

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

REVISED

January 19, 2022

Closed Session 5:00 p.m.
Open Session 7:00 p.m.

AGENDA

*Members of the public may attend the meeting in person. As a K-12 Public School District, we must follow the guidelines established by the California Department of Public Health specifically for schools. These guidelines act as our standard of care. Masks are required for all indoor and public settings, regardless of vaccination status. If participants choose to not attend the Board meeting in person the District has provided the following option for the public to address the Board telephonically. Please submit a request to address the Board telephonically by clicking [here](#), **register only if you are not attending in person**. Those who have registered to comment will receive an email prior to the meeting with information on how to join and comment via a Zoom link. If you are attending in person, a speaker card will need to be submitted prior to the agenda item per Bylaws of the Board 9323, Meeting Conduct. 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 (3) 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. Detailed guidelines and information on what to do if you wish to address the Board of Trustees is provided at the end of this agenda.*

CLOSED SESSION AT 5:00 P.M.

1. CALL TO ORDER

2. CLOSED SESSION COMMENTS

3. CLOSED SESSION (as authorized by law)

A. PUBLIC HEALTH EMERGENCY

Consultation with Agency Counsel
Attorney – Anthony De Marco
Kirsten Vital Brulte/Gregory Merwin
(Pursuant to Government Code § 54957(a))

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Gregory Merwin/Kathy Purcell
Attorney – Justin Shinnfield
Significant Exposure to Litigation – Three Cases
ADR Case Number 20211027
ADR Case Number 20211029
ADR Case Number 20211122
(Pursuant to Government Code § 54956.9(d)(2))

**EXHIBIT B-1
EXHIBIT B-2
EXHIBIT B-3**

Gregory Merwin/Mike Beekman
Attorney – Alefia Mithaiwala
Significant Exposure to Litigation – One Case
(Pursuant to Government Code § 54956.9(d)(2))

EXHIBIT B-4

C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Gregory Merwin/Kathy Purcell
Attorney – Justin Shinnfield
Significant Exposure to Litigation – Three Cases
OAH Case Number 2021060511
OAH Case Number 2021080708
OAH Case Number 2021090752
(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 Vital Brulte/Rich Montgomery/Clark Hampton
Employee Organizations:
1) Capistrano Unified Education Association (CUEA)
2) California School Employees Association (CSEA)
3) Teamsters
4) Capistrano Unified Management Association (CUMA)
5) Unrepresented Employees
(Pursuant to Government Code § 54957.6)

EXHIBIT D-1
EXHIBIT D-2
EXHIBIT D-3
EXHIBIT D-4

E. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Rich Montgomery
Four Cases
(Pursuant to Government Code § 54957)

EXHIBIT E-1
EXHIBIT E-2
EXHIBIT E-3
EXHIBIT E-4

F. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Gregory Merwin
Principal Supervision and Evaluation
(Pursuant to Government Code § 54957(b)(1))

EXHIBIT F-1

G. STUDENT EXPULSION

Mike Beekman
One Case
Case Number 2022-004

EXHIBIT G-1

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

San Clemente High School
Chris Carter, *Principal*
Matt Reid, *Activities Director*
Zane Pert, *Associated Student Body President*

BOARD AND SUPERINTENDENT COMMENTS

STUDENT BOARD MEMBER REPORT

COLLEGE AND CAREER ADVANTAGE

2021-2022 Mid-Year Update

Pati Romo, Executive Director College and Career Readiness

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.

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

1. **DONATION OF FUNDS AND EQUIPMENT:**

This is a monthly item. Approval of donations of funds and equipment. A number of gifts have been donated to the District, including \$197,129.88 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

Page 1

EXHIBIT 1

2. **PURCHASE ORDERS, COMMERCIAL WARRANTS AND PREVIOUSLY BOARD-APPROVED BIDS AND CONTRACTS:**

This is a monthly item. 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 \$7,355,616.79 and the commercial warrants total \$17,682,279.27. 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

Page 5

EXHIBIT 2

3. **INDEPENDENT CONTRACTOR, PROFESSIONAL SERVICES, FIELD SERVICE, AND MASTER CONTRACT AGREEMENTS:**

This is a monthly item. 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 22 new agreements totaling \$1,809,565.14 and 6 amendments to existing agreements totaling \$1,108,040. 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 [here](#).

