



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. Per CDPH and Cal/OSHA guidelines, the use of masks is strongly recommended, but not required, when indoors at the District office. If participants choose not to 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 (<https://simbli.eboardsolutions.com/SU/xA9Oslsh8QuMtbNr9j3YPXvg==>) 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 4:00 P.M.

1. CALL TO ORDER	26
2. CLOSED SESSION COMMENTS	27
3. CLOSED SESSION (as authorized by law)	28
A. PUBLIC HEALTH EMERGENCY	29
Kirsten Vital Brulte/Gregory Merwin Attorney – Anthony De Marco Consultation with Agency Counsel (Pursuant to Government Code § 54957(a))	
B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:	30
Gregory Merwin/Kathy Purcell Attorney – Justin Shinnfield Significant Exposure to Litigation – Three Cases	
1. ADR Case No. 20210603M	
2. ADR Case No. 20220120	
3. ADR Case No. 20220210	
(Pursuant to Government Code § 54956.9(d)(2))	
Gregory Merwin Attorney – Sara Young Significant Exposure to Litigation – One Case	
4. Case No. 3647	
(Pursuant to Government Code § 54956.9(d)(2))	



- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: 31
Gregory Merwin/Kathy Purcell
Attorney – Justin Shinnfield
Significant Exposure to Litigation – Three Cases
1. OAH Case No. 2021110016
2. OAH Case No. 2021120012
3. OAH Case No. 2021120471
(Pursuant to Government Code § 54956.9(d)(1))
- D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS 32
District Negotiators: Kirsten Vital Brulte/Clark Hampton
Attorney: Andreas Chialtas, AALRR
- Property: Pacifica San Juan property, a 7.292 acre property located at the north east corner of Camino Las Ramblas and Avenida California
Negotiating Parties: Pulte Home Company, LLC (may purchase the District’s option to purchase the Property from Pacific Point Development Partners/Taylor Morrison of California LLC through the District’s prior request for proposals process)
- Property: South Transportation and Groundskeeping Facility; 5.51 acre property located at 26126 Victoria Blvd, Dana Point, CA 92624
Negotiating Party: Toll Brothers, Inc.
- Property: Paseo de Colinas property. 2.47 acre property located on Paseo de Colinas adjacent to Niguel Hills Middle School
Negotiating Party: One or more potential buyers for the Property who may purchase the Property through a surplus property bid auction process
- Under Negotiation: Price and Terms of Payment
(Pursuant to Government Code § 54956.8)
- E. STUDENT EXPULSION 33
Mike Beekman
One Case
Case No. 2022-010
- F. LIABILITY CLAIMS 34
Clark Hampton
Significant Exposure to Litigation – Six Cases
Rejection of Government Claim No. 1. 2108885/2108887/2108888, 2. 2208938/2208937, 3. 2208984
(Pursuant to Government Code § 54956.9 (d) (2) or (3))
- G. CONFERENCE WITH LABOR NEGOTIATORS 35
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)	
H. PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT	36
Kirsten M. Vital Brulte	
1. Associate Superintendent, Human Resource Services	
2. Principals, Multiple Sites	
(Pursuant to Government Code § 54957)	
4. OPEN SESSION AT 7:00 P.M.	37
5. CALL TO ORDER - ROLL CALL	38
6. PLEDGE OF ALLEGIANCE	39
7. ADOPTION OF THE AGENDA	40
8. REPORT ON CLOSED SESSION ACTION	41
9. SPECIAL RECOGNITIONS	42
Associated Student Body	
Tesoro High School	
Ken Ezratty, <i>Principal</i>	
Petra Davis, <i>Activities Director</i>	
Caroline Clark, <i>ASB President</i>	
10. BOARD AND SUPERINTENDENT COMMENTS	43
11. STUDENT BOARD MEMBER COMMENTS	44
12. ORAL COMMUNICATIONS (Non-Agenda Items)	45
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.	
13. CONSENT CALENDAR	46
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.

- A. BUSINESS AND SUPPORT SERVICES 47

- 1. DONATION OF FUNDS AND EQUIPMENT 48

This is a monthly item. Approval of donations of funds and equipment. A number of gifts have been donated to the District, including \$205,225.55 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

- 2. PURCHASE ORDERS, COMMERCIAL WARRANTS AND PREVIOUSLY BOARD-APPROVED BIDS AND CONTRACTS 53

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 \$15,033,677.11 and the commercial warrants total \$24,432,563.13. 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

- 3. INDEPENDENT CONTRACTOR, PROFESSIONAL SERVICES, FIELD SERVICE, AND MASTER CONTRACT AGREEMENTS 141

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 18 new agreements totaling \$459,188 and 5 amendments to existing agreements totaling \$416,000. 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 (<https://simbli.eboardsolutions.com/SU/8AfBAhpUVh8Pa8lswSzfAQ==>) .

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

- 4. AWARD BID NO. 2122-13, OUTSOURCE TRANSPORTATION SERVICES – ALC SCHOOLS, LLC 245

This is a regular business item. Approval of Award of Bid No. 2122-13, Outsource Transportation Services to ALC Schools, LLC. Nineteen interested parties registered and downloaded the bid documents; however, only two bids were received and opened on January 19, 2022 and are listed on Exhibit A. The lowest responsive, responsible bidder was determined by the lowest sum of three transportation scenarios common to the District. ALC Schools, LLC is determined to be the lowest responsive, responsible bidder. The initial contract term is March 17, 2022, through



March 16, 2023, with four one-year renewal terms, at the option of the Board, for a total contract term not-to-exceed five years. Annual expenditures utilizing this contract are estimated to be \$800,000 funded by special education, transportation, and the general fund; however, may vary depending on District needs and availability of funds.

