

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

October 24, 2018

Closed Session 4:30 p.m.
Open Session 5:00 p.m.

AGENDA

CLOSED SESSION AT 4:30 P.M.

1. **CALL TO ORDER – ROLL CALL**
2. **CLOSED SESSION COMMENTS**
3. **CLOSED SESSION** (as authorized by law)

A. PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT

Tim Brooks
Executive Director, Alternative Dispute Resolution/Compliance
(Pursuant to Government Code § 54957)

EXHIBIT A-1

B. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Tim Brooks
Two Cases
(Pursuant To Government Code § 54957)

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 5:00 P.M.

CALL TO ORDER – ROLL CALL

PLEDGE OF ALLEGIANCE

ADOPTION OF THE AGENDA

REPORT ON CLOSED SESSION ACTION

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 HEARING

1. **PUBLIC HEARING: PRESENTATION OF RENEWAL PETITION FOR CAPISTRANO CONNECTIONS ACADEMY CHARTER SCHOOL:** **INFORMATION/ DISCUSSION**
Page 1
EXHIBIT 1

A Public Hearing is scheduled before the Board of Trustees, which necessitates this Board item. Capistrano Connections Academy charter school has presented a renewal petition for a Charter School within the District. Due to the size of the exhibit, the information can be viewed by clicking here:

<https://drive.google.com/drive/folders/188yxNym8Ez6WVWxYYAwPHZkPFNGdxc5E?usp=sharing>

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

DISCUSSION/ACTION ITEMS

2. **FIRST AMENDMENT TO OCTOBER 9, 2014 FACILITIES USE AGREEMENT WITH OXFORD PREPARATORY ACADEMY:** **DISCUSSION/ ACTION**
Page 2
EXHIBIT 2

On October 9, 2014, the District and Oxford Preparatory Academy (OPA) entered into a Facilities Use Agreement (Use Agreement) which describes the terms and conditions under which OPA would occupy the Barcelona Hills Elementary School campus (site) and the facilities identified in the Use Agreement (facilities). The YMCA of Orange County (YMCA) placed a portable classroom (portable) on the site according to the agreement with the District. On October 9, 2014, the District and the YMCA entered into a separate License Agreement where the YMCA licensed the portable to the District for the purposes of operating the educational programs of OPA and/or District, and the Use Agreement entitled OPA to use the portable for its own programs. OPA no longer wishes to use the portable for its own programs and wishes to have the YMCA use the portable to provide childcare for OPA’s students. On October 11, 2018, the YMCA provided written notice to the District requesting termination of the License Agreement. The District and OPA amended the Use Agreement to accommodate these changed circumstances and to make it clear the portable will no longer be considered part of the site or the facilities provided to OPA by the District according to the Use Agreement.

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 First Amendment to October 9, 2014 Facilities Use Agreement with Oxford Preparatory Academy.

Motion by _____ Seconded by _____

3. TRUSTEE APPOINTMENT PROCESS PENDING A TRUSTEE VACANCY IN TRUSTEE AREA 5: **INFORMATION/ DISCUSSION**
Page 36
EXHIBIT 3

Area 5 Trustee, Gary Pritchard is running for the office of city council in his city of residence, Aliso Viejo. Pending the outcome of the election on November 6, Trustee Pritchard may be in a position whereby, it is necessary to resign his seat on the Board of Capistrano Unified School District. Per Board Bylaw 9223 *Filling Vacancies* and pursuant to Education Code § 5090-5095, the resignation necessitates action be taken by the Board of Trustees within 60 days of the vacancy to make a provisional appointment or call for a special election.

Trustees directed staff to provide a brief overview of the process to appoint a Trustee should a vacancy become available. In the overview staff has provided two options for Trustees along with a recommended timeline to either appoint a candidate or call for a special election.

CUSD WIG 2: Communications – Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions. Contact: Kirsten M. Vital, Superintendent

Staff Recommendation

It is recommended the Board President recognize Kirsten M. Vital, Superintendent, to present information on this item. This is an information item only and no Board action is necessary.

4. RESOLUTION NO. 1819-19, TO PURSUE A PROVISIONAL APPOINTMENT TO FILL BOARD VACANCY FOR TRUSTEE AREA 5: **DISCUSSION/ ACTION**
Page 46
EXHIBIT 4

Area 5 Trustee, Gary Pritchard is running for the office of city council in his city of residence, Aliso Viejo. Pending the outcome of the election on November 6, Trustee Pritchard may be in a position whereby, it is necessary to resign his seat on the Board of Capistrano Unified School District. Pursuant to Education Code § 5090-5095, the resignation necessitates action be taken by the Board of Trustees within 60 days of the vacancy to make a provisional appointment or call for a special election. There are no financial implications to make a provisional appointment.

CUSD WIG 2: Communications – Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions. Contact: Kirsten M. Vital, Superintendent

Staff Recommendation

It is recommended the Board President recognize Kirsten M. Vital, Superintendent, to present information on this item.

Following discussion, it is recommended the Board of Trustees, pending the outcome of the November 6, 2018 election, adopt Resolution No. 1819-19, To Pursue a Provisional Appointment to Fill Board Vacancy for Trustee Area 5.

Motion by _____ Seconded by _____

5. RESOLUTION NO. 1819-20, TO ORDER AN ELECTION TO FILL BOARD VACANCY FOR TRUSTEE AREA 5: **DISCUSSION/ ACTION**
Page 50
EXHIBIT 5

Area 5 Trustee, Gary Pritchard is running for the office of city council in his city of residence, Aliso Viejo. Pending the outcome of the election on November 6, Trustee Pritchard may be in a position whereby, it is necessary to resign his seat on the Board of Capistrano Unified School District. Pursuant to Education Code § 5090-5095, the resignation necessitates action be taken by the Board of Trustees within 60 days of the vacancy to make a provisional appointment or call for a special election. Previously, the fiscal implications were provided by the Orange County Registrar of Voters who notified

the Orange County Department of Education that the estimated cost to the District of an election to fill the vacancy would range between \$164,287 and \$181,956. The actual cost will be verified by the OCDE once the Board takes action.

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

Contact: Kirsten M. Vital, Superintendent

Staff Recommendation

It is recommended the Board President recognize Kirsten M. Vital, Superintendent, to present information on this item.

Following discussion, it is recommended the Board of Trustees, pending the outcome of the November 6, 2018 election, adopt Resolution No. 1819-20, To Order an Election to Call for a Special Election to Fill Board Vacancy For Trustee Area 5.

Motion by _____ Seconded by _____

ADJOURNMENT

Motion by _____ Seconded by _____

**THE NEXT REGULAR MEETING
WEDNESDAY, NOVEMBER 14, 2018, 7:00 P.M.
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.