



December 14, 2022 Regular Board Meeting

12/14/2022 - 07:00 PM

BOARD OF TRUSTEES BOARD ROOM

33122 Valle Rd., San Juan Capistrano, Ca 92675

Closed Session 4:00 PM Open Session 7:00 PM

AGENDA

OATH OF OFFICE

*Trustee Judy Bullockus, Trustee Gila Jones, Trustee Michael Parham, and Trustee Gary Pritchard
(Prior to closed session the official Oath of Office was administered by the Superintendent)*

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 via Zoom. Please submit a request to address the Board form by clicking here(<https://simbli.eboardsolutions.com/SU/xA9Oslsh8QuMtbNr9j3YYPXvg==>) . 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 within 30 minutes at the start of Open Session per Board Bylaw 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. 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 at [capousd.org\(https://simbli.eboardsolutions.com/SU/TesYrpluspluzDt75ngsslsh0c8plusCQ==\)](https://simbli.eboardsolutions.com/SU/TesYrpluspluzDt75ngsslsh0c8plusCQ==) .

CLOSED SESSION AT 4:00 P.M.

1. CALL TO ORDER

2. CLOSED SESSION COMMENTS

3. CLOSED SESSION (as authorized by law)

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Gregory Merwin/Kathy Purcell

Attorney – Justin Shinnfield

Significant Exposure to Litigation – Six Cases

1. ADR Case No. 20221019

2. ADR Case No. 20221020

3. ADR Case No. 20221027

4. ADR Case No. 20221104

5. ADR Case No. 20221111

6. ADR Case No. 20221113

(Pursuant to Government Code § 54956.9(d)(2))



Bob Presby

Attorney – Sara Young

7. Significant Exposure to Litigation – One Case
(Pursuant to Government Code § 54956.9(d)(2))

Kirsten Vital Brulte/Clark Hampton/John Forney

Attorney – Terry Tao

8. Significant Exposure to Litigation – One Case
(Pursuant to Government Code § 54956.9 (d) (2) or (3))

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Gregory Merwin/Kathy Purcell

Attorney – Justin Shinnfield

Significant Exposure to Litigation – Two Cases

1. CACD Case No. SACV 16-02111-DOC

2. OAH Case No. 2022070566

(Pursuant to Government Code § 54956.9(d)(1))

C. CONFERENCE WITH LABOR NEGOTIATORS

District Negotiators: Kirsten Vital Brulte/Bob Presby/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)

D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

District Negotiators: Kirsten Vital Brulte/Clark Hampton

Attorney: Jeff Hoskinson, AALRR

1. Property: Dana Hills High School, 33333 Golden Lantern, Dana Point, CA 92629

Property: Capistrano Valley High School, 26301 Via Escolar, Mission Viejo, CA 92692

Negotiating Party: T-Mobile, Verizon, Sprint, and AT&T

Under Negotiation: Price and Terms of Payment

(Pursuant to Education Code § 54956.8)

Attorney: Andreas Chialtas, AALRR

2. Property: South Transportation and Groundskeeping Facility; 5.51 acre property located at 26126 Victoria Blvd, Dana Point, CA 92624

Negotiating Party: Toll Brothers, Inc.

Under Negotiation: Price and Terms of Payment of Possible Third Amendment to Option Agreement

(Pursuant to Education Code § 54956.8)

E. LIABILITY CLAIMS



Clark Hampton
Significant Exposure to Litigation – Two Cases
1. Rejection of Government Claim No. 2209261
2. Rejection of Government Claim No. 2209894
(Pursuant to Government Code § 54956.9 (d) (2) or (3))

F. STUDENT EXPULSIONS

Mike Beekman
Two Cases
1. Case No. 2023-012
2. Case No. 2023-018

G. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Bob Presby
Two Cases
1. 2223-05
2. 2223-06
(Pursuant to Government Code § 54957)

4. MUSICAL SHOWCASE - 6:30 P.M.

Winter Music Program
Arroyo Vista Middle School
Under the direction of Ashley Stevens, *Middle School Music Teacher*

Students

Livia Astrom	Clayton Harris
Jessica Baldrige	Brooklyn Hart
Amber Brubaker	Ryder Jentsch
Lucas Burns	Olivia Krajewski
Ender Cloud	Olivia Lopez
David Cole	Grace Parker
Matthew Cole	Isabella Pavia
Kensington Collier	Averi Rogondino
William Daley	Aubrey Rose
Maggie Draper	Lauren Thacker
Eloise Early	Regina Velazquez Lopez
Caedan Fajardo	Erin Whittacker
Julie Hammond	Sophia Zheng