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

5. MEMORANDUM OF UNDERSTANDING WITH MOULTON NIGUEL WATER DISTRICT

257

This is a new item. Approval of the Memorandum of Understanding (MOU) with Moulton Niguel Water District (MNWD) to participate in the High Efficiency Device Retrofit Program. Many of the District school sites are outfitted with out-of-date, inefficient plumbing devices including: faucets, aerators, toilets, flush valves, etc. MNWD released the High Efficiency Device Retrofit Program and the District has been approved for 100 percent reimbursement of all parts and labor costs associated with replacing these types of inefficient fixtures through this program. Replacement of the existing fixtures is expected to reduce water consumption and lower expenditures. MNWD will provide reimbursement funds for high efficiency plumbing devices and installation labor for the following 6 school sites: Capistrano Valley High School, Marian Bergeson Elementary School, Aliso Niguel High School, Don Juan Avila Elementary School, Niguel Hills Middle School, and Oak Grove Elementary School. The District is receiving a portion of available grant funds being distributed. There is not available funds to include all school sites within the MNWD territory. While additional funding may become available in the future, these 6 school sites were chosen as they are our highest consumers of water within the MNWD service area. The aim is to reduce water consumption at these identified high use and cost sites first, and follow to additional sites if and when additional funding becomes available. The term of the MOU would be March 17, 2022, through September 1, 2022. The total potential amount for reimbursement for all 6 sites is \$460,205.

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

6. FILING A NOTICE OF EXEMPTION FOR THE DANA HILLS HIGH SCHOOL TWO-STORY CLASSROOM ADDITION PROJECT

270

This is a new item. Approval of the filing of a Notice of Exemption for the Dana Hills High School Two-Story Classroom Addition project in compliance with California Environmental Quality Act (CEQA) Guidelines § 15302. The Facilities department drafted a Supplemental Information attachment to the Notice of Exemption for the proposed Dana Hills High School Two-Story Classroom Addition. The Supplemental Information lists the categorical exemptions related to this project in compliance with CEQA Guidelines § 15302. As no additional classrooms will be added above the allowable count per CEQA guidelines, this project falls under the categorical exemption. With the consent of the Board, CEQA requirements will be satisfied and District staff will move forward with the completion of the Notice of Exemption for the Dana Hills High School Two-Story Classroom Addition. There is no financial



impact.

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

- 7. STATE OF CALIFORNIA MULTIPLE AWARD SCHEDULE CONTRACT NO. 3-18-70-2686W, GENERAL SERVICES ADMINISTRATION BASE SCHEDULE NO. GS-35F-327GA, PURCHASE, WARRANTY, INSTALLATION, AND MAINTENANCE OF HARDWARE, SOFTWARE, AND SOFTWARE MAINTENANCE AS A PRODUCT – SAMSARA NETWORKS, INCORPORATED

282

This is a regular business item. Approval to utilize the State of California Multiple Award Schedule Contract (CMAS) No. 3-18-70-2686W, General Services Administration (GSA) Base Schedule No. GS-35F-327GA, and any subsequent revisions, amendments, and extensions awarded to Samsara Networks, Incorporated for the purchase of vehicle global positioning system (GPS) services in the K-12 school district environment for both student transport and District vehicles used by staff, as needed by the District. The District can utilize such contracts pursuant to California Public Contract Code §§ 10298, 10299, and 12100 et. seq. without going to bid. The prices offered by the contractor have been assessed to be fair, reasonable, and competitive. Staff determined it is in the best interest of the District to utilize the state contract for the purchase, warranty, installation, and maintenance of hardware, software maintenance as a product. Approval of this contract allows the District to change its GPS services provider as the existing vendor has increased prices significantly; therefore, the District needs another vendor before the current contract expires. Anticipated annual expenditures utilizing this contract are approximately \$190,000 funded by the general fund.

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

- 8. VAL VERDE UNIFIED SCHOOL DISTRICT BID NO. 2021/22-001, JUST-N-TIME CLASSROOM AND OFFICE SUPPLIES – SOUTHWEST SCHOOL AND OFFICE SUPPLIES

304

This is a regular business item. Approval to utilize the Val Verde Unified School District Bid No. 2021/22-001 awarded to Southwest School and Office Supplies and any subsequent revisions, amendments, and extensions for the purchase of classroom and office supplies. School boards have the authority to “piggyback” on another public agency’s bid, per Public Contract Code § 20118, when it is in the best interest of a district. The prices offered by the contractor have been assessed by staff to be fair, reasonable, and competitive. Anticipated annual expenditures utilizing this contract are approximately \$100,000 funded by various applicable funding sources. Actual expenditures may vary depending on District needs and availability of funds. Due to the size of the contract and award, the documentation is posted online on the District Board Agendas and Supporting Documentation page here (<https://simbli.eboardsolutions.com/SU/8AfBAhpUVh8Pa8lswSzfAQ==>).

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

B. CURRICULUM AND INSTRUCTION

308

- 1. A-G COMPLETION IMPROVEMENT GRANT PLAN

309



This is a returning item. Approval of the A-G Completion Improvement Grant. The A-G Completion Improvement Grant Program was established by Assembly Bill 167/130 for the purpose of providing additional supports to Local Educational Agencies to help increase the number of California high school pupils, particularly unduplicated pupils, who graduate from high school with A-G eligibility. By increasing the number of students who are A-G eligible, the grant supports the development of the student's 5 competencies as described in the District's Vision of the CUSD Graduate, and it aligns to the Multi-tiered System of Supports Plan by providing additional outreach and support to targeted students not yet completing A-G. Finally, the grant supports the District's Cultural Proficiency Plan by including specific new supports for underrepresented student populations.

