

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES OF REGULAR MEETING
JANUARY 19, 2022 - REVISED
EDUCATION CENTER – BOARD ROOM

President McNicholas called the meeting to order at 5:02 p.m.

**Call to Order/
Adjourn to Closed
Session**

ROLL CALL:

Present: Trustees Braunstein, Castellanos, Davis, Hanacek, Jones, and McNicholas
Absent: Trustee Bullockus

The Board recessed to closed session to discuss: Public Health Emergency; Conference with Legal Counsel – Anticipated Litigation; Conference with Legal Counsel – Existing Litigation; Conference with Labor Negotiators; Public Employee Discipline/Dismissal/Release; Public Employee Performance Evaluation; Student Expulsion

**Closed Session
Comments**

The regular meeting of the Board of Trustees was called to order by President McNicholas at 7:08 p.m.

ROLL CALL:

Present: Trustees Braunstein, Bullockus, Castellanos, Davis, Hanacek, Jones, McNicholas and Student Adviser Padhya
Absent: None

The Pledge of Allegiance was led by Kanei Padhya, Student Adviser to the Board.

**Pledge of
Allegiance
Permanent Record**

The Board meeting discussion related to each of the items on the public agenda is on file in the Superintendent's office as a matter of the permanent record. An audio recording of the meeting is available on the District website: www.capousd.org

It was moved by Trustee Bullockus and seconded by Trustee Davis and motion carried by a 7-0 roll call vote to adopt the Regular Board agenda with the exception of agenda item #30 pulled and tabled by Trustee Bullockus.

**Adoption of the
Board Agenda**

AYES: Trustees Braunstein, Bullockus, Castellanos, Davis, Hanacek, Jones, and McNicholas
NOES: None
ABSENT: None

Student Adviser Padhya cast a preferential vote of aye to adopt the agenda.

President McNicholas asked Colleen Hayes, Manager II - Board Operations/ Superintendent's Office to read the report out of closed session:

**President's Report
from Closed
Session Meeting**

Agenda Item #3A– Public Health Emergency

No reportable action.

Agenda Item #3B– Conference with Legal Counsel – Anticipated Litigation

Significant Exposure to Litigation – Three Cases

Trustees voted 7-0 to approve the staff recommendation on the following cases:

ADR Case Number 20211027
ADR Case Number 20211029
ADR Case Number 20211122

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On Agenda item #B-4, Trustees voted 7-0 to approve staff recommendation.

Agenda Item #3C – Conference with Legal Counsel – Existing Litigation

Significant Exposure to Litigation – Three Cases

Trustees voted 7-0 to approve staff recommendation on the following cases:

OAH Case Number 2021060511

OAH Case Number 2021080708

OAH Case Number 2021090752

Agenda Item #3D – Conference with Labor Negotiators

On Agenda item D-1, Trustees voted 7-0 to approve staff recommendation.

On Agenda item D-2, Trustees voted 7-0 to approve staff recommendation.

On Agenda item D-3, Trustees voted 7-0 to approve staff recommendation.

On Agenda item D-4, Trustees gave direction to staff.

Agenda Item #3E – Public Employee Discipline/Dismissal/Release

On Agenda Item E-1, Trustees voted 7-0 to approve staff recommendation on Resolution No. 2122-31.

On Agenda Item E-2, Trustees voted 7-0 to approve staff recommendation on Resolution No. 2122-30.

On Agenda Item E-3, Trustees voted 7-0 to approve staff recommendation on Resolution No. 2122-29.

On Agenda Item E-4, Trustees voted 7-0 to approve staff recommendation on Resolution No. 2122-32.

Agenda Item #3F – Public Employee Performance Evaluation

No reportable action.

Agenda Item #3G – Student Expulsion

Trustees voted 7-0 to approve staff recommendation on case number # 2022-004.

Associated Student Body

San Clemente High School

Chris Carter, *Principal*

Matt Reid, *Activities Director*

Zane Pert, *Associated Student Body President*

**Special
Recognitions**

Superintendent Vital Brulte recognized Ronda Walen, CSEA President, for her 30 years of service to the Capistrano Unified School District, and presented Ms. Walen with her 30-year pin.

Superintendent Vital Brulte reported on the various activities at our sites in the past weeks.

**Board and
Superintendent
Comments
Student Board
Member Report
College and
Career Advantage**

Student Adviser Padhya had no reportable items.

