

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD REPORT

To: Board of Trustees

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

Date: January 19, 2022

Board Item: Resolution No. 2122-34, Resolution of the Board of Trustees of the Capistrano Unified School District Confirming Superintendent's Finding Regarding Temporary Staffing Needs

BACKGROUND INFORMATION

The Omicron-driven rise in COVID-19 cases threatens the regular operations of the Capistrano Unified School District and the provision of in-person services for students. As a result, 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. To utilize the flexibility in this EO N-3-22, the District must approve findings that such flexibility is necessary.

CURRENT CONSIDERATIONS

The Superintendent and her designee, Rich Montgomery, Interim Associate Superintendent, Human Resource Services, have reported and confirmed 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.

Between the time period of January 3, 2022 and January 12, 2022, the instructional programs operated by the District had a need to fill 2,064 substitute teaching assignments for in-person instruction, at an average of 258 assignments per day for 8 working days. Due to extreme substitute shortages caused by the Omicron-driven rise in COVID-19 cases, the instructional programs were unable to fill daily substitute assignments at an average of 22% per instructional day.

FINANCIAL IMPLICATIONS

The cost of substitutes is already included in the District's budget.

STAFF RECOMMENDATION

It is recommended the Board approve the Resolution to permit the District to utilize the flexibility of EO N-3-22.

PREPARED BY: Rich Montgomery, Interim Associate Superintendent, Human Resource Services

RESOLUTION NO. 2122-34

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE
CAPISTRANO UNIFIED SCHOOL DISTRICT CONFIRMING
SUPERINTENDENT’S FINDING REGARDING TEMPORARY STAFFING NEEDS**

WHEREAS the Omicron-driven rise in COVID-19 cases threatens the regular operations of the Capistrano Unified School District and the provision of in-person services for students;

WHEREAS the Superintendent, and her designee, Rich Montgomery, Interim Associate Superintendent, Human Resource Services, has reported and confirmed that the District has been subject to employee 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 absences;

WHEREAS, on January 11, 2022, Governor Gavin Newsom signed Executive Order (“EO”) N-3-22 providing flexibility in the use of substitute employees;

WHEREAS the issuance of temporary certificates without regard to whether the recipient has a pending credential or permit application or has made the statement under oath required by Education Code section 44332 will increase the number of available substitute employees and thereby support the District in maintaining in-person services for students;

WHEREAS the ability to place substitute teachers in general education teaching assignments for a period of 120 days will increase the number of available substitute employees and thereby support the District in maintaining in-person services for students;

WHEREAS student teachers being assigned to classrooms without the supervision of a credentialed teacher will increase the number of available substitute employees and thereby support the District in maintaining in-person services for students;

WHEREAS suspension of the PERS and STRS post-retirement compensation limitations and related procedural requirements will increase the number of available substitute employees and thereby support the District in maintaining in-person services for students;

WHEREAS suspension of the 180-day break in service requirement under Government Code section 7522.56 as it applies to the District will increase the number of available substitute employees and thereby support the District in maintaining in-person services for students;

NOW, THEREFORE, BE IT RESOLVED, that the foregoing recitals are true and correct; and

BE IT RESOLVED, that temporary staffing flexibility permitted by EO N-3-22 will support the District in maintaining in-person services despite staffing shortages caused by the Omicron-driven rise in COVID-19 cases; and

BE IT RESOLVED, that this authorization shall continue for the duration of EO N-3-22 or any successor orders, regulations, or law.

BE IT RESOLVED, that the Superintendent or her designee, Rich Montgomery, Interim Associate Superintendent, Human Resource Services, shall take all lawful and appropriate action to ensure staffing consistent with the intent of this Resolution; and

BE IT RESOLVED, that the Superintendent’s signature on this Resolution shall be deemed the findings required by EO N-3-22.

PASSED AND ADOPTED by the Board of Trustees of the Capistrano Unified School District on January 19, 2022, by the following vote:

AYES: _____

NOES: _____

ABSTENTIONS: _____

ABSENT: _____

Martha McNicholas
President to the Board of Trustees

I, Gila Jones, Clerk of the Capistrano Unified School District Board of Trustees, do certify that the foregoing Resolution was regularly introduced, passed and adopted by the Board of Trustees at its regular meeting held on January 19, 2022.

By: _____
Gila Jones
Clerk of the Board of Trustees

Kirsten Vital Brulte
Superintendent
Capistrano Unified School District