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

Page 124

EXHIBIT 3

4. **CHANGE ORDER NO. 10, BID NO. 1920-05, NEWHART MIDDLE SCHOOL STEAM BUILDING PROJECT:**

This is a regular business item. Approval of Change Order No. 10, Bid No. 1920-05 for the Newhart Middle School STEAM Building Project related to requirements of the Division of the State Architect (DSA) for the deferred submittal for the storefront window system and the associated work that could not be completed while the deferred submittal was under review.

Page 252

EXHIBIT 4

These changes involve adjustments to the plans and specifications captured and directed through the Division of the State Architect's (DSA) Construction Change Directive (CCD) process. This change order consists of additions, deletions, or other revisions 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 \$10,249,000. With Change Order No. 10 in the amount of \$95,423.62, the new contract sum will be \$10,800,067.85 funded by Redevelopment Agency Mission Viejo. With this change order, the contract with the general contractor remains under the \$11,273,900 budget that represents the bid award plus contingency.

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

5. CHANGE ORDER NO. 11, BID NO. 1920-04, ALISO NIGUEL HIGH SCHOOL STEM BUILDING PROJECT:

Page 280
EXHIBIT 5

This is a regular business item. Approval of Change Order No. 11, Bid No. 1920-04 for the Aliso Niguel High School STEM Building related to DSA requirements to install tamper and flow switches for teachers stations, a District requested change to the building lettering, design alterations to the countertop sinks due to field conflicts during installation, and additional sheet metal for waterproofing to ensure a water tight building. This change order consists of additions, deletions, or other revisions 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 \$10,954,576. With Change Order No. 11 in the amount of \$49,361.70, the new contract sum will be \$11,512,377.36 funded by CFD 87-1 and if necessary, 2015 2 Liberty in Aliso Viejo land sale revenue and interest earnings. With this change order, the contract with the general contractor remains under the \$12,050,033.60 budget that represents the bid award plus contingency.

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

6. PROFESSIONAL SERVICE AGREEMENT FOR ASSEMBLY BILL 841 CALSHAPE PROGRAM – ENPOWERED SOLUTIONS, LLC:

Page 356
EXHIBIT 6

This is a subsequent item. Approval of the Professional Service Agreement (PSA) for Assembly Bill 841 (AB 841) California Schools Healthy Air, Plumbing, and Efficiency (CalSHAPE) program with Enpowered Solutions, LLC. In July 2021, the Board approved an agreement with Enpowered Solutions as part of the CalSHAPE program to allow Enpowered Solutions to complete HVAC and plumbing assessments. This grant program provides funding to California K-12 public schools for assessments, repairs, and upgrades to Heating, Ventilation and Air Conditioning (HVAC) and plumbing systems.

This PSA permits Enpowered Solutions to provide all HVAC equipment installation and repair work and plumbing fixtures and appliances services dictated by AB 841. The PSA is effective October 13, 2021 through December 31, 2023. Services will be completed for compensation equivalent to the total Ventilation and Plumbing Grant amounts received by the District, currently estimated to be \$1,236,317; therefore, there is no financial impact.

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

7. PROFESSIONAL SERVICES MASTER AGREEMENT TO CONDUCT OPINION RESEARCH FOR POTENTIAL BOND MEASURES – TRUE NORTH RESEARCH:

Page 368
EXHIBIT 7

This is a subsequent item. Approval of a Professional Services Master Agreement with True North Research to conduct opinion research for a potential bond measure. The District is interested in surveying two potential bond measures within two separate School Facility Improvement Districts (SFID) — one for schools in Aliso Viejo, and one for Dana Hills High School to retrofit and/or replace buildings for seismic safety. The objective of the surveys is to produce an unbiased, statistically reliable evaluation of voters' interest in supporting a local bond measure, as well as identify how best to align the measure with community priorities and position it for voter approval. True North Research opinion research options will include all tasks associated with designing, conducting, and analyzing the two surveys, as well as presenting the results.

