0-1 to approve staff recommendation.

Item # 3A Initiation of Litigation – One Case
Trustees gave direction to staff

Item # 3A Significant Exposure to Litigation – One Case
Trustees gave direction to staff.

Agenda Item #3B – Conference with Legal Counsel – Existing Litigation

Item # 3B Capistrano Unified School District v. County of Orange
Trustees gave direction to staff.

Item #3B – Significant Exposure to Litigation – Three Cases

Attorney Ernest Bell was not in attendance; Daniel Gigli attended in his absence.

Trustees voted 6-0-1 to approve the staff recommendation on the following cases:

OAH Case Number 2018040648

OAH Case Number 2018050780

Trustees voted 5-0-1-1 to approve the staff recommendation on the following case number OAH Case Number 2018060410, Trustee Bullockus was absent and Trustee Reardon recused himself.

Agenda Item #3C – Public Employee Employment/Appointment

Trustees gave direction to staff.

Agenda Item #3D – Public Employee Discipline/Dismissal/Release

Trustees gave direction to staff.

Superintendent Vital reported on the various activities at our sites in the past weeks.

**Board and
Superintendent
Comments**

Gary Pritchard commended Deni Christenson and her leadership. He also commended the partnership with the leadership of Santa Ana Unified School District.

Amy Hanacek spoke on the guidance and support of our students. She highlighted the forth tenant on the memorial of the 9/11 monument.

Mona Amirseyedian spoke on a greater conversation on acceptance of other cultures.

Martha McNicholas spoke regarding an informational briefing on SONGS. She made a request to agendize for the September 26 Board Workshop. All agreed to a Special meeting on the 26 prior to the Board Workshop to hold an information briefing on SONGS.

The following speakers addressed the Board:

**Oral
Communications**

- *John Mark Jennings spoke regarding Aliso Niguel High School Football Game*
- *Joseph Haney spoke regarding OPA's new administrative team*
- *Jill Marks, Executive Director, spoke regarding OPA*
- *Amy Kernan, Chancellor, spoke regarding OPA*
- *Ron Anderson spoke regarding Aliso Niguel High School Football Game*
- *Craig Dibley spoke regarding Aliso Niguel High School Football Game*
- *Maryann Izadshenas spoke regarding Aliso Niguel High School Football Game*
- *David Harrington spoke regarding Aliso Niguel High School Football Game*
- *Noah Greco spoke regarding Aliso Niguel High School Football Game*
- *Martin Perez spoke regarding Aliso Niguel High School Football Game*
- *Marina Parsons spoke regarding traffic surrounding Barcelona/Oxford Preparatory Academy*

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- *Pastor Santos Charez spoke regarding Aliso Niguel High School Football Game*
- *Joshua Swank spoke regarding Aliso Niguel High School Football Game*
- *Mindy Frosto-Swank spoke regarding Aliso Niguel High School Football Game*
- *Emil Barham spoke regarding Aliso Niguel High School Football Game*
- *Michelle Ploessel-Campbell, spoke regarding PTA membership and legislation*
- *Tom Erikson spoke regarding Aliso Niguel High School Football Game*
- *David Ashe spoke regarding Aliso Niguel High School Football Game*
- *Sylvia Kane, spoke regarding the Santa Ana Football Game*
- *Lisa Naegele, spoke regarding Aliso Niguel High School Football Game*
- *Brooke Johnson spoke regarding Aliso Niguel High School Football Game*
- *Christina Clark spoke regarding Aliso Niguel High School Football Game*
- *Deni Christenson, Principal Aliso Niguel High School Football Game*

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, staff, or the public 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.

President Martha McNicholas asked Trustees for items they wished to pull from the Consent Calendar.

It was moved by Trustee Reardon, seconded by Trustee Pritchard and the motion carried by a 6-0-1 Roll Call vote to approve the following Consent Calendar.

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

Approval of donations of funds and equipment.