5. OPEN SESSION AT 7:00 P.M.



6. CALL TO ORDER - ROLL CALL

7. PLEDGE OF ALLEGIANCE

8. PUBLIC CEREMONIAL OATH OF OFFICE

OATH OF OFFICE

Trustee Area 2, Michael Parham

Trustee Area 4, Gary Pritchard

Trustee Area 6, Gila Jones

Trustee Area 7, Judy Bullockus

9. ADOPTION OF THE AGENDA

10. REPORT ON CLOSED SESSION ACTION

11. REORGANIZATION OF THE BOARD

22

A. REORGANIZATION OF BOARD – ELECTION OF PRESIDENT

23

This is an annual meeting. The Capistrano Unified School District Board of Trustees is conforming to Education Code requirements by holding its annual organizational meeting at the December 14, 2022, meeting. Board Policy 9100, *Organization*, presents the order of business for this meeting. Agenda items 11.A through 11.C may be completed under this agenda item. 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: Kirsten Vital Brulte, Superintendent

Staff Recommendation

AGENDA ITEM 11.A

The current presiding Board member will facilitate the election of the Board President. The Board may do this by oral nominations and voting, or by ballot after oral nominations are made.

AGENDA ITEM 11.B AND ITEM 11.C

As soon as the new Board President is elected, he or she will immediately assume the role of President and will commence with the election of the Vice President and Clerk, then proceed with the other items on the evening's agenda.

Motion by _____ Seconded by _____

B. REORGANIZATION OF BOARD – ELECTION OF VICE PRESIDENT

24

Motion by _____ Seconded by _____

C. REORGANIZATION OF BOARD – ELECTION OF CLERK

25

Motion by _____ Seconded by _____



D. SELECTION OF TRUSTEE PARTICIPATION ON VARIOUS COMMITTEES

26

This is an annual item. Every year at the organizational meeting in December, Trustee assignments are made to various committees and other groups in which there is an expectation of Board representation. The exhibit is a listing of appointments, with tentative meeting date information, and the name or names of the Trustee(s) who served on the committee during 2022. This agenda item allows for the Board of Trustees to select a member or members to serve on one or more of the committees outlined in the exhibit for the 2023 calendar year. There is no financial impact.

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

Contact: Board President

Staff Recommendation

It is recommended the Board of Trustees review the various committees as listed in the exhibit and reach a consensus and/or take a formal vote on which Trustees will participate on the various committees.

Motion by _____ Seconded by _____

12. BREAK

13. BOARD AND SUPERINTENDENT COMMENTS

14. STUDENT BOARD MEMBER COMMENTS

15. ORAL COMMUNICATIONS (Non-Agenda Items)

Oral Communications will occur immediately following Board and Superintendent Comments. The total time for Oral Communications shall be twenty (20) minutes. Individual presentations are limited to a maximum of three (3) minutes per individual.

16. CONSENT CALENDAR

29

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

1. DONATION OF FUNDS AND EQUIPMENT


30


This is a monthly item. Approval of donations of funds and equipment. A number of gifts have been donated to the District, including \$216,237.44 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  34
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 \$3,820,400.81 and the commercial warrants total \$22,453,954.91. 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  138
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 7 new agreements totaling \$240,700 and 14 amendments to existing agreements totaling \$122,531.50. 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/eGvTJ1aoEZ4CpKe6U746slshw==>)
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Contact: *Clark Hampton, Deputy Superintendent, Business and Support Services*


4. AWARD BID NO. 2223-12, CAPISTRANO VALLEY HIGH SCHOOL V-DITCH – MATCON GENERAL ENGINEERING, INCORPORATED  334
This is a regular business item. Approval of Award of Bid No. 2223-12, Capistrano Valley High School V-Ditch to Matcon General Engineering, Incorporated. Three bids were received and opened on November 8, 2022, and are listed on Exhibit A. The bidder offering the lowest base price was used to determine the lowest responsive bidder. Matcon General Engineering, Incorporated is the lowest responsive, responsible bidder at \$387,400. This project will be funded by deferred maintenance.
Contact: *Clark Hampton, Deputy Superintendent, Business and Support Services*

5. THIRD AMENDMENT TO THE STONE FIELD LEASE – CITY OF SAN JUAN CAPISTRANO  368
This is a subsequent item. Approval of Third Amendment to the Stone Field Lease with the city of San Juan Capistrano. The District currently leases a portion of the Capistrano Union High School property, commonly known as "Stone Field," to the city of San Juan Capistrano. The city uses Stone Field for recreational purposes, and desires to acquire the right to add artificial turf to the lease area, with the cost shared between the District and the city in exchange for joint use of the fields by both entities. The current lease expires on December 31, 2022. This Third Amendment to



the Stone Field Lease has been reviewed by legal counsel and will be effective January 1, 2023, through January 1, 2048. If approved and both parties agree to move forward with the initial architectural, construction management, and California Environmental Quality Act (CEQA) soft costs, the District would be required to contribute 25 percent of the total estimated amount of \$275,000 funded by deferred maintenance. The city will be responsible for all maintenance of the facilities and improvements constructed pursuant to this Third Amendment.