It is estimated that the District will receive approximately \$1,500,000 in one-time state funding to be used over 4 years to improve A-G completion rates. As of 2019-2020, 64.3 percent of District graduates completed A-G coursework. In order to improve completion rates, the funding will be used to expand professional development, advisement, support, access, and course availability for A-G coursework. In order to qualify for the grant, which has a deadline of April 1, 2022, the Board reviewed the grant proposal at the February 16, 2022 Board meeting. During that meeting, Trustee feedback on priorities included: a focus on reaching families early to set students up for success at the start of ninth grade, a robust roll out of the California College Guidance Initiative (CCGI) to make family access to A-G progress monitoring more user friendly, and professional development for guidance staff on CCGI and all aspects of supporting academic planning and progress monitoring. This feedback has been incorporated into the grant plan. Staff is now bringing the A-G Improvement Grant for approval at the March 16, 2022, Board meeting.

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

2. ART MASTERS LEGACY INSTRUCTIONAL ART PROGRAM AGREEMENT 2021-2022

316

This is an annual item. Approval of the amended Art Masters Legacy (AML) Instructional Art Program Agreement at Wood Canyon Elementary School. Trustees approved the original agreement at the September 15, 2021 Board meeting for six schools to participate in the AML Instructional Art Program for 2021-2022. Wood Canyon Elementary School has requested additional participation and supplies. AML provides services that include art assemblies and hands-on studio art activities for students. AML teacher-lecturers conduct and present multimedia presentation assemblies using art visuals, images and stories covering each artist and/or art subject. Later, students get an opportunity to engage in art activities to create their own individual works of art in the manner of the master artist or art subject, using the same styles, techniques, media and disciplines. The additional expenditure included in this amendment is \$555 funded by gift funds.

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


3. MEMORANDUM OF UNDERSTANDING WITH CHILDREN'S HOSPITAL OF ORANGE COUNTY

323



This is a new item. Approval of Memorandum of Understanding (MOU) with Children’s Hospital of Orange County (CHOC) regarding a proposal to provide the District with a Children’s Hospital of Orange County Wellness Center (CHOC-WC) to be housed at Niguel Hills Middle School. This is separate from the Wellness and Prevention Centers at Aliso Niguel High School and San Juan Hills High School. The CHOC MOU will be supporting the adoption of a CHOC-WC in the District. As stated in the MOU, the wellness rooms will not be used for vaccination purposes. The wellness room would be used for an additional space on the campus to provide resources for health, wellness and additional counseling services. Counselors can draw from the welcoming nature of the wellness center (i.e. flexible seating, calming corners, earth tone color decorations, etc.) to help students feel comfortable sharing trauma based scenarios. Furthermore, the facility is conducive for smaller wellness presentations with those students the counselor has been guiding. In addition, the wellness center is conducive as the host facility for students to attain their Positive Behavior Intervention and Supports recognitions and reinforcement items. Current site counselors will be the staff leading the work in the CHOC-WC. There is no additional staffing needed. The CHOC-WC is NOT a clinic. There is no cost to the District for the initial CHOC-WC at Niguel Hills Middle School. There is no financial impact.

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

4. INCOME AGREEMENT NO. 10000548 WITH ORANGE COUNTY SUPERINTENDENT OF SCHOOLS 

352

This is a new item. Approval of Income Agreement No. 10000548 with Orange County Superintendent of Schools regarding a proposal to provide Aliso Viejo Middle School peer-led mental health training for students and a designated teacher advisor, February 1, 2022, through June 30, 2022. Students are not providing counseling during their peer-led activities. They are supporting the information shared by the designated teacher advisor, who is present during every peer-led activity. Peer-led student representatives support their student peers by modeling discussion with their designated teacher advisor. The peer-led trainings focus around the following ten components:

1. **Youth Participation** - Involve a minimum of ten students to serve as peer leaders in the development and implementation of the campaign.
2. **Peer Leader Training** - Host a Mental Health 101 and/or Suicide Prevention training provided by the Orange County Department of Education (OCDE) for peer leaders.
3. **Peer Leader Discussion** - Host a discussion facilitated by OCDE staff, and include school counseling, to discuss the issue of mental health and how this campaign can support student well- being.
4. **Campaign Plan and Supplies** - Develop a campaign plan with dates and supplies needed for the program’s activities.
5. **Peer-led Outreach Activity** - Develop and disseminate mental health information to the student body. The activity should aim to raise awareness of mental health issues, reduce mental health stigma, increase knowledge of self-care strategies, and promote school and community resources. Dissemination of the



information to the student audience can be conducted via in-person/virtual presentations, Public Service Announcements, etc.

- 6. **Peer-led Awareness Week Activity** - Host a week-long event to promote mental health resources and self-help strategies. This should include a school wide media blitz (e.g. posters, morning announcements, social media) and interactive activities with the student body.
- 7. **Parent Outreach Activity** - Conduct one parent outreach activity to raise awareness of mental health issues affecting youth and how families can support their children. The activity should include a youth perspective and promote school and community resources. Information can be shared through a parent presentation, parent newsletter, website, etc.
- 8. **Staff Outreach Activity** - Conduct one staff outreach activity to raise awareness of mental health issues affecting youth and how school staff can support students.
- 9. **Advisor Communication and Reporting**- Advisor is to maintain ongoing communication with OCDE staff. In addition, they must complete the Activity Completion Form following each activity.
- 10. **Advisor Campaign Debrief, Advisor Survey, and Peer Leader Survey** - Participate in a debrief discussion and advisor survey.