Approval of purchase orders (Attachment 1) and commercial warrants (Attachment 2).

Approval of the District standardized Independent Contractor, Professional Services, Field Service and Master Contract agreements

**Donation of Funds
and Equipment
Agenda Item 1
Purchase Orders,
Commercial
Warrants and
Previously Board-
Approved Bids
and Contracts
Agenda Item 2
Independent
Contractor,
Professional
Services, Field
Service, and
Master Contract
Agreements
Agenda Item 3**

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Approval of Change Order No. 1, Bid No. 1718-12 for the San Clemente High School Upper Campus Demolition Project for costs related to unforeseen existing underground conditions discovered during demolition which were required to be mitigated, to include: transite pipe, abandoned 24" storm drain and existing site drainage that was isolated and needed to connect to the storm drain system.

Change Order No. 1, Bid No. 1718-12, San Clemente High School Upper Campus Demolition Project

Approval of Change Order No. 1, Bid No. 1718-18 for the Chaparral Elementary School Playground Modernization and Repaint Project for additional costs associated with campus safety and security during ongoing construction as well as required corrections to minor discrepancies on the contract documents.

**Agenda Item 4
Change Order No. 1, Bid No. 1718-18, Chaparral Elementary School Playground Modernization and Repaint Project**

Approval of Change Order No. 3, Bid No. 1617-20 for the Tesoro High School Building D Project for costs related to maintaining safety and security requirements, while ensuring the aesthetics and functionality of the building are in line with the standards of the District.

**Agenda Item 5
Change Order No. 3, Bid No. 1617-20, Tesoro High School Building D Project**

Approval of Change Order No. 4, Bid No. 1617-18 for the Esencia K-8 Project related to additional costs associated with various improvements to the building envelope and required corrections to minor discrepancies on the drawings.

**Agenda Item 6
Change Order No. 4, Bid No. 1617-18, Esencia K-8 Project**

Approval of the First Extension of Request for Proposals No. 1-1718, E-Rate Categories One – Data Transmission Services and Internet Access and Category Two – Internal Connections Equipment and Services 2017-2018 awarded to multiple vendors.

**Agenda Item 7
First Extension of Award of Request for Proposals No. 1-1718, E-Rate Categories One – Data Transmission Services and Internet Access and Category Two – Internal Connections Equipment and Services 2017-2018 – Multiple Vendors**

Approval of State of California Participating Addendum No. 7-14-70-06 with WSCA-NASPO Master Price Agreement Number AR1464 and State of California Multiple Award Schedule Contract No. 3-11-70-0876AK to purchase network infrastructure products from Vector Resources, Incorporated.

**Agenda Item 8
State of California Participating Addendum No. 7-14-70-06 with WSCA-NASPO Master Price Agreement**

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Number AR1464
and State of
California

Multiple Award
Schedule Contract
No. 3-11-70-
0876AK to
Purchase Network
Infrastructure
Products – Vector
Resources,
Incorporated

Agenda Item 9
Second Reading –
Board Policy 3580,
District Records

Agenda Item 10
Resolution No.
1819-13, Adopting
the 2017-2018

Actual Gann
Limit and the
2018-2019
Estimated Gann
Limit

Agenda Item 11
Services Pricing
Agreement –
Turnitin, LLC.

Agenda Item 12
Agreement with
California Youth
Services

Agenda Item 13
Agreement for
Additional Schools
Participating in

Inside the
Outdoors’ School
Programs
Agreement

Numbers:
#S11046-1,
#S11046-2 and
#S11046-3

Agenda Item 14
Academic Event
Contracts – Irvine
Ranch Outdoor
Education Center

Agenda Item 15
Research Practice
Partnership with

Approval of Board Policy 3580, *District Records*, brings language in alignment to recent changes in law.

Approval of Resolution No. 1819-13, Adopting the 2017-2018 Actual Gann Limit and the 2018-2019 Estimated Gann Limit.