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

6. ALISO VIEJO COMMUNITY ASSOCIATION LIMITED USE AND MAINTENANCE AGREEMENT FOR ALISO NIGUEL HIGH SCHOOL WINTER/SPRING BASEBALL 2023 

450

This is an annual item. Approval of the Aliso Viejo Community Association (AVCA) Limited Use and Maintenance Agreement (LUMA) for Aliso Niguel High School Winter/Spring Baseball 2023. AVCA owns and maintains Woodfield Park, adjacent to Aliso Niguel High School. The Winter/Spring Baseball 2023 LUMA allows Aliso Niguel High School to use Woodfield Park from January 16, 2023, through April 28, 2023, for a fee of \$525 paid by site funds, as detailed in the LUMA. The Winter/Spring Baseball 2023 LUMA is similar to past years' agreements relating to the use of Woodfield Park.

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

7. ALISO VIEJO COMMUNITY ASSOCIATION LIMITED USE AND MAINTENANCE AGREEMENT FOR ALISO NIGUEL HIGH SCHOOL WINTER/SPRING LACROSSE 2023 

471

This is an annual item. Approval of the Aliso Viejo Community Association (AVCA) Limited Use and Maintenance Agreement (LUMA) for Aliso Niguel High School Winter/Spring Lacrosse 2023. AVCA owns and maintains Foxborough Park, adjacent to Aliso Niguel High School. The Winter/Spring Lacrosse 2023 LUMA allows Aliso Niguel High School to use Foxborough Park from January 30, 2023, through April 28, 2023, for a fee of \$450 paid by site funds, as detailed in the LUMA. The Winter/Spring Lacrosse 2023 LUMA is similar to past years' agreements relating to the use of Foxborough Park.

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

8. RESOLUTION NO. 2223-34, DESIGNATION OF APPLICANT'S AGENT RESOLUTION FOR NON-STATE AGENCIES 

491

This is a new item. Approval of the adoption of Resolution No. 2223-34, Designation of Applicant's Agent Resolution for Non-State Agencies. At the start of the pandemic, districts were notified through the California Department of Education and the Orange County Department of Education that they were eligible to seek reimbursement for COVID related expenses, such as personal protective equipment (PPE), hand sanitizer stations, partitions, and signage, through the Federal Emergency Management Agency (FEMA). A claim was submitted to the Governor's Office of Emergency Services (Cal OES) for reimbursement through FEMA. Cal OES notified staff that the documentation was almost complete and payment has been obligated by Cal OES; however, due to the size of the claim, a Board resolution authorizing an agent to work with Cal OES is



required before payment can be made. Staff anticipates a reimbursement of approximately \$1.3 million.

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

B. CURRICULUM AND INSTRUCTION

1. AGREEMENT NO. 10002007 WITH THE ORANGE COUNTY SUPERINTENDENT OF SCHOOLS

495

This is a new item. Approval of the ratification of Agreement No. 10002007 with Orange County Superintendent of Schools, December 13, 2022, through May 05, 2023, to provide professional learning workshops during Bilingual Community Liaisons (BCL) meetings. These workshops will ensure that BCLs receive ongoing training on important skills related to their job such as note-taking, translations, simultaneous interpretation and specific steps for accurate and effective Board meeting interpretations. Ongoing professional development provided to BCLs supports the District's goal that focuses on communicating with, and engaging students, parents, employees, and community members in Districtwide and community-specific decisions (CUSD WIG 2). The total cost is \$1,800 funded by Local Control Funding Formula Supplemental funds.

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

2. AGREEMENT NO. 10002154 QUALITY START ORANGE COUNTY QUALITY RATING AND IMPROVEMENT SYSTEM PARTICIPATION AGREEMENT

505

This is an annual item. Approval of the ratification of Agreement No. 10002154 Quality Start Orange County (OC) Quality Rating and Improvement System (QRIS) Participation Agreement, July 1, 2022, through June 30, 2023. Under the California Department of Education and Quality Counts California, Quality Start OC is the local branch that supports districts in providing high quality educational experiences in early childhood education. The QRIS is the system that Quality Start OC operates with focus on quality improvement in classrooms. The agreement allows the parties to implement the OC QRIS program for quality improvement based on a tiered rating structure, satisfying grant requirements. The District will receive incentive funds of \$167,000 and access covered information in compliance with federal and state laws and regulations related to student privacy. The agreement establishes participation in the tiered rating system, QRIS, for quality purposes and allows for funding for materials for the District's fee-based preschool classrooms. Partnering with Quality Start OC allows the District to improve practices within the District's early childhood classrooms; Quality Start OC provides a layer of coaching to teachers on providing high quality education to the youngest learners, as well as promoting a high quality classroom environment in early childhood settings, while using the QRIS. Quality Start OC also provides opportunities for families to access resources for them and their children.

