

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES OF REGULAR MEETING
November 14, 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; Conference with Real Property Negotiators; Student Expulsions; Student Expulsion Rehabilitation Plan; Public Employee Discipline/Dismissal/Release; and Public Employment and Evaluation of Performance.

The regular meeting of the Board of Trustees reconvened to open session and was called to order by President, Martha McNicholas at 7:25 p.m.

ROLL CALL:

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

Absent: Trustees Pritchard

The Pledge of Allegiance was led by Jen Smalley, Principal of San Juan Hills High School.

**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 Holloway, seconded by Trustee Hanacek and motion carried by a 5-0-2 vote to adopt the Board agenda.

**Adoption of the
Board Agenda**

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

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 Significant Exposure to Litigation – One Case
Trustees voted 5-0-2 to approve staff recommendation for IDR Case Number 20181002.

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

Item #3 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
Significant Exposure to Litigation – Five Cases

Trustees voted 5-0-2 to approve the staff recommendation on the following cases:

OAH Case Number 2017120274
OAH Case Number 2018050836
OAH Case Number 2018060379
OAH Case Number 2018060800
OAH Case Number 2018070889

Item #3B Significant Exposure to Litigation – One Case
Trustees voted 5-0-2 to approve the staff recommendation on case number 30-2018-01007399.

Agenda Item #3C – Conference with Real Property Negotiators
Trustees gave direction to staff.

Agenda Item #3D – Student Expulsions
Five Cases

Trustees voted 5-0-2 to approve staff recommendation on the following cases:

Case # 2019-006
Case # 2019-007
Case # 2019-008
Case # 2019-009
Case # 2019-010

Agenda Item #3E – Student Expulsion Rehabilitation Plan
Trustees gave direction to staff.

Agenda Item #3F – Public Employee Discipline/Dismissal/Release
No reportable action.

Agenda Item #3G Public Employment And Evaluation Of Performance
No reportable action.

Extra Miler

The Family Assistance Ministries and South County Outreach Programs, for their work in preventing hunger and homelessness in Orange County, as well as providing programs and resources to the 3,407 homeless children in the District.

**Special
Recognitions**

Associated Student Body

San Juan Hills High School
Jennifer Smalley, Principal
Brooke Valderrama, Activities Director
Izzy Bolotin, Associated Student Body President

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Superintendent Vital reported on the various activities at District sites over the past few weeks.

**Board and
Superintendent
Comments**

Trustee Holloway spoke regarding her school visit and the SWELL program at Bernice Ayer Middle School.

Trustee and Board President Martha McNicholas spoke regarding her last meeting as President and thanked staff and fellow Trustees for their support.

The following speakers addressed the Board:

**Oral
Communications**

- *Michele Ploessel-Campbell spoke regarding George White Elementary*
- *Jessica Geyer spoke regarding Ladera Ranch Middle School*

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.

Trustees requested to pull the following items: 10, 15, and 16.

It was moved by Trustee Reardon, seconded by Trustee Holloway, motion carried by a 6-0-1 Roll Call vote to approve the following Consent Calendar with the exception of Items 10, 15, 16.

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

Approval of donations of funds and equipment.

**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**

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

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Approval of Change Order No. 4, Bid No. 1617-20 for the Tesoro High School Building D Project for costs related to maintaining Americans with Disabilities Act and California State Elevator requirements, while ensuring the aesthetics and functionality of the building are in line with the standards of the District.

Approval of Change Order No. 5, Bid No. 1617-18 for the Esencia K-8 Project is related to additional costs associated with Orange County Health Department and Division of State Architect additional requirements along with required corrections to minor discrepancies on the drawings.

Approval to utilize the Fontana Unified School District Bid No. 18/19-1505 and any subsequent revisions, amendments, and extensions awarded to Spicers Paper, Incorporated for the purchase of paper products for printing services, as needed by the District, under the same terms and conditions of the public agency's contract.

Approval to utilize the Newport-Mesa Unified School District Bid No. 104-18 and any subsequent revisions, amendments, and extensions awarded to Office Depot, for the purchase of office and school supplies and equipment, as needed by the District, under the same terms and conditions of the public agency's contract.

Approval to utilize the State of California Contract No. 1-18-23-10 A through H, Supplement 2, Fleet Vehicles – Cars, and any subsequent revisions, amendments, and extensions awarded to Downtown Ford Sales; Elk Grove Auto Group; Freeway Toyota; Winner Chevrolet; Wondries Fleet Group; US Fleet Source, Selma Nissan; and Toyota Sunnyvale for the purchase of fleet vehicles, as needed by the District.

Approval of the declaration of surplus items listed and described as surplus and the approval of the public and private disposition of the surplus items in accordance with Education Code §§ 17545-17546 and Board Policy 3270, *Sale and Disposal of Books, Equipment, and Supplies*.