Approval of Services Pricing Agreement with Turnitin, LLC to purchase anti-plagiarism and writing instruction support from Turnitin, LLC.

Approval of the Agreement with California Youth Services.

Approval of Agreement for Additional Schools Participating in Inside the Outdoors’ School Programs Agreement Numbers: #S11046-1 and #S11046-2.

Approval of the Academic Event Contracts with Irvine Ranch Outdoor Education Center to provide an overnight outdoor science school trip aligned with grade level science standards.

Approval of the Research Practice Partnership with University of California at Irvine and Marco Forster Middle School (MFMS) will enable MFMS to better understand

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the achievement gap that has been identified between students from different subgroups at MFMS.

University of California at Irvine and Marco Forster Middle School

Approval of Agreement for Participation with the YMCA of Orange County Laguna Niguel to provide Physical Education (P.E.) Programs for Students at Hidden Hills Elementary for the 2018-2019 school year.

**Agenda Item 16
Agreement for Participation with The YMCA of Orange County Laguna Niguel to Provide a Physical Education Program for Students at Hidden Hills Elementary 2018-2019**

Approval of Agreement for Services with Rachel's Challenge to provide assemblies and resources for students at Oso Grande Elementary School in 2018-2019.

**Agenda Item 17
Agreement for Services with Rachel's Challenge to Provide Assemblies and Resources at Oso Grande Elementary School in 2018-2019**

Approval of Board Policy 5111, *Admission*, brings language in alignment to recent changes in law.

**Agenda Item 18
Second Reading – Board Policy 5111, Admission**

Approval of Board Policy 5111.1, *District Residency*, brings language in alignment to recent changes in law.

**Agenda Item 19
Second Reading – Board Policy 5111.1, District Residency**

Approval of Board Policy 5130, *Student Records*, brings language in alignment to recent changes in law.

**Agenda Item 20
Second Reading – Board Policy 5130, Student Records**

Approval of the School Resource Officer (SRO) Memorandum of Understanding (MOU) identifies the roles of the SRO, questioning and arrest procedures, search and seizure protocols, and other relevant information pertinent to the position.

**Agenda Item 21
School Resource Officer**

Approval of Resolution No: 1819-14, for Acceptance of licensing Esencia Elementary School as a Preschool Child Care Center The Community Care Licensing Division issues a state license for a Preschool Child Care Center upon request.

**Memorandum of Understanding
Agenda Item 22
Resolution No. 1819-14, for Acceptance of Licensing Esencia**

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Approval of Resolution 1819-15, for Acceptance of licensing Ladera Ranch Elementary School as a Preschool Child Care Center. The Community Care Licensing Division issues a state license for a Preschool Child Care Center upon request.

Approval of payment to District Master Teachers who supported a California State University, Fullerton (CSUF) Student Teacher during the Spring 2018 semester.

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

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

Approval of the August 22, 2018 Regular Board Meeting minutes.

President McNicholas recognized Susan Holliday, Associate Superintendent, Education Services, to present this item.

The following speakers addressed the Board:

- *Riley Goodfellow spoke regarding Board Policy 6145.3*

Board gave direction to bring back this item for a third reading at the October 10, 2018 Board meeting.

Board President McNicholas recognized Kirsten Vital, Superintendent, to present this item and answer any questions Trustees may have regarding this item.

This was an information item only and no Trustee action was necessary.

President McNicholas recognized Susan Holliday, Associate Superintendent, Education Services, to present this item.