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

3. AGREEMENT NO. 10002271 WITH THE ORANGE COUNTY SUPERINTENDENT OF SCHOOLS

610

This is a new item. Approval of Agreement No. 1002271 California Regional K-16 Education Collaborative Grant Program with the Orange County Superintendent of



Schools. This agreement provides for the funding of a full-time work based learning technician for the period of 4 years and defines the general scope of work for this position. The technician will support the development of at least 2 occupational pathways in health care, education, business management and engineering or computing. The work based learning technician will be focused on enhancing Career Technical Education pathways by securing internship opportunities, coordinating field trips, establishing dual enrollment courses and establishing certification protocols for pathway completers in addition to other pathway support activities. The agreement outlines the responsibilities of each partner, Orange County Department of Education and the District, in terms of documentation and reporting. This item supports the Vision of a CUSD Graduate by supporting the development of Continuous Learners and Innovative Problem Solvers and Critical Thinkers. The agreement will remain in effect until June 30, 2026, unless terminated pursuant to the terms of the agreement. There is no financial impact because this position is funded through the grant.

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

4. AGREEMENT NO. 10002300 WITH THE ORANGE COUNTY SUPERINTENDENT OF SCHOOLS

706

This is an annual item. Approval of the ratification of Agreement No. 10002300 with the Orange County Superintendent of Schools, November 07, 2022, through June 30, 2023, to provide a stipend for certificated staff who work with students at Ladera Ranch Middle School as part of their Friday Night Live program. Friday Night Live is part of the Peer Assistance Leadership program and class offered at Ladera Ranch Middle School. Students plan activities for students and parents, tied to education and awareness regarding societal issues that impact District schools and students, including drug and alcohol awareness and bullying. The cost of \$1,200 will be funded by general funds and then reimbursed by the Orange County Department of Education.

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

5. ADDENDUM TO THE AGREEMENT FOR ADDITIONAL SCHOOLS PARTICIPATING IN THE INSIDE THE OUTDOORS SCHOOL PROGRAM, AGREEMENT NUMBER 15001, ADDENDUM NO. 7, NO. 8, NO. 9, AND NO. 10

730

This is a returning item. Approval and ratification of Addendums to the Agreement for Additional Schools Participating in the Inside the Outdoors School Program, Agreement Number 15001, Addendum No. 7, No. 8, No. 9, and No. 10. 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, Carl Hankey Elementary School, Hidden Hills Elementary School, John S. Malcom Elementary, and Shorecliffs Middle School have expressed interest in adding additional sessions in the "Traveling Scientist" Program for the 2022-2023 school year, which provides school assemblies with traveling naturalists on various science topics. Carl Hankey Elementary School and Castille Elementary School have expressed interest in adding the "Santiago Oaks" field trip program for the 2022-2023 school year. Laguna Niguel Elementary School has expressed interest in adding the "Shipley Gabrielino Walk" field trip program for the



2022-2023 school year. Vista Del Mar Elementary School had a date change for the "Shipleigh Native American" program. Programs and assemblies will be held in-person. Estimated expenditures under the contract addendums are \$3,749 funded by site and/or grant monies.

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

6. ART MASTERS LEGACY INSTRUCTIONAL ART PROGRAM AGREEMENT  741


This is an annual item. Approval of the Art Masters Legacy (AML) Instructional Art Program Agreement at Palisades Elementary School. Trustees approved the original agreement at the August 17, 2022, Board meeting for six schools to participate in the AML Instructional Art Program for 2022-2023. Palisades Elementary School has requested 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 agreement is \$2,768 funded by site gift funds.

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

7. HMH PILOT AGREEMENT  745

This is a new item. Approval of HMH Pilot Agreement, December 15, 2022, through March 23, 2023. The District's English Learner (EL) Master Plan, as aligned to Principle II of the California English Learner Roadmap, is committed to the intellectual quality of instruction for all ELs. English 3D would ultimately be provided to all ELs enrolled in English Language Development (ELD) 3, Academic Language Development (ALD) I and ALD II, but it will be utilized in particular by 194 students and 7 teachers across various sites who have elected to participate in the pilot. The purpose of these courses is to provide language development support for at-risk and long-term ELs in grades 6-12, whose oral language proficiency may be adequate, but still need support to access the academic language in all of their content area classes. English 3D/Writable will be piloted as supplemental resources for ELD 3 and ALD 1, which are both ELD courses at the secondary level. This pilot supports Tier 1 academic instruction in the District's Multi-tiered System of Supports plan by improving instructional practices in Tier 1 "Great First Instruction" for ELs. It also addresses the key competency of Skilled Communicator in the Vision of a CUSD Graduate. There is no financial impact.