The term of this agreement is January 19, 2022 through June 30, 2022. Expenditures using this agreement are not-to-exceed \$49,440 funded by the general fund.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
Contact: Ryan Burris, Chief Communications and Public Engagement Officer

CURRICULUM AND INSTRUCTION

8. EXTENDED SCHOOL YEAR PROPOSAL FOR 2022:

This is an annual item. Approval of the proposed 2022 Extended School Year (ESY) program. California Code of Regulations § 3043, Title 5, establishes that ESY services shall be provided for each individual with exceptional needs who requires special education and related services beyond the regular academic year. A student is eligible for ESY if it is determined by the Individualized Education Program team that interruption of the pupil's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely the pupil will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her disability. For 2022, staff is recommending a 20-day program from June 13, 2022 through July 14, 2022 for ESY students. This will be a five-week program with ESY being offered four days per week (Monday – Thursday) during the five-week period, with the exception of the week of July 5, 2022 – July 8, 2022 where ESY will be Tuesday through Friday due to the July 4, 2022 holiday. The proposed ESY classes will be offered at three elementary schools, one middle school, one high school, and one adult transition center, and will serve approximately 1,100 students. Staff consulted with bargaining units when developing this calendar. The total cost of the special education ESY program is approximately \$1,600,000 funded by special education funds.

Contact: Gregory Merwin, Associate Superintendent, Education and Support Services

Page 381
EXHIBIT 8

9. AGREEMENT FOR THE OPERATION OF AN AFTER SCHOOL ENRICHMENT, ACTIVITIES, AND CAMPS PROGRAM WITH THE SOUTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT:

This is a regular item, previously approved through the purchase order process. Approval of the Agreement for the Operation of Before and After School Enrichment, Activities, and Camps Program with South Orange County Community College District (SOCCCD) July 1, 2021, through June 30, 2024. Per Education Code § 8485, the District is authorized to establish a program of affordably priced supervision of children before and after school. Per Education Code § 8486, the District is authorized to subcontract with qualified private or nonprofit agencies for before and after school and summer child supervision program, and pursuant to Government Code § 53060, the District is authorized to contract for special services and advice from individuals specially trained and experienced and competent to perform such services. Based on these statutes, the District has selected SOCCCD to provide these services. This program provides an array of high-quality classes and activities for all ages, promoting life-long learning and personal success. The District has contracted with SOCCCD since 2013 for these services. There is no financial impact.

Contact: Gregory Merwin, Associate Superintendent, Education and Support Services

Page 383
EXHIBIT 9

10. AGREEMENT NO. 10000262 WITH THE ORANGE COUNTY SUPERINTENDENT OF SCHOOLS:

This is an annual item. Approval of Agreement No. 10000262 with the Orange County Superintendent of Schools for Positive Behavior Intervention and Supports (PBIS) training services, March 2, 2022 through June 30, 2023. This agreement with the Orange County Department of Education (OCDE) will provide six full day Tier 1 PBIS Leadership Team trainings to ten elementary school sites, Castille, Del Obispo, Ladera Ranch, Laguna Niguel, Clarence Lobo, Marblehead, Moulton, Oak Grove, Oso Grande, and Vista Del Mar Elementary Schools. The agreement supports the training of the Tier 1 PBIS Leadership Team training to enhance PBIS at the site level.

Page 414
EXHIBIT 10

The District is committed to the implementation of a school-wide system of tiered social emotional and behavioral supports. Site leadership teams will participate in professional learning to address the implementation of PBIS. The Tier 1 training will be provided to PBIS site leadership teams to enhance the effectiveness of their PBIS implementation. The cost of \$45,000 will be funded by Local Control Funding Formula Supplemental funds.
Contact: Gregory Merwin, Associate Superintendent, Education and Support Services

