



AGENDA

CLOSED SESSION AT 5:30 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 – Five Cases

1. ADR Case No. 20220812M

2. ADR Case No. 20221213

3. ADR Case No. 20221214

4. ADR Case No. 20230111

5. ADR Case No. 20230117

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

Clark Hampton/Gregory Merwin

Attorney – Sarah Sutherland

6. Significant Exposure to Litigation – One Case

(Pursuant to Government Code § 54956.9(d)(2),(3))

Bob Presby

Attorney – Dan Spradlin

One Case

7. Resolution No. 2223-10

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

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Gregory Merwin/Kathy Purcell

Attorney – Justin Shinnfield

Significant Exposure to Litigation – One Case

1. OAH Case No. 2022090306

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

C. CONFERENCE WITH LABOR NEGOTIATORS

District Negotiators: Bob Presby/Clark Hampton/Krista Castellanos

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/Interim Superintendent
(Pursuant to Government Code § 54957.6)

D. STUDENT EXPULSIONS

Mike Beekman

Four Cases

1. Case No. 2023-024
2. Case No. 2023-025
3. Case No. 2023-027
4. Case No. 2023-028

E. PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT

Bob Presby/Gregory Merwin

1. Principals

(Pursuant to Government Code § 54957)

F. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Bob Presby

Three Cases

1. Resolution No. 2223-11
2. Resolution No. 2223-12
3. Resolution No. 2223-13
4. Resolution No. 2223-14
5. Resolution No. 2223-15

(Pursuant to Government Code § 54957)

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

5. CALL TO ORDER - ROLL CALL

6. PLEDGE OF ALLEGIANCE

7. ADOPTION OF THE AGENDA

8. REPORT ON CLOSED SESSION ACTION

9. SPECIAL RECOGNITIONS

Associated Student Body

San Clemente High School

Chris Carter, *Principal*

Matthew Reid, *Activities Director*

Mason Ord, *Associated Student Body President*

Extra Miler

Erin Tolmasoff, *Para Educator III - Bathgate Elementary School*



10. BOARD COMMENTS

11. STUDENT BOARD MEMBER COMMENTS

12. 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.

13. PUBLIC HEARING

19

A. PUBLIC HEARING NOTICE

1. PUBLIC HEARING: OXFORD PREPARATORY ACADEMY - SOUTH ORANGE COUNTY CHARTER SCHOOL MATERIAL REVISION, INCLUDING ADMISSION PREFERENCES

20

This is a new item. A Public Hearing is scheduled before the Board of Trustees which necessitates this item. Oxford Preparatory Academy - South Orange County charter school has requested a material revision to its charter to remove grades six through eight from its program beginning in the 2023-2024 school year, to update the admission preferences identified in its charter petition, and to update portions of its charter to account for changes in the law and to reflect the charter school's current operations and facilities arrangement. Pursuant to changes made by Assembly Bill 1360, effective October 13, 2017, a charter petition must include admission policies and procedures. Additionally, any priority order for preferences in admission must be included in a charter school's petition and have been approved by the authorizer at a public hearing per Education Code § 47605(e)(2)(B)(i). There is no financial impact.

CUSD WIG 2: Communicate with, and engage students, parents, employees, and community members in District Wide and community-specific decisions.
Contact: Gregory Merwin, Associate Superintendent, Education and Support Services

Staff Recommendation

It is recommended that the Board President open the public hearing, determine if members of the public have submitted requests to speak on this item, and after hearing any speakers, formally close the hearing.


14. CONSENT CALENDAR


180


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 staff recommend approval of all Consent Calendar items.