The designated teacher advisor will receive a \$1,200 stipend funded by the Orange County Superintendent of Schools.

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

5. INCOME AGREEMENT NO. 10000694 WITH ORANGE COUNTY SUPERINTENDENT OF SCHOOLS

365

This is an annual item. Approval of Income Agreement No. 10000694 with Orange County Superintendent of Schools, February 1, 2022, through May 31, 2022, for services with Orange County Department of Education to provide Test Proctors for English Language Proficiency Assessments for California (ELPAC) testing. The estimated total expenditure for this agreement will not exceed \$30,000 funded by Local Control Funding Formula Supplemental funds.

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

6. ADDENDUM TO THE AGREEMENT FOR ADDITIONAL SCHOOLS PARTICIPATING IN THE INSIDE THE OUTDOORS SCHOOL PROGRAM, AGREEMENT NUMBER 14002, ADDENDUM NO. 7 AND NO. 8

374

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. 7 and No. 8. District schools routinely participate in the Orange County Department of Education’s outdoor science school/field trip programs and “Traveling Scientist” programs and assemblies. Arroyo Vista Elementary School, Hidden Hills Elementary School, Ladera Ranch Elementary School, Marblehead Elementary School, Oso Grande Elementary School, Palisades Elementary School, and Wood Canyon Elementary School, as well as San Clemente High School, have expressed interest in adding additional sessions in the “Traveling Scientist” Program for



the 2021-2022 school year, which provides school assemblies with traveling naturalists on various science topics. Programs and assemblies for school sites listed above will be held in-person, with the exception of Palisades Elementary School, which will participate **virtually**. The estimated expenditures under the contract addendums are \$2,150 funded by site and/or gift funds.

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

7. AGREEMENT WITH THE ORANGE COUNTY SUPERINTENDENT OF SCHOOLS TO REFER STUDENTS FOR ALTERNATIVE COMMUNITY AND CORRECTIONAL EDUCATIONAL SCHOOLS AND SERVICES FOR JUNE, JULY, AND AUGUST 2022 381

This is an annual item. Approval of the agreement for Alternative Community and Correctional Educational Schools and Services (ACCESS), June 1, 2022 through August 31, 2022. ACCESS provides the implementation of services to support students needing interventions to recover credits. This agreement allows ACCESS and Pacific Coast High School to enroll District students for the purpose of remediating high school credit deficiencies during the months of June, July, and August 2022. This program is routinely offered each summer as an option for students to enroll in, and augments the District's summer school offerings. There is no financial impact.

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

8. YMCA OF ORANGE COUNTY CONTRACT 388

This is an annual item at various schools. Approval of the ratification of the agreement for participation with the YMCA of Orange County, to provide a noontime sports program for students at Del Obispo Elementary School, March 2, 2022, through May 27, 2022. This program will provide students with organized sports during lunch/recess time, two times per week. Other District schools have successfully partnered with the YMCA to provide noontime sports to students. Del Obispo Elementary School would like to participate in this program. YMCA will follow all health and safety protocols as outlined in the COVID-19 Safety Plan. The estimated expenditure under this contract is \$2,900 funded by site Title I.

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

C. HUMAN RESOURCE SERVICES 396

1. CONSIDER AND APPROVE REVISED JOB DESCRIPTION – ASSISTANT SUPERINTENDENT, HUMAN RESOURCE SERVICES 397

This is a revised job description. Approval of the job description for the position of Assistant Superintendent, Human Resource Services. The Human Resource Services (HRS) department currently has two Assistant Superintendent positions; one Assistant Superintendent of Human Resource Services, Preschool - Grade 5 and one Assistant Superintendent of Human Resources, Grades 6-12, K-8, Alternative Education. These different job descriptions divide the HRS work between an elementary and secondary focus. This agenda item presents for Board consideration the approval of the job description for the position of Assistant Superintendent, Human Resource Services. The two Assistant Superintendent job descriptions have been reviewed and combined to make one job description of Assistant Superintendent, Human Resource Services.



Moving to one job description will provide greater flexibility to the Associate Superintendent to assign work and lead to a more diverse applicant pool. This position is already funded through General Fund; there is no financial impact.

Contact: Rich Montgomery, Assistant Superintendent, Human Resource Services, Grades 6-12, K-8, Alternative Education

2. CONSIDER AND APPROVE REVISED JOB DESCRIPTION – CHIEF HUMAN RESOURCES OFFICER

402

This is a revised job description. Approval of the job description for the position of Chief Human Resources Officer. The District is recruiting for the leader of the Human Resources Services (HRS) department. In the past, this position has been held by a certificated administrator. There is no requirement that an individual who serves as the leader of Human Resources must possess an administrative services credential. Additionally, California State Teachers Retirement System (CalSTRS) does not recognize this role as a certificated position. Therefore, the individual in the position may be either a certificated administrator or a classified manager. Seeking an applicant pool of candidates who are either classified or certificated will result in a more diverse pool of candidates. To be able to open the position to both classified and certificated candidates, the job description of Chief Human Resources Officer has been developed. This job description contains the same duties, knowledge, education, and abilities from the Associate Superintendent job description. The difference between the two job descriptions is that the requirement of an administrative services credential has been removed from the Chief Human Resources Officer job description. This position is funded by the general fund. There is no financial impact.

Contact: Rich Montgomery, Assistant Superintendent, Human Resource Services, Grades 6-12, K-8, Alternative Education

3. CONSIDER AND APPROVE REVISED JOB DESCRIPTION – CHIEF, FISCAL SERVICES AND COMPLIANCE

407

This is a revised job description. Approval of the job description for the position of Chief, Fiscal Services and Compliance. Over the past several years, the Human Resource Services (HRS) department has identified areas where support is needed to design and establish systems that connect HRS and Fiscal Services in areas such as staffing, digital employee requisitions, monitoring employee leaves, etc.