- 11. AGREEMENT NO. 10000436 WITH THE ORANGE COUNTY SUPERINTENDENT OF SCHOOLS:** Page 425
EXHIBIT 11
This is an annual item. Approval of the ratification of Agreement No. 10000436 with the Orange County Superintendent of Schools, November 22, 2021 through June 30, 2022, to provide a stipend for certificated staff who work with students at Ladera Ranch Middle School (LRMS) as part of their Friday Night Live program. Friday Night Live is part of the Peer Assistance Leadership (PAL) program and class offered at LRMS. Students plan activities for students and parents, tied to education and awareness regarding societal issues that impact District schools and students, including drug and alcohol awareness and bullying. The cost of \$1,200 will be funded by general funds and then reimbursed by the Orange County Department of Education.
Contact: Gregory Merwin, Associate Superintendent, Education and Support Services
- 12. AGREEMENT NO. 10000488 WITH ORANGE COUNTY SUPERINTENDENT OF SCHOOLS:** Page 448
EXHIBIT 12
This is a recurring item as needed. Approval of Agreement No. 10000488 with Orange County Superintendent of Schools, January 11, 2022 through March 15, 2022, for services with Orange County Department of Education (OCDE) to provide training on Depth and Complexity and Learning Centers Strategies for 25 elementary teachers at Kinoshita Elementary School as requested by the principal and agreed upon by the school leadership team to support their students. Training will occur over 3, 1-hour, sessions where teachers will learn high yield strategies that can be used in tandem with grade level content to increase critical and creative thinking for all students. The estimated total expenditure for this agreement is \$575 funded by school site Title I.
Contact: Gregory Merwin, Associate Superintendent, Education and Support Services
- 13. IRVINE RANCH OUTDOOR EDUCATION CENTER, 2021-2022 ACADEMIC AGREEMENT:** Page 459
EXHIBIT 13
This is an annual item. Approval of the Academic Event Contract: 46902-1 with Irvine Ranch Outdoor Education Center (IROEC) to provide an overnight outdoor science school trip aligned with grade level science standards for the 2021-2022 school year. Staff brings outdoor science school contracts to the Board two times a year. IROEC will provide services at the rates indicated in the agreements. The scheduled attendance and contracted amounts for these programs for fifth grade students varies for Canyon Vista, Del Obispo, Truman Benedict and Clarence Lobo Elementary Schools and Carl Hankey K-8 School. The estimated total expenditure under this contract is \$118,142, funded by gift funds from each participating school site.
Contact: Gregory Merwin, Associate Superintendent, Education and Support Services
- 14. PLAYWORKS MASTER SERVICES AGREEMENT, STATEMENT OF WORK AND PROGRAM PLANS FOR 2021-2022:** Page 490
EXHIBIT 14
This is an annual item. Approval of the ratification of Playworks Master Services Agreement, Statement of Work, and Program Plans for 2021-2022. Playworks will provide on-site consultation for school staff at Viejo Elementary School to promote safe, fun, and healthy play during recess. Strategies encourage inclusion, activity, and developing social and emotional skills. Teachers and student supervisors at Viejo Elementary School will receive professional learning to model and teach strategies, games, and systems to develop and provide a positive recess experience and also strengthen a positive school culture.

Through this program, students will have increased opportunities for activity, leadership, and enhanced conflict resolution skills. Professional learning will take place during existing teacher collaboration and student supervisor meeting time. The cost of \$10,000 will be funded by school site Title I.

Contact: Gregory Merwin, Associate Superintendent, Education and Support Services

15. ADDENDUM NO. 01 TO STATEMENT OF WORK UNDER THE AGREEMENT FOR USE OF EMERALD COVE OUTDOOR SCIENCE INSTITUTE, FACILITIES, SUPPLIES, EQUIPMENT, AND SERVICES, PUBLIC SCHOOL DISTRICTS, SCHOOL YEAR 2021-2022: Page 509
EXHIBIT 15

This is an annual item. Approval of Addendum No. 01 to Statement of Work under the Agreement for Use of Emerald Cove Outdoor Science (ECOS) Institute, Facilities, Supplies, Equipment, and Services, Public School Districts School Year 2021-2022. Staff brings outdoor science school contracts to the Board 2 times a year. Trustees approved the original agreement at the October 20, 2021 Board meeting for 12 schools to participate in the Emerald Cove Outdoor Science Institute overnight science camp. Esencia K-8 School has expressed an interest in attending the outdoor science camp. Their fifth grade students will attend ECOS from March 29 – April 1, 2022. Because COVID-19 forced the cancellation of the science camp trip for Esencia fifth graders during the 2020-2021 school year, their current sixth graders will also be attending the ECOS camp, from March 7 – 11, 2022. An addendum to the original agreement is required in order to add this additional request. The total estimated expenditure is \$64,239 funded by gift funds.

Contact: Gregory Merwin, Associate Superintendent, Education and Support Services

16. SALES AND SERVICES AGREEMENT #UCI-2022BC-002: Page 513
EXHIBIT 16

This item was previously approved on July 21, 2021 as approval of the ratification of the Sales and Services Agreement #UCI-2022BC-001 with the University of California Irvine (UCI) Science Project. Staff is returning with this item to correct an error in the original paperwork submitted by UCI. Due to a clerical error, the complete agreement was not included in the exhibit. Trustees received the scope of work as “appendix” in the July 21, 2021 agenda packet. The updated exhibit includes the full agreement from UCI and Appendix A. The term of the agreement is August 1, 2021 through June 30, 2022, and provides training for staff related to the Next Generation Science Standards. The cost included professional learning facilitation from the UCI Science Project and substitute teachers for two release days and training on the November 1, 2021 secondary professional development day. Expenditures under this agreement are \$5,500 funded by Title II.