A. BUSINESS AND SUPPORT SERVICES



1. DONATION OF FUNDS AND EQUIPMENT  181
This is a monthly item. Approval of donations of funds and equipment. A number of gifts have been donated to the District, including \$155,934.12 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, Interim Superintendent

2. PURCHASE ORDERS, COMMERCIAL WARRANTS AND PREVIOUSLY BOARD-APPROVED BIDS AND CONTRACTS  185
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 \$12,531,022.50 and the commercial warrants total \$28,634,755.16. 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, Interim Superintendent


3. INDEPENDENT CONTRACTOR, PROFESSIONAL SERVICES, FIELD SERVICE, AND MASTER CONTRACT AGREEMENTS  308
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 eight new agreements totaling \$537,530.67 and eight amendments to existing agreements totaling \$1,572,954.35. 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/S5p3jRdAFIWzJNemj0oBhQ==>) .
Contact: Clark Hampton, Interim Superintendent

4. AMENDMENT ONE TO MEMORANDUM OF UNDERSTANDING WITH THE COUNTY OF ORANGE SOCIAL SERVICES AGENCY FOR THE PROVISION OF FREE SCHOOL MEALS DIRECT CERTIFICATION PROGRAM  421
This is a subsequent item. Approval of Amendment One to Memorandum of Understanding (MOU) with the County of Orange Social Service Agency for the provision of free school meals Direct Certification Program. The MOU allows for the District's participation in the federally mandated direct certification matching of District students to determine eligibility for free and reduced-price meals within the National School Lunch and School Breakfast Program at the local level. Food and Nutrition Services and Technology and Information Services staff currently work with the state of California on a monthly basis to match directly certified students' free and reduced-price meal eligibility, also known as the Local Control Funding Formula unduplicated count. The District has the opportunity to continue collaboration with



Orange County Social Services Agency to supplement the monthly state match and potentially capture more directly certified students to boost the District's unduplicated count and to ensure the students receive the services to which they are entitled. The local-level direct certification matches will continue monthly. The term of Amendment One to the MOU is January 1, 2023, through December 31, 2024. There is no financial impact.


Contact: Clark Hampton, Interim Superintendent

5. AWARD BID NO. 2223-13, REFRIGERATION AND ICE-MAKING UNITS MAINTENANCE AND REPAIRS – REFRIGERATION CONTROL COMPANY, INCORPORATED 

450

This is a regular business item. Approval of Award of Bid No. 2223-13, Refrigeration and Ice-Making Units Maintenance and Minor Repairs to Refrigeration Control Company, Incorporated. Seven vendors viewed the bid; however, only one bid was received prior to the bid deadline and was opened on January 18, 2023. The bid award was determined to best serve the District's best interest from the standpoint of price, quality, and suitability for the intended purposes and will be awarded to the lowest responsive, responsible bidder. The initial contract term is February 23, 2023, through June 30, 2024, with renewal terms, at the option of the Board of Trustees, for a total contract term not-to-exceed three years. Annual expenditures under this contract are estimated to be \$125,000 funded by the cafeteria fund and deferred maintenance; however, actual expenses may vary dependent on District needs and availability of funds.

Contact: Clark Hampton, Interim Superintendent

6. STATE OF CALIFORNIA MULTIPLE AWARD SCHEDULE CONTRACT NO. 4-22-12-1015, 1GOVERNMENT PROCUREMENT ALLIANCE BASE CONTRACT NO. 23-07P-03, PURCHASE, WARRANTY, DESIGN, DEMOLITION, SITE PREPARATION, INSTALLATION, MAINTENANCE, AND REPAIR OF PLAYGROUND SOLUTIONS – DAVE BANG ASSOCIATES, INCORPORATED OF CALIFORNIA 

458

This is a regular business item. Approval to utilize the State of California Multiple Award Schedule Contract (CMAS) No. 4-22-12-1015, 1Government Procurement Alliance (1GPA) Base Contract No. 23-07P-03, and any subsequent revisions, amendments, and extension awarded to Dave Bang Associates, Incorporated of California. The contract provides set pricing for the purchase, warranty, design, demolition, site preparation, installation, maintenance, and repair of playground solutions and related services as needed by the District. 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 vendor have been assessed by staff to be fair, reasonable, and competitive. Anticipated annual expenditures utilizing this contract are approximately \$500,000 funded by the routine repair and general maintenance fund. Actual expenditures will 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/S5p3jRdAFIWzJNemj0oBhQ==>) .