HRS and Business and Support Services leadership met to discuss essential functions to be added to the Executive Director, Fiscal Services position to provide support to HRS. Meetings were also held between HRS and the Executive Director, Fiscal Services to analyze the specific supports needed and how that would translate into essential functions. The supports identified were:

- HR 2.0 efficiencies and effectiveness, i.e. employee requisition, time and attendance, assignment of supervisor code to subordinates, leave processes, etc.
- Add HRS under providing a variety of reports for Board.
- HRS system related to attendance report – connecting with Payroll and




Fiscal Services

- Prepare compensation comparison reports
- District representative on interactive process meeting – work related injuries


The addition of the above supports assigned to the Executive Director, Fiscal Services results in the need to classify the position to Chief, Fiscal Services and Compliance and develop a revised job description. This position is funded by the general fund, with an additional total annual cost of \$8,450.

Contact: Rich Montgomery, Assistant Superintendent, Human Resource Services, Grades 6-12, K-8, Alternative Education

4. SCHOOL COUNSELING PSYCHOLOGY PRACTICUM SITE AGREEMENT WITH NATIONAL UNIVERSITY:  412

This is an annual item. Approval of the Counseling Psychology Practicum Site Agreement with National University, effective February 1, 2022, and expiring January 31, 2027. University students enrolled in the Pupil Personnel Services School Counseling credential program will be paired with a site supervisor as they complete practicum/fieldwork hours required to earn their credential. There is no financial impact

Contact: Rich Montgomery, Assistant Superintendent, Human Resource Services, Grades 6-12, K-8, Alternative Education

5. ORANGE COUNTY DEPARTMENT OF EDUCATION SECOND QUARTER REPORT – WILLIAMS SETTLEMENT LEGISLATION  420

This is a quarterly item. Acceptance of Williams Settlement Legislation Orange County Department of Education (OCDE) Second Quarter Report. This report represents activity conducted by OCDE during October, November, and December 2021. As a result of the Williams Settlement, Education Code § 35186 mandates school districts establish policies and procedures to resolve deficiencies related to textbooks and instructional materials, teacher vacancies or misassignments, and facility conditions posing a threat to student/staff health or safety. Furthermore, Education Code § 1240 requires OCDE to report visits and reviews of District schools conducted by OCDE, if any. Additionally, the law requires the report be provided to the Board of Trustees at a regularly scheduled public meeting each quarter.

Contact: Rich Montgomery, Assistant Superintendent, Human Resource Services, Grades 6-12, K-8, Alternative Education


6. RECOMMENDATION TO APPROVE PAY SCHEDULES – CALPERS AUDIT  425


This is a new item. Approval of the updated 2015-2016 through 2020-2021 pay schedules to fulfill the requirements of the CalPERS audit. In 2021, the District received notification of a CalPERS audit. CalPERS regularly audits school districts to ensure compliance with laws that are constantly changing. During the audit, the District only received one finding regarding pay schedules not being in compliance. Per CalPERS regulations, adopted salary schedules must include the dates the salary schedule is effective. The salary schedules have been revised to include the starting




and ending date of each schedule. To resolve the finding, the prior salary schedules must be Board-approved. There is no financial impact.

Contact: *Rich Montgomery, Assistant Superintendent, Human Resource Services, Grades 6-12, K-8, Alternative Education*

7. CALIFORNIA STATE UNIVERSITY, NORTHRIDGE FALL 2021 MASTER TEACHER HONORARIUM  467
This is a bi-annual item. Approval of payment of honorarium to District master teachers who supported a California State University, Northridge (CSUN) student teacher during the Fall 2021 semester. Universities pay master teachers a nominal payment for their supervision and support of student teachers. CSUN 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, Assistant Superintendent, Human Resource Services, Grades 6-12, K-8, Alternative Education*

8. CONSIDER AND APPROVE NEW JOB DESCRIPTION FOR COORDINATOR II, SPECIAL EDUCATION PROGRAMS AND BEHAVIOR SUPPORT  471
This is a new item. Approval of the job description for the position of Coordinator II, Special Education Programs and Behavior Support. As part of the Multi-Tier System of Support (MTSS) Behavior plan, six Coordinator II, Special Education Programs and Behavior Support positions will be created to help support the plan. Each of the six Coordinator II positions will lead a high school family Behavior Support Team. This team will support the intensive Tier 3 behavioral needs of all the feeder schools for each high school. The team will assist each school family to support the school level behavior teams, providing professional development/training catered to Districtwide and individual school site needs, and to provide consultation and intervention for all students (special education and general education) who require significant Tier 3 support. The team will also provide schools with transitional support as these students transition from preschool to elementary school, from elementary school to middle school, from middle school to high school, and from high school to Adult Transition Program. The total increased cost of the six positions is \$132,696, funded by special education.
Contact: *Rich Montgomery, Assistant Superintendent, Human Resource Services, Grades 6-12, K-8, Alternative Education*

9. CONSIDER AND APPROVE NEW JOB DESCRIPTION FOR COORDINATOR II, SPECIAL EDUCATION STAFFING AND TRAINING  477
This is a new item. Approval of the job description for the position of Coordinator II, Special Education Staffing and Training. Staff identified that there is a need for a full-time Coordinator II in special education to address the classified and certificated staffing needs and training. The Coordinator II will work to identify where classified and certificated staff is needed and allocated, where school substitutes are needed to be assigned to support special education programs, updating student numbers at each school, updating those numbers frequently to ensure appropriate staffing ratios are at each school, communicate between the Special Education



department and school administrators about site needs, with additional duties to support the special education department. The total cost of this position is \$174,747. This is funded by one-time ESSR funds for 2022-2023 and 2023-2024.