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

8. EXTENDED SCHOOL YEAR PROPOSAL FOR 2023, 2024, AND 2025  752

This is a reoccurring item. Approval of the proposed calendars for the 2022-2023; 2023-2024; and 2024-2025 Extended School Year (ESY) program. California Code of Regulations § 3043, Title 5, establishes that ESY services shall be provided for each individual with exceptional needs who requires special education and related services beyond the regular academic year. A student is eligible for ESY if it is determined by the Individualized Education Program team that interruption of the pupil's educational



programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely the pupil will attain the level of self-sufficiency and independence that would otherwise be expected in view of their disability.

Staff is recommending a 20-day program each of the following ESY years: 2022-2023; 2023-2024; and 2024-2025. ESY will be a 5 week program, 4 days per week (Monday–Thursday) during the 5 week period. ESY will not follow a Monday - Thursday format on the weeks when a legal holiday is observed in order to ensure that 4 instructional days are provided. The dates for the 3 years of ESY are as follows:

ESY 2023: June 12, 2023 - July 13, 2023

ESY 2024: June 10, 2024 - July 11, 2024

ESY 2025: June 16, 2025 - July 17, 2025

The proposed ESY classes will be offered at 3 elementary schools, 1 middle school, 1 high school, and 1 adult transition center, and will serve approximately 1,100 students each year. Staff consulted with bargaining units when developing this calendar. The total cost of the special education ESY program is approximately \$1,600,000 annually, funded by special education funds.


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

9. IMAGINE LEARNING PURCHASE CONTRACT 

755

This is a new item. Approval of the Imagine Learning Purchase Contract for the 2022-2023 school year, to support improved student outcomes for students in grades three through five, through after school online coding activities. Imagine Learning has Imagine Robotify which offers a browser-based robotics simulator to engage students in learning to code. Staff will partner with the YMCA after school program to pilot Imagine Robotify at George White Elementary School. This item aligns with the Vision of a CUSD Graduate by supporting the development of Innovative Problem Solvers and Continuous Learners. The total cost for two classroom licenses, staff professional learning, and data integration is \$1,250 funded by Expanded Learning Opportunities Program (ELOP). Imagine Robotify would be one of six after school programs offered across the District through the ELOP state grant.

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

10. MEMBERS OF THE SPECIAL EDUCATION LOCAL PLAN AREA COMMUNITY ADVISORY COMMITTEE 

759

This is an annual item. Approval of the appointment of Mina Carson, Sonia Moser, Janelle Stever, Jillian Stewart, Rachel Sutherland and Whitney Zolna to serve as a Community Advisory Committee (CAC) voting member for the 2023 and 2024 calendar years. In accordance with the California Education Code § 56190, each Special Education Local Plan Area (SELPA) shall establish a CAC with parents of special education students forming the majority. Based on the bylaws of the SELPA, a committee of voting members is established annually, composed of District parents, teachers, administrators, and community representatives who serve District students. The term of appointment for voting members is two years, staggered annually. There



is no financial impact.

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

11. RESOLUTION NO. 2223-36, FOR ACCEPTANCE OF AMENDMENT OF AGREEMENT WITH CHILDREN AND FAMILIES COMMISSION OF ORANGE COUNTY

761

This is a returning item. Approval of an amendment of a previous agreement with the Children and Families Commission of Orange County (Commission). The previous agreement (Resolution No. 2021-03) awarded a total of \$1,055,200 over three years to support and promote Early Learning initiatives within the District and local community, from a period of July 1, 2020, through June 30, 2023. Approval to amend the previous agreement will award an additional \$344,300 for the period of July 1, 2023, through June 30, 2024. The Commission’s scope of work calls for funds to be prioritized to focus on leadership, community, parent engagement, and data, with the goal of ensuring greater readiness for kindergarten for all incoming students. This amended agreement will facilitate the implementation of an integrated, comprehensive, and collaborative system of information by providing early learning services to enhance school readiness initiatives and optimal early childhood development as set forth in the California Children and Families Act of 1998.

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

C. HUMAN RESOURCE SERVICES

1. CONSIDER AND APPROVE REVISED JOB DESCRIPTION – FOOD SERVICES PROFESSIONAL

849

This is a revised item. Approval of the revised job description for the position of Food Services Professional. Human Resource Services (HRS), Food and Nutrition Services, and California School Employees Association (CSEA) worked on a revised job description for this position due to changes in licensing requirements by the State of California. The law requires at least one Food Services Professional at each location to hold the Food Protection Manager Certification. The revised job description now includes this additional license under “Employment Standards.” The Food and Nutrition Services department is working with employees to acquire this license and are funding the cost for the current staff who need the Food Protection Manager Certification. There is no new financial impact.