Contact: Clark Hampton, Interim Superintendent

7. RESOLUTION NO. 2223-40, APPROVING THE USE OF PUPIL GRANT ELIGIBILITY FOR THE FRED NEWHART MIDDLE SCHOOL STEAM PROJECT 

462

This is a new item. Approval of the adoption of Resolution No. 2223-40, Approving the Use of Pupil Grant Eligibility for the Fred Newhart Middle School STEAM Project. In June 2017, the State Allocation Board (SAB) implemented new regulations requiring school districts to justify the use of new construction eligibility at the time a funding application is processed instead of when a funding application is submitted. This change to the School Facility Program (SFP) provides uncertainty in the availability of new construction eligibility, as it is estimated it will take approximately two to three years from the time of submittal of the funding application for it be reviewed. In April 2019, the District submitted the Fred Newhart Middle School STEAM Project (Project) funding application which is currently being processed by the Office of Public School Construction (OPSC). Based on the District's 2021-2022 New Construction Eligibility, the District's current eligibility for new construction grants at the grades 7 to 8 grade level is insufficient as there are only 60 middle school pupil grants available to partially fund the Project. Therefore, the District will use 183 new construction grants from the elementary grade level (Kindergarten to grade 6) to fully fund the Project funding application. The OPSC requires a resolution be adopted by the Board to acknowledge the District is electing to utilize its elementary new construction eligibility for this Project and has the ability to house existing and future students in existing capacity.


Contact: Clark Hampton, Interim Superintendent

8. RESOLUTION NO. 2223-42, APPROVING GRANT APPLICATIONS AND AGREEMENTS FOR CALIFORNIA SCHOOLS HEALTHY AIR, PLUMBING, AND EFFICIENCY PROGRAM PROJECTS AT SEVEN VARIOUS SCHOOL SITES 

469

This is a subsequent item. Approval of the adoption of Resolution No. 2223-42 allows the District to apply and potentially receive grant funds for the assessment, maintenance, and repair of noncompliant plumbing fixtures and appliances, including interior faucets, toilets, and urinals at seven school sites receiving utilities from Southern California Edison. The Resolution approves Grant Applications and Agreements for California Schools Healthy Air, Plumbing, and Efficiency Program (CalSHAPE) projects at the following seven school sites: Canyon Vista Elementary, Arroyo Vista Middle, Moulton Elementary, Newhart Middle, Philip J. Reilly Elementary, Arroyo Vista Elementary, and Tijeras Creek Elementary schools. This round of plumbing funding captures all the remaining school sites qualifying in the Southern California Edison service territory. The Grant Agreements total \$150,260.08.

Contact: Clark Hampton, Interim Superintendent

9. RESOLUTION NO. 2223-43, APPROVING GRANT APPLICATIONS AND AGREEMENTS FOR CALIFORNIA SCHOOLS HEALTHY AIR, PLUMBING, AND EFFICIENCY PROGRAM PROJECTS AT 35 VARIOUS SCHOOL SITES 

502

This is a subsequent item. Approval of the adoption of Resolution No. 2223-43 allows the District to apply and potentially receive grant funds for the assessment, maintenance, and repair of noncompliant plumbing fixtures and appliances, including



interior faucets, toilets, and urinals at 35 school sites receiving utilities from San Diego Gas and Electric. The Resolution approves Grant Applications and Agreements for California Schools Healthy Air, Plumbing, and Efficiency Program (CalSHAPE) projects at the following 35 school sites: Vista Del Mar Elementary and Middle Schools, Ladera Ranch Elementary and Middle Schools, Oso Grande Elementary, San Juan Hills High School, Carl Hankey Elementary and Middle Schools, Esencia K-8 School, Tesoro High School, Bridges Community Day School, San Clemente High School, Dana Hills High School, Concordia Elementary, Las Palmas Elementary, RH Dana Elementary, RH Dana ENF Elementary, Viejo Elementary, Niguel Hills Middle, Ambuehl Elementary, Shorecliffs Middle, Benedict Elementary, George White Elementary, Bathgate Elementary, Hidden Hills Elementary, Lobo Elementary, Malcom Elementary, Wood Canyon Elementary, Las Flores Elementary And Middle Schools, Wagon Wheel Elementary, Bernice Ayer Middle, Chaparral Elementary, Marblehead Elementary, and Laguna Niguel Elementary. This round of plumbing funding captures all the remaining school sites qualifying in the San Diego Gas and Electric service territory. The Grant Agreements total \$1,727,507.50.