Approval of Agreement for Services with Imagination Machine to Provide Assemblies to Students at Arroyo Vista. Imagination Machine is a professional children's theater company that provides assemblies to schools throughout California. Imagination Machine promotes the importance of creative writing with performers actually "acting out" stories written ahead of time by the school's students.

**Master Contract
Agreements
Agenda Item 3
Change Order No.
4, Bid No. 1617-
20, Tesoro High
School Building D
Project
Agenda Item 4
Change Order No.
5, Bid No. 1617-
18, Esencia K-8
Project
Agenda Item 5
Fontana Unified
School District
Bid No. 18/19-
1505, Paper
Products for
Printing Services
– Spicer Paper,
Incorporated
Agenda Item 6
Newport-Mesa
Unified School
District Bid No.
104-18, Office and
School Supplies
and Equipment –
Office Depot
Agenda Item 7
State of California
Contract No. 1-18-
23-10 A Through
H, Supplement 2,
Fleet Vehicles and
Cars – Multiple
Vendors
Agenda Item 8
Declaration of
Surplus Items
Agenda Item 9

Agreement for
Services with
Imagination
Machine to
Provide
Assemblies to
Students at**

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Arroyo Vista
Elementary
School

Approval of Addendum to the Agreement for Participation with Inside the Outdoors Field Program Public Schools 2018-2019, Agreement Numbers F11029-1 and F11029-2. District schools routinely participate in the Orange County Department of Education's outdoor science school/field trip programs and "Traveling Scientist" programs and assemblies.

Agenda Item 11
Addendum to The
Agreement for
Participation with
Inside the
Outdoors Field
Program Public
Schools 2018 –
2019 Agreement
Numbers F11029-
1 And F11029-2

Approval of Addendum to the Agreement for Participation with Inside the Outdoors Field Program Public Schools 2018-2019 Agreement Numbers S11046-4, S11046-5 and S11046-6.

Agenda Item 12
Addendum to the
Agreement for
Participation with
Inside the
Outdoors Field
Program Public
Schools 2018 –
2019 Agreement
Numbers S11046-
4, S11046-5 and
S11046-6

Approval of Agreement No. 47274 for Quality Rating and Improvement System of Early Education Preschool Programs with the Orange County Superintendent of Schools and Early Quality Systems.

Agenda Item 13
Agreement No.
47274, Three-
Party Agreement
for Quality Rating
Improvement
System
Implementation of
Early Education
Programs With
the Orange
County
Superintendent of
Schools and Early
Quality Systems,
LLC

Approval of Title I schoolwide status and the revised Single Plan for Student Achievement (SPSA) for Carl Hankey Elementary School for 2018-2019.

Agenda Item 14
Title I Schoolwide
Status and
Revised Single
Plan for Student
Achievement
2018-2019 for
Hankey
Elementary

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Acceptance of Williams Settlement Legislation Uniform Complaint First Quarter Report.

School
Agenda Item 17
First Quarter
Report – Williams
Settlement
Legislation
Uniform
Complaint

Approval of Annual Report – Williams Settlement Legislation, 2017-2018 School Year.

Agenda Item 18
Annual Report –
Williams
Settlement
Legislation, 2017-
2018 School Year

Approval of Fieldwork Training Affiliation Agreement with Capella University, effective November 15, 2018 and expiring November 14, 2019.

Agenda Item 19
Fieldwork
Training
Affiliation
Agreement with
Capella
University

Approval of Internship Credential Program Agreement with National University, effective November 15, 2018.

Agenda Item 20
Internship
Credential
Program
Agreement with
National
University

Approval of Student Teaching and Practicum Agreement with National University, effective November 15, 2018.

Agenda Item 21
Student Teaching
and Practicum
Agreement with
National
University

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

Agenda Item 22
Resignations/
Retirements/
Employment -
Classified
Employees

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

Agenda Item 23
Resignations/
Retirements/
Employment -
Certificated
Employees

Approval of the October 10, 2018 Regular Board meeting minutes.

Agenda Item 24
School Board
Minutes
Agenda Item 25

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Approval of the October 24, 2018 Regular Board meeting minutes.

**School Board
Minutes**

President McNicholas recognized Ryan Burris, Chief Communications Officer to present this item.

**Agenda Item 26
Proposal to
Conduct Opinion
Research –
Fairbank, Maslin,
Maullin, Metz and
Associates
Agenda Item 27**

The following speakers addressed the Board:

- *Michele Ploessel-Campbell spoke in favor of polling and a Bond Measure*
- *Connie Lanzisera spoke regarding FM3 Opinion Research*

It was moved by Trustee Jones and seconded by Trustee Reardon to re-scope the contract for polling for the Sothern portion of the District excluding Talega and including Capo Beach. Staff was directed to bring back December 12. Motion carried 6-0-1.