Contact: Gregory Merwin, Associate Superintendent, Education and Support Services

17. ADDENDUM TO THE AGREEMENT FOR ADDITIONAL SCHOOLS PARTICIPATING IN THE INSIDE THE OUTDOORS SCHOOL PROGRAM, AGREEMENT NUMBER 14002, ADDENDUM NO. 4, NO. 5 AND NO. 6: Page 527
EXHIBIT 17

This is an annual item. Approval of Addendum to the Agreement for Additional Schools Participating in the Inside the Outdoors School Program, Agreement Number 14002, Addendum No. 4, No. 5 and No. 6. District schools routinely participate in the Orange County Department of Education’s outdoor science school/field trip programs and “Traveling Scientist” programs and assemblies. Ladera Ranch, Oso Grande, Wood Canyon, Hidden Hills, and Oak Grove Elementary Schools have expressed interest in adding additional sessions in the “Traveling Scientist” Program for the 2021-2022 school year, which provides school assemblies by traveling naturalists on various science topics. Programs and assemblies for school sites listed above will be held in-person, with the exception of Oso Grande Elementary School, which will participate virtually. The estimated expenditures under the contract addendums are \$3,680.25 funded by site and/or gift funds.

Contact: Gregory Merwin, Associate Superintendent, Education and Support Services

HUMAN RESOURCE SERVICES

18. **CALIFORNIA STATE UNIVERSITY, FULLERTON FALL 2021 MASTER TEACHER HONORARIUM:** Page 536
EXHIBIT 18
This is a biannual item. Approval of payment of honorarium to District master teachers who supported a California State University, Fullerton (CSUF) student teacher during the Fall 2021 semester. Universities pay master teachers a nominal payment for their supervision and support of student teachers. CSUF reimburses the District for these master teacher payments. The compensation amounts vary based on the nature of the assignments. There is no financial impact.
Contact: Rich Montgomery, Interim Associate Superintendent, Human Resource Services
19. **EDUCATIONAL AFFILIATION AGREEMENT WITH CALIFORNIA STATE UNIVERSITY, LONG BEACH:** Page 538
EXHIBIT 19
This is an annual item. Approval of the Educational Affiliation Agreement with California State University, Long Beach, effective upon date of final signature and expiring June 30, 2026. During the school year, teaching credential candidates from the university will be paired with District credentialed employees to fulfill practicum/fieldwork requirements to earn their teaching credential. There is no financial impact.
Contact: Rich Montgomery, Interim Associate Superintendent, Human Resource Services
20. **SPEECH PATHOLOGY FIELD PLACEMENT AGREEMENT WITH BAYLOR UNIVERSITY:** Page 549
EXHIBIT 20
This is an annual item. Approval of the Speech Pathology Field Placement Agreement with Baylor University, effective upon the final signature and continuing through the termination date of June 30, 2024. Students enrolled in the Speech Language Pathology program will be paired with veteran District Speech and Language Pathologists as they complete fieldwork and clinical hours required to earn their SLP credential. There is no financial impact.
Contact: Rich Montgomery, Interim Associate Superintendent, Human Resource Services
21. **RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CERTIFICATED EMPLOYEES:** Page 557
EXHIBIT 21
This is a monthly item. 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: Rich Montgomery, Interim Associate Superintendent, Human Resource Services
22. **RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CLASSIFIED EMPLOYEES:** Page 570
EXHIBIT 22
This is a monthly item. 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: Rich Montgomery, Interim Associate Superintendent, Human Resource Services

GENERAL FUNCTIONS

23. **SCHOOL BOARD MINUTES:** Page 587
EXHIBIT 23
Approval of the December 8, 2021 Special Board meeting minutes.
Contact: Colleen Hayes, Manager II, Board Operations/Superintendent's Office
24. **SCHOOL BOARD MINUTES:** Page 589
EXHIBIT 24
Approval of the December 15, 2021 Regular Board meeting minutes.
Contact: Colleen Hayes, Manager II, Board Operations/Superintendent's Office

25. RESOLUTION NO. 2122-33, CONTINUING AUTHORITY TO HOLD VIRTUAL MEETINGS PURSUANT TO ASSEMBLY BILL 361:

This is a legally mandated monthly item. At the November 3, 2021, Board meeting, the Board adopted Resolution No. 2122-22, Continuing Authority to Hold Virtual Meetings, Pursuant to Assembly Bill 361 and again at the December 15, 2021, Board meeting the Board adopted Resolution No. 2122-26, Continuing Authority to Hold Virtual Meetings, Pursuant to Assembly Bill 361. Per Government Code § 54953(e), the Board must adopt a subsequent resolution to continue this practice.