Contact: *Bob Presby, Associate Superintendent, Human Resource Services*

2. CONSIDER AND APPROVE REVISED JOB DESCRIPTION –LICENSED VOCATIONAL NURSE






853

This is a revised item. Approval of the revised job description for the position of Licensed Vocational Nurse (LVN). Human Resource Services (HRS), Health Services, and California School Employees Association (CSEA) worked on a revised job description for this position. The revision calls for adjustments to the language in the “Duties” section. The original job description included duties that should be performed by District Nurses only. The revised job description ensures that current and future LVNs are only being asked to administer medication as well as provide training to staff under the supervision of a District Nurse. The revisions to this job description will also support recruitment efforts to accurately reflect the duties of LVNs in the District.



There is no new financial impact.

Contact: *Bob Presby, Associate Superintendent, Human Resource Services*

3. CONSIDER AND APPROVE REVISED JOB DESCRIPTION –PAYROLL SPECIALIST  857
This is a revised item. Approval of the revised job description for the position of Payroll Specialist. Human Resource Services (HRS), the Payroll department, and California School Employees Association (CSEA) worked on a revised job description for this position. The revision calls for adjustments to the language in the “Education/Experience” section. There is no new financial impact.
Contact: *Bob Presby, Associate Superintendent, Human Resource Services*
4. STUDENT FIELDWORK/OBSERVATION AGREEMENT WITH SOUTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT  861
This is an annual item. Approval of the Student Fieldwork/Observation Agreement with South Orange County Community College District. Agreement with South Orange County Community College District, effective January 1, 2023, through December 31, 2028. During the school year, students from Saddleback College and Irvine Valley College will complete fieldwork and observations in District classrooms to fulfill requirements for their course. There is no financial impact.
Contact: *Bob Presby, Associate Superintendent, Human Resource Services*
5. STUDENT TEACHING LETTER OF AGREEMENT WITH WESTERN GOVERNORS UNIVERSITY  868
This is an annual item. Approval of Student Teaching Letter of Agreement with Western Governors University. Agreement with Western Governors University, effective as of the date of signature and expiring after three years. During the school year, credential candidates will work with District teachers to fulfill practicum/fieldwork requirements to earn their credential. There is no financial impact.
Contact: *Bob Presby, Associate Superintendent, Human Resource Services*
6. MEMORANDUM OF UNDERSTANDING WITH ALLIANT UNIVERSITY  875
This is an annual item. Approval of Memorandum of Understanding with Alliant University. Agreement with Alliant University, effective January 1, 2023, through June 30, 2026. During the school year, credential candidates will work with District teachers to fulfill practicum/fieldwork requirements to earn their credential. There is no financial impact.
Contact: *Bob Presby, Associate Superintendent, Human Resource Services*
7. CLINICAL EXPERIENCES AGREEMENT WITH CALIFORNIA BAPTIST UNIVERSITY  885
This is an annual item. Approval of the Clinical Experiences Agreement with California Baptist University, effective January 1, 2023, through June 30, 2026. During the school year, credential candidates will work with District educators to fulfill practicum/fieldwork requirements to earn their credential. There is no financial impact.
Contact: *Bob Presby, Associate Superintendent, Human Resource Services*
8. ORANGE COUNTY DEPARTMENT OF EDUCATION FIRST QUARTER REPORT –



WILLIAMS SETTLEMENT LEGISLATION  903

This is a quarterly item. Acceptance of Williams Settlement Legislation Orange County Department of Education (OCDE) First Quarter Report. 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. There is no financial impact.

Contact: Bob Presby, Associate Superintendent, Human Resource Services

9. MEMORANDUM OF UNDERSTANDING WITH AZUSA PACIFIC UNIVERSITY  908

This is an annual item. Approval of Memorandum of Understanding with Azusa Pacific University effective December 15, 2022, through June 30, 2025. During the school year, adaptive physical education credential candidates will work with District adaptive physical education teachers to fulfill practicum/fieldwork requirements to earn their credential. There is no financial impact.

Contact: Bob Presby, Associate Superintendent, Human Resource Services

10. RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CERTIFICATED EMPLOYEES  916

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: Bob Presby, Associate Superintendent, Human Resource Services

11. RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CLASSIFIED EMPLOYEES  941

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: Bob Presby, Associate Superintendent, Human Resource Services

D. GENERAL FUNCTIONS

1. 2023 - 2024 BOARD MEETING SCHEDULE  967


This is an annual item. Approval of the Board Meeting Schedule for the 2023-2024 school year.