Pati Romo, Executive Director College and Career Readiness, presented the 2021-2022 Mid-Year Update for College and Career Advantage.

The following speakers addressed the Board:

**Oral
Communications**

- *Julianne Tenorio, student, spoke regarding COVID protocols and the Omicron variant in the schools*
- *Sophia Rheault, student, spoke regarding COVID policies at District*

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- *Ishani Solanki, student, spoke regarding COVID protocols and the Omicron variant transmission rate and mask protocols*
- *Natisha Patirupananda, student, spoke regarding COVID protocols needing to be enforced*
- *Jennifer Henderson spoke regarding lock down drills and keeping kids safe in schools*
- *Michele Ploessel-Campbell recognized the work of all office staff, teachers, substitutes, and the Board and thanked all for their hard work through these COVID years, also asked the community to join the PTA/PTSA*
- *Isabelle Hribar-Kelly, student, thanked the Board and staff for keeping her safe at school and for keeping masks mandatory*
- *Rudi Krause spoke regarding the side effects of the COVID vaccine*
- *Jennie Wicker spoke in support of Trustees Bullockus and Davis and for brining protocols back to the local level*
- *Sandra Miller spoke in support of Trustee Davis going to the Capitol and Trustee Bullockus for her resolution for local control*
- *Jennifer Johnson spoke in support of agenda item #30 and local control against the vaccine mandate, she also asked for a moment of silence for the children who have died or been injured from the vaccine*
- *Jennifer Loya spoke regarding the need to bring back control to the local level and the need for clear masks for those with disabilities*
- *Sean Kelly thanked the Board, administrators, teachers and staff for their hard work and for sticking to the mandates and keeping kids safe*
- *Molly Giribaldi spoke regarding her gratitude for the past two years, and was encouraged by agenda item #30 and being an advocate for children*
- *Amber Smith spoke against the vaccine and it causing discrimination against kids in the schools*
- *Lori McClaskey spoke in support of trustees Bullockus and Davis frothier resolution and requested to make masks optional due to it harming the students and inhibiting learning*

CONSENT CALENDAR

Consent Calendar

All matters listed under the Consent Calendar are considered by the Board to be routine and will be enacted by the Board in one motion in the form listed below. There will be no discussion of these items prior to the time the Board votes on the motion unless members of the Board, staff, or the public request specific items to be discussed and/or removed from the Consent Calendar. The Superintendent and the staff recommend approval of all Consent Calendar items.

President McNicholas asked Trustees for items they wished to pull from the Consent Calendar. Trustee Hanacek pulled agenda item #3.

The following speakers addressed the Board:

- *Michele Ploessel-Campbell spoke regarding the PTA/PTSA's and thanked all*
- *Katie Anderson spoke regarding Dana Hills High School and Dana Point being a great community, in support of a bond*

It was moved by Trustee Hanacek and seconded by Trustee Braunstein, motion carried by a 7-0 roll call vote to approve the following Consent Calendar with the exception of item #3 pulled by Trustee Hanacek.

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AYES: Trustees Braunstein, Bullockus, Castellanos, Davis, Hanacek, Jones, and
McNicholas
NOES: None
ABSENT: None

Student Adviser Padhya cast a preferential vote of aye to approve the Consent Calendar.

Approval of donations of funds and equipment.

**Donation of Funds
and Equipment
Agenda Item 1**

Approval of purchase orders (Attachment 1) and commercial warrants (Attachment 2).

**Purchase Orders,
Commercial
Warrants and
Previously Board-
Approved Bids
and Contracts
Agenda Item 2**

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.

**Change Order No.
10, Bid No. 1920-
05, Newhart
Middle School
Steam Building
Project**

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.

**Agenda Item 4
Change Order No.
11, Bid No. 1920-
04, Aliso Niguel
High School Stem
Building Project
Agenda Item 5**

Approval of the Professional Service Agreement (PSA) for Assembly Bill 841 (AB 841) California Schools Healthy Air, Plumbing, and Efficiency (CalSHAPE) program with Empowered Solutions, LLC.

**Professional
Service
Agreement for
Assembly Bill 841
CalSHAPE
Program –
Empowered
Solutions, LLC**

Approval of a Professional Services Master Agreement with True North Research to conduct opinion research for a potential bond measure.