Contact: Clark Hampton, Interim Superintendent

B. CURRICULUM AND INSTRUCTION

- 1. ADDENDUM TO THE AGREEMENT FOR ADDITIONAL SCHOOLS PARTICIPATING IN THE INSIDE THE OUTDOORS SCHOOL PROGRAM, AGREEMENT NUMBER 15001, ADDENDUM NO. 11, NO. 12, NO. 13, AND NO. 14

541

This is a returning item. Approval of the ratification of Addendum to the Agreement for Additional Schools Participating in the Inside the Outdoors School Program, Agreement Number 15001, Addendum No. 11, No. 12, No. 13, and No.14. District schools routinely participate in the Orange County Department of Education’s outdoor science school/field trip programs and “Traveling Scientist” programs and assemblies. Dana Hills High School, Las Flores Elementary School, Philip Reilly Elementary School, Tijeras Creek Elementary School and Vista Del Mar Elementary School have expressed interest in adding an additional session in the “Traveling Scientist” Program for the 2022-2023 school year, which provides school assemblies with traveling naturalists on various science topics. Dana Hills High School has expressed interest in the Crystal Cove Science Program. Carl Hankey Elementary School has expressed interest in the Santiago Oaks Science Program. Philip Reilly Elementary School has expressed interest in the Shipley Gabrielino Walk. Vista Del Mar Elementary School has expressed interest in the Wild Wetlands Program. Programs and assemblies will be held in-person. Estimated expenditures under the contract addendums are \$6,439 funded by site and/or grant monies.

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

- 2. COLLEGE AND CAREER ACCESS PATHWAYS, A DUAL ENROLLMENT PARTNERSHIP AGREEMENT, APPENDIX – SPRING 2023

552

This is a subsequent item. Approval of the ratification of addendum to the College and Career Access Pathways, A Dual Enrollment Partnership Agreement to add new courses to the appendix (course list) for the 2022-2023 school year. Additional courses



and locations in Spring 2023 will enable high school students in the District who enroll in these approved courses to receive both college credit and high school credit. Costs related to instructional materials not to exceed \$20,000 funded by the K-12 Strong Workforce Grant.

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

3. ENGLISH LEARNER ANNUAL EVALUATION 

574

This is an annual item. Approval of English Learner (EL) Annual Evaluation. Development of an evaluation of whether a district's comprehensive English Language Development (ELD) program has been implemented effectively, and whether adjustments are needed to assist English Learners (ELs) in overcoming language barriers within a reasonable amount of time, is a state requirement. The purpose of the EL Annual Program Evaluation is to present the progress of the work in supporting the academic and language development of the nearly 4,000 ELs in the District. The information included in the report will provide an opportunity to reflect on the strengths of the ELD program and its impact on the learning outcomes of students. It also provides specific action items that will further the development of the attributes of the Vision of a CUSD Graduate for the District's English Learners. There is no financial impact.


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

4. INSTITUTE FOR MULTI-SENSORY EDUCATION CONTRACT AGREEMENT 

610

This is a recurring item. Approval of an additional agreement with Institute of Multi-Sensory Education to provide a consultant who will offer in-person, comprehensive training and materials, for grades kindergarten through 5 General Education teachers. Up to 43 additional site-funded teachers will participate in the 5-day comprehensive Orton-Gillingham training April 10, 2023, through April 14, 2023. Orton-Gillingham training will provide the critical literacy strategies and skills to support and intervention in the fundamentals of literacy. This training will support implementation of academic intensive Tier III interventions for students who need additional support, including students with dyslexia and students with dyslexic tendencies. The Orton Gillingham reading program and training will support the District's Multi-tiered System of Support in the area of academics. The cost is approximately \$58,825 for trainer fees and materials funded by school site funds.