Contact: Colleen Hayes, Manager II, Board Operations/Superintendent's Office

2. 2022 - 2023 BOARD MEETING SCHEDULE - REVISED  970

This is a revised item. Approval of the revised Board Meeting Schedule for the 2022-2023 school year.

Contact: Colleen Hayes, Manager II, Board Operations/Superintendent's Office

3. SCHOOL BOARD MINUTES - NOVEMBER 9, 2022  973

This is a monthly item. Approval of the November 9, 2022, Regular Board meeting minutes.



Contact: Colleen Hayes, Manager II, Board Operations/Superintendent's Office

4. RESOLUTION 2223-35, CONTINUING AUTHORITY TO HOLD VIRTUAL MEETINGS PURSUANT TO ASSEMBLY BILL 361 

987

This is a legally mandated subsequent item. 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. 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. The Board continued to adopt a resolution for each meeting thereafter, pursuant to Assembly Bill 361. For adoption on December 14, 2022, is Resolution No. 2223-235 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.

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

5. RESOLUTION NO. 2223-37, ROLE OF THE BOARD: POWERS AND RESPONSIBILITIES 

992

This is an annual item. Approval of Resolution No. 2223-37, Role of the Board: Powers and Responsibilities, reaffirms the role of the Board. The Board of Trustees is the educational policy-making body for the District. To effectively meet the District's challenges, the Board and the Superintendent must function together as a leadership team. There are general protocols and those that are specific for the Board and the Superintendent. In preparation of the agenda for the annual organization meeting, it is



the responsibility of the Superintendent to provide for re-adoption of this Resolution by the Board of Trustees.

Contact: *Kirsten Vital Brulte, Superintendent*

17. DISCUSSION ACTION ITEMS

994

A. DISCUSSION/INFORMATION ITEMS

1. CERTIFICATION OF THE 2022-2023 FIRST INTERIM REPORT

995

This is an annual action 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 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 2756, districts must certify that minimum reserve levels are projected to be met in the two subsequent fiscal years. This agenda item presents a positive certification of the First Interim Report for 2022-2023, indicating the District will meet its financial obligations in the current, and the two subsequent fiscal years. The multi-year projections for 2023-2024 and 2024-2025 are projected using Cost of Living Adjustment (COLA) factors from the Governor’s adopted budget.

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 2022-2023 First Interim Report.

Motion by _____ Seconded by _____

2. ARTS, MUSIC, AND INSTRUCTIONAL MATERIALS DISCRETIONARY BLOCK GRANT PLAN 2022-2026

1121

This is a new action item. The Arts, Music, and Instructional Materials Discretionary Block Grant is \$3.6 billion in one-time funding through the 2025-2026 school year for county offices of education, school districts, charter schools, and state special schools. While the title of the Block Grant implies that it is only to be used for arts, music, and instructional materials, the one-time funds from the Block Grant may be used for other purposes by the District, including professional development, improving school climate, developing diverse book collections with culturally relevant texts, operational costs, and COVID-19 costs. Allocations are based on average daily attendance from 2021-2022 at the funding rate of \$666. The District’s total allocation is \$26,507,017. Funding must be encumbered by June 30, 2026. A Board approved plan is required prior to the expenditure of funds. The Arts, Music, and Instructional Materials



Discretionary Block Grant Plan 2022-2026 will provide funding to continue the District’s Multi-tiered System of Support (MTSS) so that every student receives the academic, behavior, and social emotional support that they need to be successful. Funding from the Discretionary Block Grant are categorized in four areas:

- **Music and Visual and Performing Arts (VAPA)** for musical instrument and equipment purchase and repair and VAPA materials, equipment and repairs and professional learning for VAPA leaders
- **Elementary Class Size Reduction** to continue teacher to student staffing ratios of 1:24 in grades K-3 and 1:27 in grades 4-5
- **Elementary Physical Education (PE) Teachers and Paraeducators** to provide students with structured PE every week and allows elementary teachers to work in Professional Learning Communities for planning data driven enrichment and intervention
- **MTSS Behavior Plan** for increased behavior support for students through Family Support Teams of psychologists and intervention specialists

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 that the Board of Trustees approve the Arts, Music, and Instructional Materials Discretionary Block Grant Plan 2022-2026.

Motion by _____ Seconded by _____

3. STATUS OF STATE MATCHING FUNDS

1127

This is a new information item. The presentation is an overview of the status of the State Matching Funds for new construction and facilities modernization projects. The School Facility Program (SFP) was created in 1998 to provide funding in the form of per pupil grants, with supplemental grants for site development, site acquisition, excessive cost hardship, and other specific project costs. The California Public School Facility Bonds Initiative, also known as Proposition 51 (Prop 51), was on the November 8, 2016, ballot in California as an initiated state statute. Prop 51 was approved in support of the state issuing \$9 billion in bonds to fund facilities improvements and construction of school facilities for K-12 schools and community colleges.