On September 16, 2021, Governor Newsom signed Assembly Bill (AB) 361, which immediately amended the Brown Act allowing governing boards to continue holding virtual meetings outside the teleconferencing requirements of Government Code § 54953(b), if the Board makes a finding that there is a proclaimed State of Emergency, and either (1) state or local officials have imposed or recommended social distancing measures, or (2) meeting in person would present imminent risks to the health or safety of attendees due to the emergency. The Board is committed to open and transparent governance in compliance with the Brown Act, and continues to conduct virtual meetings by way of telephonic and/or internet-based services as to allow members of the public to fully participate in meetings and offer public comment. The Board authorizes the use of teleconferencing for all meetings in accordance with Government Code § 54953(e) and all other applicable provisions of the Brown Act, for a period of 30 days from the adoption of this resolution, or such a time that the governing board adopts a subsequent resolution in accordance with Government Code § 54953(e)(3).

Based on the findings made above, the Board of Trustees of the Capistrano Unified School District will continue holding its meetings in a safe and efficient manner, with a priority of having members of the public participate in-person from the location of the Board meeting.

In the event a Trustee must participate in a meeting through a virtual platform (such as Zoom or an equivalent program), she/he will follow all the requirements of AB 361. The Trustee’s participation in public session shall be visible to all meeting participants in the same manner as if the Trustee were present. The Trustee may also participate in executive/closed session meetings of the Board.

Contact: *Kirsten M. Vital Brulte, Superintendent*

DISCUSSION/ACTION ITEMS

26. DRAFT PLANS FOR TRUSTEE AREA BOUNDARY REDISTRICTING:

This item is required by Education Code § 5019.5 and occurs every ten years. The District’s demographer has been working on revising draft plans Charlie, Delta, and Echo to reflect the direction received at the December 15, 2021, Board meeting and will review these plans with Trustees at the Board meeting. Trustees are asked to select a single draft plan to be refined and finalized for approval at the February 16, 2022, Board meeting. The redistricting is required to be established prior to March 1, 2022.

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 select one draft plan for Trustee area boundary redistricting for final approval at the February 16, 2022, Board meeting.

Motion by _____ Seconded by _____

27. **GOVERNOR’S JANUARY BUDGET PROPOSAL FOR FISCAL YEAR 2022-2023:** **INFORMATION/ DISCUSSION**
This is an annual item. On January 19, 2022, staff will attend the School Services of California Governor’s Budget Workshop. Trustees will be provided with a brief overview of the School Services workshop and what it represents for the District budget. **Page 627**
CUSD WIG 2: Communications – Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions. **EXHIBIT 27**
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 information on this item and answer any questions Trustees may have. This is an information item only and no Board action is necessary.

28. **PRESENTATION AND RECEIPT OF THE DISTRICT AND COMMUNITY FACILITIES DISTRICTS ANNUAL FINANCIAL REPORTS FOR THE FISCAL YEAR ENDING JUNE 30, 2021:** **DISCUSSION/ ACTION**
EXHIBIT 28
Page 628

This is an annual item. State law requires each school district in California have an annual audit conducted by a state-certified independent auditor. The audit is conducted according to generally accepted auditing standards, specific guidelines and procedures set by the State Controller’s office. Under state law, annual fiscal audits are neither accepted nor rejected by a board, but merely received by the district. For record keeping purposes, the Board of Trustees has annually adopted a motion indicating recognition of receipt of the District annual audit report. Additionally, the Board requested staff to provide an audit on the Community Facilities Districts (CFDs). This audit will be conducted annually for all CFDs. This agenda item pertains to the presentation of the 2020-2021 fiscal year Annual Financial Reports to the Board of Trustees. The Annual Financial Reports for the fiscal year ending June 30, 2021, were completed by the firm Nigro and Nigro, PC, Certified Public Accountants. *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, who will introduce a partner from the audit firm Nigro and Nigro, PC, Certified Public Accountants, to present a summary of the audit reports for the year ending June 30, 2021.