Contact: *Rich Montgomery, Assistant Superintendent, Human Resource Services, Grades 6-12, K-8, Alternative Education*

- 10. RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CERTIFICATED EMPLOYEES 482
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, Assistant Superintendent, Human Resource Services, Grades 6-12, K-8, Alternative Education*

- 11. RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CLASSIFIED EMPLOYEES 511
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, Assistant Superintendent, Human Resource Services, Grades 6-12, K-8, Alternative Education*

- D. GENERAL FUNCTIONS 534
 - 1. SCHOOL BOARD MINUTES: 535
Approval of the January 19, 2022 REVISED Regular Board meeting minutes
Contact: *Colleen Hayes, Manager II, Board Operations/Superintendent's Office*

 - 2. SCHOOL BOARD MINUTES 545
Approval of the February 16, 2022 Regular Board meeting minutes.
Contact: *Colleen Hayes, Manager II, Board Operations/Superintendent's Office*

 - 3. SCHOOL BOARD MINUTES 556
Approval of the March 2, 2022 Regular Board meeting minutes.
Contact: *Colleen Hayes, Manager II, Board Operations/Superintendent's Office*

 - 4. RESOLUTION NO. 2122-48, CONTINUING AUTHORITY TO HOLD VIRTUAL MEETINGS PURSUANT TO ASSEMBLY BILL 361 564
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. It was adopted again at the December 15, 2021, Board meeting the Board adopted Resolution No. 2122-26, and again on January 19, 2022, the Board adopted Resolution No. 2122-33, 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 February 16, 2022, the Board adopted Resolution No. 2122-36, 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*

14. DISCUSSION ACTION ITEMS 570

A. DISCUSSION ACTION/INFORMATION 571

1. INSTRUCTIONAL MATERIALS RECOMMENDED FOR ADOPTION: SECONDARY ENGLISH-LANGUAGE ARTS AND HISTORY-SOCIAL SCIENCE SUPPLEMENTAL NOVELS, GRADES 6-12 572

This is a new item. A committee of 27 secondary teachers is requesting the adoption of supplemental titles for secondary English-language arts and History Social Science, grades 6-12, to align with state standards and the Fair Accurate Inclusive and Respectful Education Act, Senate Bill 48. The list of proposed novels is included in the exhibit. The committee of 27 secondary teachers evaluated the current core reading list and recommended the listed additional novels, and non-fiction texts for approval. Recommendations were then evaluated by the Instructional Materials Review Committee (IMRC). The materials were found to be in alignment with other disciplines and grade level reading standards. During discussion, the IMRC members proposed new grade level spans that were deemed more appropriate for Everything Sad is



Untrue, The Forgotten Fire, and Parable of the Sower. All books were recommended by the IMRC by a majority vote during a public meeting on February 1, 2022, and they are therefore being recommended to the Board for adoption.

The votes were:

Title	Author	Grade(s)	Ayes	Noes	Absent
<i>Everything Sad is Untrue</i>	Daniel Nayeri	7-12	9	1	4
<i>The Forgotten Fire</i>	Adam Bagdasarian	9-12	6	4	4
<i>Other Words From Home</i>	Jasmine Warga	6-8	10	0	4
<i>Parable of the Sower</i>	Octavia Butler	11-12	9	1	4
<i>Poet X</i>	Elizabeth Acevedo	8 Honors - 11	7	3	4

The recommended novels are supported by Board Policy 6161.1, *Selection and Evaluation of Instructional Materials*, which states that “instructional materials should present a broad spectrum of knowledge and viewpoints, reflect the ethnic and cultural diversity of our society,” and the Board approved Cultural Proficiency Plan that seeks to diversify the current curriculum by increasing the representation of diverse authors, and they will provide students with diverse perspectives from Black, Indigenous and People of Color (BIPOC), women, and marginalized characters and authors. Purchase of these supplemental titles will be funded by site funds.

CUSD WIG 1: Teaching and Learning – Engage students in meaningful, challenging, and innovative educational experiences to increase post-secondary options for all students.

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

Staff Recommendation

It is recommended the Board President recognize Gregory Merwin, Associate Superintendent, Education and Support Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve Instructional Materials Recommended for Adoption: Secondary English-language arts and History Social Science Supplemental Novels, Grades 6-12.

Motion by _____ Seconded by _____

2. FORMING A BOARD COMMITTEE FOR NAMING OF SCHOOL BUILDING

This is a new item. As described in Board Policy 7511, *Naming of Facilities*, the Board of Trustees may form a committee of the Board when a school, grounds, facility, or school building is to be named or renamed. The committee can bring a recommendation forward to the full Board for final approval. With the planning of the new Rancho Mission Viejo Planning Areas 3 and 4 K-8 school underway, this item is to determine if a Board committee should be formed to potentially name the new building.

578



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 determine if the formation of a Board committee for naming of school buildings is desired.

Motion by _____ Seconded by _____

3. FIRST READING – BOARD POLICY 5131.62, TOBACCO, SMOKING, VAPING  581

This is a new item. The proposed revisions to Board Policy 5131.62, *Tobacco, Smoking, Vaping*, came at the request of the American Heart Association (AHA). Staff met with members of the AHA to review and revise the policy to add language regarding using other means of corrections, providing students with tobacco prevention and interventions programs to reduce student’s use of illegal substances, and to promote student wellness. The revised policy has also been aligned to the California School Boards Association sample policy number, changing it from 5143.1 to 5131.62. All changes have been reviewed by legal counsel. Changes are underlined; deletions are struck through. There is no financial impact.