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

5. TRAINING SERVICES CONTRACT WITH KNOWLEDGE SAVES LIVES INCORPORATED 

622

This is a new item. Approval of the ratification of Training Services Contract with Knowledge Saves Lives Incorporated (KSL INC), November 8, 2022, through November 1, 2023. In alignment with California Education Code § 32282 subsection (J), schools are required to develop and practice procedures for conducting tactical responses to criminal incidents, including procedures related to individuals with guns on school campuses and at school-related functions. Per a recommendation from the District Safety Committee, staff has solicited the services of KSL INC, in addition to other practices and trainings that are in place. They will provide safety training to



school site staff members on 4 District campuses, accommodating 125 participants in each session. This training will cover situational awareness, effective lockdown procedures specific to District school sites, and a live drill to assess the participant's understanding of the training content. This staff training will provide an increased level of knowledge of effective situational lockdown procedures, thus promoting a safe and positive school environment to support the social-emotional well-being of our students. Expenditures under this contract are \$7,995 per session, totaling \$31,980 funded by Safety and Student Services.

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

6. SECOND READING - BOARD POLICY 5121.1, GRADES/EVALUATION OF STUDENT ACHIEVEMENT

634

This is a subsequent item. Approval of Board Policy 5121.1, *Grades/Evaluation of Student Achievement*. During the 2020-2021 school year, as Trustees were developing the Vision of a CUSD Graduate, a discussion regarding District grading policy resulted in a direction to staff to revisit Board Policy 5121.1 and solicit stakeholder voice including students, teachers, and parents. After feedback sessions with stakeholders and Trustees, community values on grading were defined as follows:

- Grades should reflect student mastery of content and learning
- Grading practices should be consistent for similar content and courses
- Grading practices should be understandable by students and parents/guardians
- Grading practices should provide relevant and actionable feedback for students and parents/guardians
- Grading practices should scaffold in purpose and complexity throughout grade spans
- The inclusion of homework in grading practices and the availability of extra credit assignments should be meaningful and purposeful
- Grading practices should be equitable and objective

At the January 18, 2023, Board meeting, as a first reading of Board Policy 5121.1, Trustees expressed that the accompanying Administrative Regulation (AR) provide clear guidance and direction to teachers to ensure consistency of practices, and for parents to be aware of grading guidelines. Currently, BP 5121.1 does not have an accompanying AR. It is critical to elicit stakeholder feedback to develop an AR. Pending Board approval of BP 5121.1, staff will then reconvene a K-12 Grading Task Force in conjunction with grade-span specific work groups. The AR will be completed prior to the end of the 2022-2023 school year and will be shared with Trustees and the public.

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

C. HUMAN RESOURCE SERVICES

1. AFFILIATION AGREEMENT WITH CHAPMAN UNIVERSITY

641

This is a recurring item. Approval of Affiliation Agreement with Chapman University. The agreement with Chapman University will be effective January 1, 2023, through December 31, 2028. During the school year, university students enrolled in the Communication Sciences and Disorders program will work with District Speech



Language Pathologists to fulfill clinical hour requirements to earn their degree. There is no financial impact.

Contact: Bob Presby, Associate Superintendent, Human Resource Services

2. YMCA SERVICE AGREEMENT

649

This is a subsequent item. Approval of additional funding to pay the YMCA for providing supervision support services during the 2022-2023 school year for the period of August 16, 2022, through June 2, 2023. The Board initially approved \$250,000 on August 17, 2022. With the challenges in filling supervision positions, YMCA services continue to be needed throughout the school year while the District actively recruits to fill open positions with classified employees. The additional expenditures under this agreement are not-to-exceed \$300,000 funded by the general fund, for a total of \$550,000 for YMCA services during the 2022-2023 school year.

Contact: Bob Presby, Associate Superintendent, Human Resource Services

3. BIENNIAL AUTHORIZATION OF COACHES TO PROVIDE SECOND SEMESTER PHYSICAL EDUCATION CREDIT

656

This is a biennial item. Approval of teachers who are credentialed in subjects other than Physical Education (PE) to provide PE credit to students in that respective sport. Districts may assign a teacher with a credential in a subject area other than PE to coach a competitive sport and award PE credit to students. State law requires that such teachers be full-time employees of a district who have completed a minimum of 20 hours of first-aid instruction, training on the harmful effects of steroid use, and be approved by the Board of Trustees. All teachers who do not hold a PE credential, but are assigned coaching activities for which such credit is given, are full-time employees of the District, and have completed cardiopulmonary resuscitation, first-aid instruction and concussion training. There is no financial impact.