Following discussion, it is recommended the Board of Trustees receive the District and Community Facilities Districts Annual Financial Reports for the fiscal year ending June 30, 2021.

Motion by _____ Seconded by _____

29. **PROJECT ADDENDUM TO MASTER AGREEMENT FOR ARCHITECTURAL SERVICES FOR DANA HILLS HIGH SCHOOL MASTER PLAN – LPA, INCORPORATED:** **DISCUSSION/ ACTION**
EXHIBIT 29
Page 774

This is a subsequent item. The Board previously received information on the age of Dana Hills High School and the need for seismic safety upgrades. The Board adopted Resolution No. 2122-23 on December 15, 2021 authorizing a focused study of a potential bond measure to provide funding to replace and modernize Dana Hills High School to meet current seismic safety standards, District facility standards and educational specifications.

The Board is asked to approve the Project Addendum to the Master Agreement for Architectural Services with the architect, LPA Incorporated in the amount of \$149,362.50. The Dana Hills High School Master Plan agreement would have an effective date of November 1, 2021 through December 31, 2022.

The project will be funded by deferred maintenance.

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 approve the Project Addendum to Master Agreement for Architectural Services for Dana Hills High School Master Plan – LPA, Incorporated.

Motion by _____ Seconded by _____

- 30. RESOLUTION NO. 2122-35, SUPPORTING LOCAL DECISION-MAKING AUTHORITY REGARDING COVID-19 HEALTH AND SAFETY PROTOCOLS:** **DISCUSSION/ ACTION**
This is a new item. Per Board Bylaw 9322, *Agenda/Meeting Materials*, Board members may place any item on the agenda no later than ten days before the scheduled meeting date. On October 20, 2021, the Board adopted Resolution No. 2122-20, Urgent Request to Governor Gavin Newsom to Reconsider or Rescind the COVID-19 Vaccine Mandate for Public and Private K-12 Students as a Requirement for In-Person Instruction. **Page 783**
EXHIBIT 30

Resolution No. 2122-35, Resolution Supporting Local Decision-Making Authority Regarding Covid-19 Health and Safety Protocols further request that full local decision-making authority be returned back to local school boards and direct the Superintendent to reach out to like-minded Superintendents to draft a joint letter of support. **CUSD WIG 2: Communications – Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions.**
Contact: Judy Bullockus, Trustee Area 7

Trustee Recommendation

It is recommended the Board President recognize Judy Bullockus, Trustee Area 7 to present this item.

Following discussion, it is recommended by Trustee Bullockus that the Board hear the request to adopt Resolution No. 2122-35, Resolution Supporting Local Decision-Making Authority Regarding Covid-19 Health and Safety Protocols.

Motion by _____ Seconded by _____

- 31. RESOLUTION NO. 2122-34, RESOLUTION OF THE BOARD OF TRUSTEES OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT CONFIRMING SUPERINTENDENT’S FINDING REGARDING TEMPORARY STAFFING NEEDS:** **DISCUSSION/ ACTION**
This is a new item. On January 11, 2022, Governor Gavin Newsom signed Executive Order (“EO”) N-3-22 to address staff shortages resulting from the Omicron COVID-19 variant and staff quarantining and absences. The Human Resources Services Department and Superintendent confirm that the District has been subject to staff shortages as a result of the Omicron-driven rise in COVID-19 cases and the insufficient number of substitute employees currently employed by the District for the 2021-2022 school year necessary to cover all anticipated absences. The flexibility of EO N-3-22 is needed to support the continuity of instruction for students in the District. There is no financial impact as the cost of substitutes is already included in the District’s budget. **Page 786**
CUSD WIG 2: Communications – Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions. **EXHIBIT 31**

Contact: Contact: Rich Montgomery, Interim Associate Superintendent, Human Resource Services

It is recommended the Board President recognize Rich Montgomery, Interim Associate Superintendent, Human Resource Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve Resolution No. 2122-34, Resolution of the Board of Trustees of the Capistrano Unified School District Confirming Superintendent's Finding Regarding Temporary Staffing Needs.

Motion by _____ Seconded by _____

ADJOURNMENT

Motion by _____ Seconded by _____

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS
WEDNESDAY, FEBRUARY 16, 2022, 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

If you wish to register to be a public speaker, please register by clicking [here](#).

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.