CUSD WIG 1: Teaching and Learning - Engage students in meaningful, challenging, and innovative educational experiences to increase post-secondary options for all students.
Contact: Gregory Merwin, Associate Superintendent, Education and Support Services

Staff Recommendation

It is recommended the Board President recognize Gregory Merwin, Associate Superintendent, Education and Support Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve Board Policy 5131.62, *Tobacco, Smoking, Vaping*.

Motion by _____ Seconded by _____

4. FIRST READING – BOARD POLICY 6174, EDUCATION FOR ENGLISH LEARNERS  589

This is a new item. Board Policy 6174, *Education for English Learners*, was last revised and approved by the Board in June 2011. This policy is being renamed, from Education for Students of Limited English Proficiency to Education for English Learners to align with the California School Boards Association (CSBA) model policy. The policy number 6174 remained the same. The revision of this policy also provides updated language for the education of students who are English Learners in the areas of access and equity, identification and assessment, staff qualifications, professional development, reclassification, and specificity on Two Way Immersion and the Mandarin Immersion Program, as language acquisition programs offered by the District. It also outlines specific components of the English Learner program evaluation. All changes have been



reviewed by legal counsel. Changes are underlined; deletions are struck through. There is no financial impact.

CUSD WIG 1: Teaching and Learning - Engage students in meaningful, challenging, and innovative educational experiences to increase post-secondary options for all students.


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

Staff Recommendation

It is recommended the Board President recognize Gregory Merwin, Associate Superintendent, Education and Support Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve Board Policy 6174, *Education for English Learners*.

Motion by _____ Seconded by _____

- 5. RESOLUTION NO. 2122-44, A RESOLUTION OF THE BOARD OF TRUSTEES OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF NOT TO EXCEED \$8,000,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS, PRESCRIBING THE TERMS OF SALE, APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN LEGAL DOCUMENTS, AND AUTHORIZING OTHER RELATED ACTIONS 

602

This is a subsequent item. The Board will receive an information presentation from the District’s municipal advisor, Government Financial Strategies, with an update on Measure A (School Facilities Improvement District No. 1) and plans for refinancing. Measure A was originally on the November 2, 1999 ballot. It was passed by voters with 72.3 percent in favor. The measure was for \$65 million. There were three series of bonds issued for the total authorized amount of the bond measure. The bonds were refinanced in 2012 and now the 2012 bonds are being refinanced in 2022 for a total of two refinancing. The Board is asked to consider adoption of Resolution No. 2122-44 authorizing the issuance of up to \$8 million of bonds in order to refinance bonds previously issued in 2012.

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 adopt Resolution No. 2122-44, a Resolution of the Board of Trustees of the Capistrano Unified School District Authorizing the Issuance, Sale and Delivery of not-to-exceed \$8,000,000 Aggregate Principal Amount of General Obligation Refunding Bonds, Prescribing the Terms of Sale, Approving the Form of and Authorizing the Execution and Delivery of Certain Legal Documents, and Authorizing other Related Actions.



Motion by _____ Seconded by _____

- 6. RESOLUTION NO. 2122-45, CAPISTRANO UNIFIED SCHOOL DISTRICT APPROVING GRANT APPLICATIONS AND AGREEMENTS FOR CALIFORNIA SCHOOLS HEALTHY AIR, PLUMBING, AND EFFICIENCY PROGRAM PROJECTS AT CAPISTRANO VALLEY HIGH SCHOOL, DEL OBISPO ELEMENTARY SCHOOL, AND KINOSHITA ELEMENTARY SCHOOL

682

This is a subsequent item. Adoption of Resolution No. 2122-45, Capistrano Unified School District Approving Grant Applications and Agreements for California Schools Healthy Air, Plumbing, and Efficiency Program Projects at Capistrano Valley High School, Del Obispo Elementary School, and Kinoshita Elementary School. Resolution No. 2122-45 would authorize the District to apply for and, if accepted, enter into grant agreements totaling \$575,197.20 in order to fund the assessment, maintenance, and repair of ventilation systems, installation of carbon dioxide monitors, and replacement of noncompliant plumbing fixtures and appliances at Capistrano Valley High School, Del Obispo Elementary School, and Kinoshita Elementary School. The first round of funding is only available to sites located in “underserved communities”. There is specific requirements needed to be met to qualify for funding. All District sites meeting these requirements are included in the application for funding and were approved by the California Energy Commission. No additional sites met the requirements.

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 adopt Resolution No. 2122-45, Capistrano Unified School District Approving Grant Applications and Agreements for California Schools Healthy Air, Plumbing, and Efficiency Program Projects at Capistrano Valley High School, Del Obispo Elementary School, and Kinoshita Elementary School.

Motion by _____ Seconded by _____

- 7. RESOLUTION NO. 2122-46, CAPISTRANO UNIFIED SCHOOL DISTRICT APPROVING GRANT APPLICATIONS AND AGREEMENTS FOR CALIFORNIA SCHOOLS HEALTHY AIR, PLUMBING, AND EFFICIENCY PROGRAM PROJECTS AT CAPISTRANO UNION HIGH SCHOOL, PALISADES ELEMENTARY SCHOOL, SAN JUAN ELEMENTARY SCHOOL, AND MARCO FORSTER MIDDLE SCHOOL

712

This is a subsequent item. Adoption of Resolution No. 2122-46, Capistrano Unified School District Approving Grant Applications and Agreements for California Schools Healthy Air, Plumbing, and Efficiency Program Projects at Capistrano Union High School, Palisades Elementary School, San Juan Elementary School, and Marco Forster Middle School. Resolution No. 2122-46 would authorize the District to apply for and,



if accepted, enter into grant agreements totaling \$512,640 in order to fund the assessment, maintenance, and repair of ventilation systems, installation of carbon dioxide monitors, and replacement of noncompliant plumbing fixtures and appliances at Capistrano Union High School, Palisades Elementary School, San Juan Elementary School, and Marco Forster Middle School. The first round of funding is only available to sites located in “underserved communities”. There is specific requirements needed to be met to qualify for funding. All District sites meeting these requirements are included in the application for funding and were approved by the California Energy Commission. No additional sites met the requirements.