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

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 information on this item and answer any questions Trustees may have. This is an information item only and no Board action is necessary.

4. RESOLUTION NO. 2223-38, RESOLUTION OF THE BOARD OF TRUSTEES OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT APPROVING A THIRD AMENDMENT TO THE OPTION TO LEASE REAL PROPERTY WITH TOLL BROTHERS, INC., AND DECLARATION OF PROPERTY AS EXEMPT SURPLUS LAND

1139

This is a subsequent action item. The Board is asked to consider adoption of Resolution No. 2223-38 to approve a Third Amendment to the option to lease real property with Toll Brothers, Inc. (Toll Bros.) and declare the property as exempt surplus land. Toll Bros. has been attempting to obtain entitlements from the city of Dana Point for Toll Bros.' planned development of the District's 5.51 acre property located at 26126 Victoria Blvd, in Dana Point (property). Toll Bros. recently requested the District adopt a Board Resolution approving a Third Amendment to the Lease Option Agreement, which would change the timing of the extension payments and deposit release structure timeline. Resolution No. 2223-38 would also declare the property and the agreement with Toll Bros. are exempt from the Surplus Lands Act, which currently is the case.

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 adopt Resolution No. 2223-38, Resolution of the Board of Trustees of the Capistrano Unified School District Approving a Third Amendment to the Option to Lease Real Property with Toll Bros., Inc., and Declaration of Property as Exempt Surplus Land.

Motion by _____ Seconded by _____

5. FIRST READING – BOARD POLICY 3460, FINANCIAL REPORTS AND ACCOUNTABILITY

1150

This is a new action item. The proposed revisions to Board Policy 3460, *Financial Reports and Accountability*, bring the policy current by aligning with the law. The revised language provides more detail regarding timelines and required financial reporting for each fiscal year. Changes are underlined; deletions are struck through.

CUSD WIG 2: 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.



Superintendent, Business and Support Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve the first reading of Board Policy 3460, *Financial Reports and Accountability*.

Motion by _____ Seconded by _____

6. FIRST READING - BOARD POLICY 9110, TERMS OF OFFICE 1157

This is a new action item. The proposed revisions to Board Policy 9110, *Terms of Office*, bring the language into alignment with the law. Pursuant to Education Code § 35017, the term of office for members elected in regular elections shall be four years, commencing on the second Friday in December succeeding their election. Additionally, language was added to address changes to the election date due to consolidation with a statewide or municipal general election, and further addressed the term of incumbent Board members. Changes are underlined; deletions are struck through. There is no financial impact.

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

Contact: Kirsten Vital Brulte, Superintendent

Staff Recommendation

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

Following discussion, it is recommended the Board of Trustees approve Board Policy 9110, *Terms of Office*.

Motion by _____ Seconded by _____

18. ADJOURNMENT

Motion by _____ Seconded by _____

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS
WEDNESDAY, JANUARY 18, 2023 7:00 P.M.**

**AT THE CAPISTRANO UNIFIED SCHOOL DISTRICT OFFICE BOARD ROOM
33122 VALLE ROAD, SAN JUAN CAPISTRANO, CALIFORNIA**

For information regarding Capistrano Unified School District, please visit our website:
www.capousd.org

**INSTRUCTIONS FOR PRESENTATIONS TO THE BOARD BY
PARENTS AND CITIZENS PRESENT AT THIS MEETING**

We are pleased you can be with us at this meeting, and we hope you will return often. Your visit assures us of continuing community interest in our schools.

The members of the Board of Trustees of this District are locally elected state officials, who serve four-year



terms of office, and who are responsible for the educational program of our community from grades kindergarten through twelve. They are required to conduct programs of the schools in accordance with the State of California Constitution, the State Education Code, and other laws relating to schools enacted by the Legislature, and policies and procedures which this Board adopts.

The Board is a policy-making body whose actions are guided by the school district's Mission and Goals. Administration of the District is delegated to a professional administrative staff headed by the Superintendent.

The agenda and its extensive background material are studied by each member of the Board for at least two days preceding the meeting. Board Members can call the administrative staff for clarification on any item, and many of the items on the agenda were discussed by the Board during previous meetings. These procedures enable the Board to act more effectively on agenda items than would otherwise be possible.

WHAT TO DO IF YOU WISH TO ADDRESS THE BOARD OF TRUSTEES

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 three 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.

Persons seeking to address the Board on an agenda item shall complete a "Request to Address the Board of Trustees" card and give it to the Board Secretary or other designated staff member. "Request to Address the Board of Trustees" will be accepted only until 30 minutes after the start of Open Session.

Special Board meetings or separately scheduled Board public hearings shall not have Oral Communications time



scheduled.

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.