Contact: Bob Presby, Associate Superintendent, Human Resource Services

4. CONSIDER AND APPROVE REVISED JOB DESCRIPTION - LEAD TRADES WORKER INTO THE FOLLOWING FIVE JOB DESCRIPTIONS: LEAD HVAC TECHNICIAN, LEAD ELECTRICIAN, LEAD PLUMBER, LEAD CARPENTER, AND LEAD PAINTER


664

This is a revised item. Approval of the revised job description for the position of Lead Trades Worker to be bifurcated into five distinct job descriptions: Lead HVAC Technician at Range 44, Lead Electrician at Range 44, Lead Plumber at Range 44, Lead Carpenter at Range 41, and Lead Painter at Range 41. Human Resource Services (HRS), Maintenance and Operations (M&O), and California School Employees Association (CSEA) worked on a revised job description and salary range assignment for these five positions. A Lead Trades Worker job description currently exists; however, it does not have a range assigned and is not specific to the M&O trades categories. The current maintenance trades structure within the M&O Department does not include any "Lead" positions within the trade teams. The purpose of revising the Lead Trades Worker job description to five specific positions, Lead HVAC Technician, Lead Electrician, Lead Plumber, Lead Carpenter, and Lead Painter, is to designate an individual responsible for leading a team of workers within this specific trade, under the supervision of management. The financial impact is an ongoing cost



for the District of \$33,065, funded by the general fund.

Contact: Bob Presby, Associate Superintendent, Human Resource Services

5. SECOND QUARTER REPORT – WILLIAMS SETTLEMENT LEGISLATION UNIFORM COMPLAINT 

677

This is a quarterly item. Acceptance of Williams Settlement Legislation Uniform Complaint Second 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 § 35186 requires any deficiencies or complaints be reported to the Board of Trustees at a regularly scheduled public meeting each quarter. No complaints were received during the second quarter.

Contact: Bob Presby, Associate Superintendent, Human Resource Services

6. REVISED CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION SALARY SCHEDULE - JOB CLASSIFICATION LIST 

681

This is a revised item. Approval of the revised California School Employees Association (CSEA) Salary Schedule, specifically the Job Classification List. In October 2021, Academic Advisors were reclassified as Guidance Technicians, Range 35, and Head Academic Advisors were reclassified to Guidance Technicians, and provided a legacy clause to remain at Range 37, with additional duties to train newly hired Guidance Technicians. At the time of this transition and reclassification, the job title of Head Academic Advisor, now considered obsolete, was removed from the Salary Schedule. Due to this action, employees who were provided a legacy clause to remain at Range 37 did not have their full salary reported for retirement. To correct this error and ensure the employees' total income is reported to CalPERS, the CSEA Salary Schedule, specifically the Job Classification List, must be updated to include the obsolete job title, Head Academic Advisor, Range 37. Once these employees are no longer employed by the District, staff can remove this title. There is no new financial impact.

Contact: Bob Presby, Associate Superintendent, Human Resource Services

7. SUBSTITUTE RATES FOR CERTIFICATED SUBSTITUTES IN A PARAEDUCATOR POSITION 

684

This is a revised item. Approval of rates for certificated substitutes in a Paraeducator position. Since the pandemic, there has been difficulty finding classified substitutes to cover many Paraeducator positions. To help support this area of need, the District allowed certificated substitutes to cover Paraeducator positions at the certificated substitute rate of \$185 per day. In a review of the Districts classified and substitute rates, it is clear there is a large discrepancy between the certificated substitute rate when covering a Paraeducator assignment and the rates of a classified substitute and a regular classified employee. Setting the daily rate for certificated substitutes who cover a Paraeducator position at \$125 per day will establish greater parity between the employees who work in this area. This rate still recognizes that a certificated substitute has the skills and education to be a substitute teacher, but when substituting in a



Paraeducator position, the responsibilities are reduced. Certificated substitutes covering certificated (teaching) assignments will still be compensated at the \$185 per day rate. There will be a savings in the expenses for certificated substitutes covering classified Paraeducator positions of up to \$60 per assignment.