**Agenda Item 6
Professional
Services Master
Agreement to
Conduct Opinion
Research for
Potential Bond
Measures – True
North Research**

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.

**Agenda Item 7
Extended School
Year Proposal for
2022
Agenda Item 8**

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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.

**Agreement for the
Operation of an
After School
Enrichment,
Activities, and
Camps Program
with the South
Orange County
Community
College District
Agenda Item 9**

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.

**Agreement No.
10000262 with the
Orange County
Superintendent of
Schools**

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.

**Agenda Item 10
Agreement No.
10000436 with the
Orange County
Superintendent of
Schools**

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.

**Agenda Item 11
Agreement No.
10000488 with
Orange County
Superintendent of
Schools**

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.

**Agenda Item 12
Irvine Ranch
Outdoor
Education Center,
2021-2022**

Approval of the ratification of Playworks Master Services Agreement, Statement of Work, and Program Plans for 2021-2022.

**Academic
Agreement
Agenda Item 13
Playworks Master
Services
Agreement,
Statement of
Work and
Program Plans
For 2021-2022**

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.

**Agenda Item 14
Addendum No. 01
to Statement of
Work Under the
Agreement for
Use of Emerald
Cove Outdoor
Science Institute,
Facilities,
Supplies,**

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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.

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.

Approval of payment of honorarium to District master teachers who supported a California State University, Fullerton (CSUF) student teacher during the Fall 2021 semester.

Approval of the Educational Affiliation Agreement with California State University, Long Beach, effective upon date of final signature and expiring June 30, 2026.

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.

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

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

**Equipment, and
Services, Public
School Districts,
School Year 2021-
2022**

**Agenda Item 15
Sales And Services
Agreement #UCI-
2022BC-002**

**Agenda Item 16
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**

**Agenda Item 17
California State
University,
Fullerton Fall
2021 Master
Teacher
Honorarium**

**Agenda Item 18
Educational
Affiliation
Agreement with
California State
University, Long
Beach**

**Agenda Item 19
Speech Pathology
Field Placement
Agreement with
Baylor University**

**Agenda Item 20
Resignations/
Retirements/
Employment -
Certificated
Employees**

**Agenda Item 21
Resignations/
Retirements/
Employment -
Classified
Employees**

Agenda Item 22

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Approval of the December 8, 2021 Special Board meeting minutes.

**School Board
Minutes**

Approval of the December 15, 2021 Regular Board meeting minutes.

**Agenda Item 23
School Board
Minutes**

Approval of Resolution No. 2122-33, Continuing Authority to Hold Virtual Meetings Pursuant to Assembly Bill 361.

**Agenda Item 24
Resolution No.
2122-33,
Continuing
Authority to Hold
Virtual Meetings
Pursuant to
Assembly Bill 361**

President McNicholas recognized Clark Hampton, Deputy Superintendent, Business and Support Services, to present the item. .

**Agenda Item 25
Draft Plans for
Trustee Area
Boundary**

The following speakers addressed the Board:

- *Michele Ploessel-Campbell spoke in support of two maps, Echo and Delta, and thanked staff for the maps*

**Redistricting
Agenda Item 26**

It was moved by Trustee Jones and seconded by Trustee Castellanos to bring back the Echo draft plan, with adjustments, for Trustee area boundary redistricting for final approval at the February 16, 2022, Board meeting. The motion carried 5-1-0-1 by a roll call vote.

AYES: Trustees Braunstein, Castellanos, Hanacek, Jones, and McNicholas

NOES: Bullockus

ABSENT: None

ABSTENTION: Davis

Student Adviser Padhya cast a preferential vote of aye to bring back the Echo draft plan, with adjustments, for Trustee area boundary redistricting for final approval at the February 16, 2022, Board meeting

President McNicholas recognized Clark Hampton, Deputy Superintendent, Business and Support Services, to present the item.

**Governor's
January Budget
Proposal for
Fiscal Year 2022-
2023
Agenda Item 27**

The following speakers addressed the Board:

- *Michele Ploessel-Campbell stated the budget looks amazing, the district still needs more funds, raise the base and join the PTA/PTSA*

This is an information item only and no Board action is necessary.

President McNicholas recognized Clark Hampton, Deputy Superintendent, Business and Support Services, to present the item.