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 adopt Resolution No. 2122-46, Capistrano Unified School District Approving Grant Applications and Agreements for California Schools Healthy Air, Plumbing, and Efficiency Program Projects at Capistrano Union High School, Palisades Elementary School, San Juan Elementary School, and Marco Forster Middle School.

Motion by _____ Seconded by _____

8. RESOLUTION NO. 2122-47, COMMITTING 2021-2022 SECOND INTERIM FUND BALANCES

742

This is a new item. Adoption of Resolution No. 2122-47, Committing 2021-2022 Second Interim Fund Balances commits certain funds for expenditure only for specified purposes. Senate Bill 751 enacted in 2017 comes into effect in 2022-2023 and caps district reserves at a maximum of 10 percent unless the district is smaller than 2,501 average daily attendance (ADA) or is a basic aid district. This 10 percent cap includes locally restricted monies such as gift funds, site funds, technology reserves and teacher development reserves. This resolution will be brought forward with each budget to allow certain locally restricted monies to be excluded from the calculation of the ten percent reserve cap.

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 of Trustees adopt Resolution No. 2122-47, Committing 2021-2022 Second Interim Fund Balances.



Motion by _____ Seconded by _____

9. CERTIFICATION OF THE 2021-2022 SECOND INTERIM FINANCIAL REPORT 747

This is an annual item. In accordance with Education Code § 42130, school districts are required to prepare and submit Interim Financial Reports to the governing board. The purpose of these reports is to satisfy appropriate State and County Office of Education officials as to whether or not the District will be able to meet its financial obligations for the remainder of the fiscal year. Additionally, as required by Assembly Bill (AB) 2756, districts must certify that minimum reserve levels are projected to be met in the two subsequent fiscal years.

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 of Trustees approve the Certification of the 2021-2022 Second Interim Financial Report.

Motion by _____ Seconded by _____

10. TRUSTEE APPOINTMENT PROCESS - TRUSTEE VACANCY IN TRUSTEE AREA 2 876

This is a new item. Area 2 Trustee, Pamela Braunstein resigned her seat as of March 3, 2022, 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. In the overview, staff 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 Brulte, Superintendent

Staff Recommendation

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

11. RESOLUTION NO. 2122-52, TO MAKE A PROVISIONAL APPOINTMENT TO FILL BOARD VACANCY FOR TRUSTEE AREA 2 898

This is a new item. Area 2 Trustee, Pamela Braunstein resigned her seat, as of March 3, 2022, 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. 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 Brulte, Superintendent

Staff Recommendation

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

Following discussion, it is recommended the Board of Trustees, adopt Resolution No. 2122-52, To Make a Provisional Appointment to Fill Board Vacancy for Trustee Area 2.

Motion by _____ Seconded by _____

12. RESOLUTION NO. 2122-53, TO ORDER AN ELECTION TO FILL BOARD VACANCY FOR TRUSTEE AREA 2

903

This is a new item. Area 2 Trustee, Pamela Braunstein resigned her seat, as of March 3, 2022, 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.

Previously, the estimated fiscal implications were provided by the Orange County Registrar of Voters who notified the Orange County Department of Education (OCDE) that the estimated cost to the District of an election to fill the vacancy would range between \$50,000 and \$60,000. The actual cost will be verified by the OCDE if the Board takes action to call for an 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 Brulte, Superintendent

Staff Recommendation

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

Following discussion, it is recommended the Board of Trustees, adopt Resolution No. 2122-53, To Order an Election to Call for a Special Election to Fill Board Vacancy For Trustee Area 2.

Motion by _____ Seconded by _____

13. TRUSTEE REQUEST TO CONSIDER REVISING BOARD POLICY 9323, MEETING CONDUCT

907

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. If the Board decides to agendize the agenda topic, it shall do so at a future regular Board meeting. A Trustee requested revising Board Policy 9323, *Meeting Conduct*, to better meet the needs of the community by adopting a transparent, standardized, non-biased policy that allows for greater public participation and respects the necessity of conducting orderly efficient proceedings. Board meetings have changed and updates to the policy are needed. The Board policy needs to include how we will handle online/in-person speakers, student speakers, and oral communications. Due to the COVID-19 pandemic, the District rapidly adjusted Board meeting participation, by offering the public an online speaker option and virtual participation, and an option for all members of the public to view the meeting via “live stream”. This Board policy was last updated on August 23, 2017. The Trustee requested this item be brought before the Board at the April 20, 2022, Board meeting for consideration.

CUSD WIG 2: Communications – Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions.
Contact : Krista Castellanos, Trustee Area 5

Trustee Recommendation

It is recommended the Board President recognize Krista Castellanos, Trustee Area 5, to present the item.

Following discussion, it is recommended by Trustee Castellanos that the Board hear her request to revise Board Policy 9323, *Meeting Conduct*, and bring it back for discussion action at the April 20, 2022, regular Board meeting.

Motion by _____ Seconded by _____

15. ADJOURNMENT

914

Motion by _____ Seconded by _____

**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.