Contact: Bob Presby, Associate Superintendent, Human Resource Services

8. STUDENT TEACHING/CLINICAL PRACTICE PARTNERSHIP AGREEMENT WITH POINT LOMA NAZARENE UNIVERSITY  687

This is a reoccurring item. Approval of the ratification of the Student Teaching/Clinical Practice Partnership Agreement with Point Loma Nazarene University. This agreement is effective as of January 9, 2023, through August 31, 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

9. RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CERTIFICATED EMPLOYEES  694

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

10. RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CLASSIFIED EMPLOYEES  730

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. SCHOOL BOARD MINUTES - JANUARY 18, 2023  756

This is a monthly item. Approval of the January 18, 2023, Regular Board meeting minutes.

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

2. SCHOOL BOARD MINUTES - FEBRUARY 1, 2023  768

This is a monthly item. Approval of the February 1, 2023, Special Board meeting minutes.

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

3. EDUCATION SUPPORT SERVICES GROUP CONSULTANT AGREEMENT  773

This is a new item. Approval of the consultant agreement with Education Support Services, LLC (ESS), a subdivision of Atkinson, Andelson, Loya, Rudd & Romo. At the February 1, 2023, Special Board meeting, the Board selected ESS to serve as the search firm and directed staff to bring a contract for approval on consent at a future Board meeting. This agreement permits ESS to engage in the process of recruiting and identifying highly qualified candidates to fulfill the position of Superintendent. The total cost is \$28,500. The agreement is effective February 22, 2023, through June 30,



2023, funded by the general fund.
Contact: Krista Castellanos, Board President

15. DISCUSSION ACTION ITEMS

776

A. DISCUSSION/INFORMATION ITEMS

1. OXFORD PREPARATORY ACADEMY - SOUTH ORANGE COUNTY CHARTER SCHOOL ADMISSION PREFERENCES

777

This is a new action item. Pursuant to changes made by Assembly Bill 1360, effective October 13, 2017, a charter petition must include admission policies and procedures. Additionally, any priority order for preferences in admission must be included in the charter petition and be approved by the chartering authority at a public hearing per Education Code § 47605(e)(2)(B)(i). On November 10, 2022, Oxford Preparatory Academy - South Orange County (OPA) submitted a request for a material revision to its charter to remove grades six through eight from its program beginning in the 2023-2024 school year, to update the admission preferences identified in its charter petition, and to make additional changes necessitated by new requirements of charter schools enacted into law after the charter was last renewed and to reflect the charter school's current operations and facilities arrangement. The updated admission preferences are reflected in the materially revised charter petition, which is attached as Exhibit 15.A.2. 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 that 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 Oxford Preparatory Academy - South Orange County's updated admission preferences.

Motion by _____ Seconded by _____

2. RESOLUTION NO. 2223-41, RESOLUTION OF THE BOARD OF TRUSTEES TO APPROVE MATERIAL REVISION TO CHARTER OF OXFORD PREPARATORY ACADEMY - SOUTH ORANGE COUNTY CHARTER SCHOOL

938

This is a new action item. Oxford Preparatory Academy - South Orange County has requested a material revision to its charter to remove grades six through eight from its program beginning in the 2023-2024 school year and to update its admission preferences. These changes, together with additional changes necessitated by new requirements of charter schools enacted into law after the charter was last renewed and to reflect the charter school's current operations and facilities arrangement, are identified in the revised petition.

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 that 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 adopt Resolution No. 2223-41, Resolution of the Board of Trustees to Approve Material Revision to Charter of Oxford Preparatory Academy - South Orange County Charter School.