The following speakers addressed the Board:

**Elementary
School as a
Preschool Child
Care Center
Agenda Item 23
Resolution No.
1819-15, for
Acceptance of
Licensing Ladera
Ranch Elementary
School as a
Preschool Child
Care Center
Agenda Item 24
California State
University,
Fullerton Spring
2018 Master
Teacher Payments
Agenda Item 25
Resignations/
Retirements/
Employment -
Classified
Employees
Agenda Item 26
Resignations/
Retirements
/Employment -
Certificated
Employees
Agenda Item 27
School Board
Minutes
Agenda Item 28
Second Reading –
Board Policy
6145.3,
Publications
Agenda Item 36

Presentation
Regarding
2018-2019
District Goals
Agenda Item 29
Presentation –
Update on Gifted
and Talented
Education Agenda**

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- *Debbie James spoke regarding GATE*
- *Stephanie Tarzia spoke regarding GATE*

This was an information item only and no Trustee action was necessary.

President McNicholas recognized Susan Holliday, Associate Superintendent, Education Services, to present this item.

Board gave direction to bring back this item for a second reading on consent calendar at the October 10, 2018 Board meeting.

President McNicholas recognized Amy Hanacek, Trustee, to present this item.

The following speakers addressed the Board:

- *Manuel Camargo spoke regarding SONGS Resolution*
- *Kelli Gallion spoke regarding SONGS Resolution*
- *Gary Headrick spoke regarding SONGS Resolution*

It was moved by Trustee Hanacek and seconded by Trustee Reardon to extend the meeting to 11:30 p.m. and the motion carried by a 6-0-1 vote to extend.

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

It was moved by Trustee Jones and seconded by Trustee Holloway to extend the meeting to 12:00 a.m. and the motion carried by a 6-0-1 vote to extend.

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

It was moved by Trustee Reardon and seconded by Trustee Hanacek to adopt Resolution No. 1819-16 as amended on the dais and the motion carried by a 5-1-1 vote.

AYES: Trustees Hanacek, Holloway, Jones, Pritchard, and
Reardon
NOES: Trustee McNicholas
ABSENT: Trustee Bullockus

President McNicholas recognized Susan Holliday, Associate Superintendent, Education Services, to present this item.

Due to the late hour of the meeting, the Board gave direction to bring back this item at the October 10, 2018 Board meeting.

President McNicholas recognized Susan Holliday, Associate Superintendent, Education Services, to present this item.

**First Reading –
Board Policy 6172,
Gifted and
Talented
Education
Program
Agenda Item 31
Resolution No.
1819-16,
Resolution of the
Board of Trustees
Regarding the
Draft
Environmental
Impact Report for
San Onofre
Nuclear
Generating
Station Units 2
and 3
Decommissioning
Project
Agenda Item 32**

**First Reading –
Board Policy 5022,
Student and
Family Privacy
Rights
Agenda Item 33
First Reading –
Board Policy
5131.1, Use of**

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Due to the late hour of the meeting, the Board gave direction to bring back this item at the October 10, 2018 Board meeting.

Individual Student Record Information for Academic Achievement Data Disaggregation Agenda Item 34

President McNicholas recognized Susan Holliday, Associate Superintendent, Education Services, to present this item.

First Reading – Board Policy 5132, Release of

Due to the late hour of the meeting, the Board gave direction to bring back this item at the October 10, 2018 Board meeting.

Directory Information Agenda Item 35

President McNicholas recognized Susan Holliday, Associate Superintendent, Education Services, to present this item.

First Reading - Board Policy 4313, Management/

Board gave direction to bring back this item for a second reading on consent calendar at the October 10, 2018 Board meeting.

Supervisory/ Confidential Service Days Agenda Item 37

President McNicholas recognized Clark Hampton, Deputy Superintendent, Education Services, to present this item.

Resolution No. 1819-12, Preliminary 2017-

It was moved by Trustee Hanacek and seconded by Trustee Reardon to adopt Resolution No. 1819-12, motion carried 6-0-1.

2018 Financial Statements (Unaudited

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

Actuals): Agenda Item 38

It was moved by Trustee Reardon and seconded by Trustee Holloway to adjourn the meeting. The motion carried 6-0-1.

Adjournment

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

President McNicholas announced the meeting adjourned at 11:46 p.m.



Board Clerk


Secretary, Board of Trustees