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

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

**Recommendation
to Establish R.H.
Dana Elementary
School as a
Spanish Language
Immersion
Program
Agenda Item 30
Memorandum of
Understanding for
the California
Healthy Kids
Survey 2018-2019
Agenda Item 28**

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:

- *Lucy Law spoke regarding the California Healthy Kids Survey*
- *Anne Hughit spoke regarding the California Healthy Kids Survey*
- *Michele McNutt spoke regarding the California Healthy Kids Survey*
- *Jessica Geyer decided not to speak*

It was moved by Trustee Hanacek and seconded by Trustee Holloway to approve the Memorandum of Understanding for the California Healthy Kids Survey 2018-2019, motion carried 6-0-1.

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

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

**Office of
Language
Acquisition**

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

**Annual Report –
2018**

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

Agenda Item 29

It was moved by Trustee Reardon and seconded by Trustee Holloway to approve Instructional Materials Recommended to Pilot: Student Government, Associated Student Body - Student Leadership, Grades 10-12, motion carried 6-0-1.

**Instructional
Materials
Recommended to**

**Pilot: Student
Government,**

**Associated
Student Body -
Student**

**Leadership,
Grades 10-12**

Agenda Item 31

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

ITEMS PULLED FROM CONSENT CALENDAR

Approval of the Memorandum of Understanding with Modern States Alliance and Capistrano Valley High School (CVHS) will enable CVHS to offer free College Level Examination Program (CLEP) exams to students, free of charge, if students agree to use Modern States test preparation materials.

**Memorandum of
Understanding
with Modern
States Alliance
Agenda Item 15**

It was moved by Trustee Jones and seconded by Trustee Holloway to approve Memorandum of Understanding with Modern States Alliance and Capistrano Valley High School, motion carried 6-0-1.

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

Approval of Resolution No. 1819-21 for Amending Agreement California State Preschool Program Contract Number - 8336 with the California Department of Education for Child Development Services.

**Resolution No.
1819-21 for
Amending
Agreement
California State
Preschool
Program Contract
Number - 8336
with the
California
Department of
Education for the
Purpose of
Providing Child
Care and
Development
Services
Agenda Item 16**

It was moved by Trustee Jones and seconded by Trustee Holloway to approve Resolution No. 1819-21 for Amending Agreement California State Preschool Program Contract Number 8336 with OCDE for the purpose of providing Child Care and Development services, motion carried 6-0-1.

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

Trustee Jones left the meeting at 10:37 p.m.

President McNicholas recognized Susan Holliday, Associate Superintendent,

Second Reading –

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Education Services, to present this item.

It was moved by Trustee Reardon and seconded by Trustee Hanacek to approve Board Policy 5022, *Student and Family Privacy Rights*, motion carried 5-0-2.

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

**Board Policy 5022,
Student and
Family Privacy
Rights
Agenda Item 32**

President McNicholas recognized Susan Holliday, Associate Superintendent, Education Services, to present this item.
It was moved by Trustee Holloway and seconded by Trustee Reardon to approve Board Policy 5131.1 *Use of Individual Student Record Information for Academic Achievement Data Disaggregation*, motion carried 5-0-2.

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

**Second Reading –
Board Policy
5131.1, Use of
Individual Student
Record
Information for
Academic
Achievement Data
Disaggregation
Agenda Item 33**

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

Trustees gave direction to staff to bring back for a Third Reading at the December 12, 2018 Board Meeting.

President McNicholas recognized Kirsten Vital, Superintendent, Education Services, to present this item.

It was moved by Trustee Hanacek and seconded by Trustee Bullockus to approve Board Bylaw – 9100, *Organization*, motion carried 5-0-2.

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

**Second Reading –
Board Policy 5132,
Release of
Directory
Information
Agenda Item 34
Second Reading –
Board Bylaw –
9100,
Organization
Agenda Item 35**

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

It was moved by Trustee Bullockus and seconded by Trustee Holloway to extend the Meeting to 11:15 p.m., motion carried 5-0-2.

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

**State
Accountability
Local Indicators
Agenda Item 36**

**Motion to Extend
the Meeting to
11:15 p.m.**

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It was moved by Trustee Hanacek and seconded by Trustee Reardon to approve State Accountability Local Indicators, motion carried 5-0-2.

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

ITEMS PULLED FROM CONSENT CALENDAR

Approval of the Memorandum of Understanding with Laguna Beach Unified School District (LBUSD) for the purpose of implementing special education services and programs to students referred by their Individual Education Program team.

Memorandum of Understanding with Laguna Beach Unified School District Agenda Item 10

It was moved by Trustee Reardon and seconded by Trustee Holloway to approve Memorandum of Understanding with Laguna Beach Unified School District, motion carried 5-0-2.

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

It was moved by Trustee Reardon and seconded by Trustee Bullockus to adjourn the meeting, motion carried 5-0-2.

Adjournment

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

President McNicholas announced the meeting adjourned at 11:04 p.m.



Board Clerk


Secretary, Board of Trustees

Minutes submitted by Colleen Hayes, Manager II, Board Operations/Superintendent's Office