Motion by _____ Seconded by _____

3. CULTURAL PROFICIENCY BI-ANNUAL REPORT

1127

This is a bi-annual information item. This item provides an update on the progress of the implementation of actions within the Cultural Proficiency Plan, which was Board approved on December 16, 2020. The mission of the Cultural Proficiency Plan is “to facilitate measurable systemic change that increases learning outcomes for all students by engaging in on-going reflection to ensure an inclusive environment where students, staff and the community value diversity.”

The February 22, 2023, update is the bi-annual report for the 2022-2023 school year. It provides information on actions and goals that are completed and in progress. The report provides updates on the following:

- Online Resources
- Translation
- Counseling
- Professional Learning
- Cultural Proficiency: Diversity, Equity, and Inclusion
- Cultural Proficiency Team Resources
- College and Career Centers
- Staff Recruitment
- Academics
- Safety and Student Services
- 2022-2023 Mid-Year Cultural Proficiency Implementation Guide Data

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.

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

CUSD WIG 3: Optimize facilities and learning environments 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 and answer any questions Trustees may have. This is an information item only and no Board action is necessary.

4. MID-YEAR UPDATE 2022-2023 DISTRICT GOALS 1143

This is an annual information item. This item presents a mid-year review of 2022-2023 Board approved District goals. These goals align with the District's mission to prepare students to meet the challenges of a rapidly changing world, and the vision of an unwavering commitment to student success.

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

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, Interim Superintendent

Staff Recommendation

It is recommended the Board President recognize Clark Hampton, Interim Superintendent, to introduce this item and answer any questions Trustees may have. This is an information only item and no Board action is necessary.

5. 2023 BALLOT FOR CALIFORNIA SCHOOL BOARDS ASSOCIATION DELEGATE ASSEMBLY REGION 15 1188

This is an annual action item. The California School Boards Association (CSBA) accepts nominations for their Delegate Assembly and calls upon each school district to take action to cast a vote. The Board may vote for up to the number of vacancies in Region 15 as indicated on the ballot whereby there are 9 openings for this delegation. Elected Delegates will serve a two-year term beginning April 1, 2023, through March 31, 2025. Trustees Bullockus and Parham are the current Delegates representing the District on CSBA. It is recommended the Board take action and vote for the following 7 candidates listed below, incumbents are denoted with an asterisk:

- Michelle Barto (Newport-Mesa USD)
- Leandra Blades (Placentia-Yorba Linda USD)
- Bonnie Castrey (Huntington Beach Union HSD)
- Carrie Flanders (Anaheim ESD)*
- Deana Miller (Brea Olinda USD)
- Kelly Osborne (Laguna Beach USD)
- Suzie Swartz (Saddleback Valley USD)*

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

Contact: Judy Bullockus, Board of Trustees, Area 7

Contact: Michael Parham, Board of Trustees, Area 2



Trustee Recommendation

It is recommended the Board President recognize Trustee Judy Bullockus and Trustee Michael Parham, to present this item.

Following discussion, it is recommended the Board of Trustees cast the Board’s vote for 7 candidates on the 2023 Ballot for CSBA Delegate Assembly Region 15.

Motion by _____ Seconded by _____

6. TRUSTEE REQUEST TO REVISE THE SCHOOL OF CHOICE WINDOW 

1256

This is a new action 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 to have an open discussion on the School of Choice (SOC) window for incoming 6th graders due to changes in the Math Plan. The current SOC window to apply opened on February 1, 2023, and will close on March 3, 2023. The Trustee requested this item be brought before the Board at the February 22, 2023, 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 : Lisa Davis, Trustee Area 3

Trustee Recommendation

It is recommended the Board President recognize Lisa Davis, Trustee Area 3, to present this item.

Following discussion, it is recommended by Trustee Davis that the Board of Trustees hear her request to revise the SOC window for incoming 6h graders who meet the criteria for acceleration in 6th grade, and bring it back for discussion action at a future Board meeting.

Motion by _____ Seconded by _____

16. ADJOURNMENT

Motion by _____ Seconded by _____

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS
WEDNESDAY, MARCH 15, 2023
AT THE CAPISTRANO UNIFIED SCHOOL DISTRICT OFFICE BOARD ROOM
33122 VALLE ROAD, SAN JUAN CAPISTRANO, CALIFORNIA 92675
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.