**Presentation and
Receipt of the
District and
Community
Facilities Districts
Annual Financial
Reports for the
Fiscal Year
Ending June 30,**

It was moved by Trustee Davis and seconded by Trustee Braunstein to receive the District and Community Facilities Districts Annual Financial Reports for the fiscal year ending June 30, 2021. The motion carried 7-0 by a roll call vote.

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AYES: Trustees Braunstein, Bullockus, Castellanos, Davis, Hanacek, Jones, and McNicholas
NOES: None
ABSENT: None

**2021
Agenda Item 28**

Student Adviser Padhya cast a preferential vote of aye to receive the District and Community Facilities Districts Annual Financial Reports for the fiscal year ending June 30, 2021.

President McNicholas recognized Clark Hampton, Deputy Superintendent, Business and Support Services, to present the item.

The following speakers addressed the Board:

- *Michele Ploessel-Campbell spoke in appreciation of the plan and the portables needing to be updated*

It was moved by Trustee Hanacek and seconded by Trustee Castellanos to approve the Project Addendum to Master Agreement for Architectural Services for Dana Hills High School Master Plan – LPA, Incorporated. The motion carried 7-0 by a roll call vote.

**Project
Addendum to
Master Agreement
for Architectural
Services for Dana
Hills High School
Master Plan –
LPA,
Incorporated
Agenda Item 29**

AYES: Trustees Braunstein, Bullockus, Castellanos, Davis, Hanacek, Jones, and McNicholas
NOES: None
ABSENT: None

Student Adviser Padhya cast a preferential vote of aye to approve the Project Addendum to Master Agreement for Architectural Services for Dana Hills High School Master Plan – LPA, Incorporated.

This item was pulled and tabled by Trustee Bullockus.

**Resolution No.
2122-35,
Supporting Local
Decision-Making
Authority
Regarding Covid-
19 Health and
Safety Protocols
Agenda Item 30
Resolution No.
2122-34,
Resolution of the
Board of Trustees
of the Capistrano
Unified School
District
Confirming
Superintendent's
Finding
Regarding
Temporary
Staffing Needs
Agenda Item 31**

President McNicholas recognized Rich Montgomery, Interim Associate Superintendent, Human Resource Services, to present the item.

The following speakers addressed the Board:

- *Katie Crocket spoke regarding COVID and staffing shortages*

It was moved by Trustee Hanacek and seconded by Trustee Braunstein to adopt Resolution No. 2122-34, Resolution of the Board of Trustees of the Capistrano Unified School District Confirming Superintendent's Finding Regarding Temporary Staffing Needs. The motion carried 7-0 by a roll call vote.

AYES: Trustees Braunstein, Bullockus, Castellanos, Davis, Hanacek, Jones, and McNicholas
NOES: None
ABSENT: None

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Student Adviser Padhya cast a preferential vote of aye to adopt Resolution No. 2122-34, Resolution of the Board of Trustees of the Capistrano Unified School District Confirming Superintendent's Finding Regarding Temporary Staffing Needs.

President McNicholas recognized Clark Hampton, Deputy Superintendent, Business and Support Services, to present the item.

**Independent Contractor, Professional Services, Field Service, and Master Contract Agreements
Agenda Item 3**

It was moved by Trustee Hanacek and seconded by Trustee Davis to approve Independent Contractor, Professional Services, Field Service, and Master Contract Agreements. The motion carried 7-0 by a roll call vote.

AYES: Trustees Braunstein, Bullockus, Castellanos, Davis, Hanacek, Jones, and McNicholas
NOES: None
ABSENT: None

Student Adviser Padhya cast a preferential vote of aye to approve Independent Contractor, Professional Services, Field Service, and Master Contract Agreements.

It was moved by Trustee Davis and seconded by Trustee Jones to adjourn the meeting motion carried 7-0 by a roll call vote.

Adjournment

Trustees Jones requested the Board meeting be adjourned in memory of Capistrano Unified School District teacher, Jennifer Tonai, who lost her battle with cancer.


AYES: Trustees Braunstein, Bullockus, Castellanos, Davis, Hanacek, Jones, and McNicholas
NOES: None
ABSENT: None

Student Adviser Padhya cast a preferential vote of aye to adjourn the meeting.

Colleen Hayes, Manager II Board Operations/Superintendent's Office, announced the meeting adjourned in memory of Jennifer Tonai, at 9:56 p.m.



Board Clerk
Gila Jones, Trustee



Secretary, Board of Trustees
Kirsten M. Vital Brulte, Superintendent

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