



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 – Three Cases

1. ADR Case No. 20230206

2. ADR Case No. 20230215

3. ADR Case No. 20230216

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

Clark Hampton/Gregory Merwin/John Forney

Attorney – Sarah Sutherland

4. Significant Exposure to Litigation – One Case

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

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Gregory Merwin/Kathy Purcell

Attorney – Justin Shinnfield

Significant Exposure to Litigation – One Case

1. OAH Case No. 2022100558

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

C. CONFERENCE WITH LABOR NEGOTIATORS

District Negotiators: Bob Presby/Clark Hampton

Employee Organizations:

1) Capistrano Unified Education Association (CUEA)

2) California School Employees Association (CSEA)

3) Teamster

4) Capistrano Unified Management Association (CUMA)

5) Unrepresented Employees/Interim Superintendent

(Pursuant to Government Code § 54957.6)

D. LIABILITY CLAIMS

Clark Hampton

Significant Exposure to Litigation – Three Cases

1. Rejection of Government Claim No. 2210271

2. Rejection of Government Claim No. 2210280

3. Rejection of Government Claim No. 2210347



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

E. STUDENT EXPULSIONS

- Mike Beekman
- Four Cases
- 1. Case No. 2023-031
- 2. Case No. 2023-032
- 3. Case No. 2023-033
- 4. Case No. 2023-034

F. STUDENT EXPUNGEMENT

- Mike Beekman
- One Case
- 1. Case No. 2019-055

G. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

- Bob Presby/Gregory Merwin
- Principal Supervision and Evaluation
- (Pursuant to Government Code § 54957(b)(1))*

H. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

- Bob Presby
- Two Cases
- 1. Resolution No. 2223-16
- 2. Resolution No. 2223-17
- (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 Recognition**
- San Juan Hills High School
- Manoj Mahindrakar , *Principal*
- Brooke Valderrama, *Activities Director*
- Lindsey Gattis, *Associated Student Body President*

Extra Milers

- Arts in Education Month
- Aliso Niguel Theater Company



Language Immersion – Golden Bell Award

School/Site	Attendees
Office of Language Acquisition	Rowena Mak, <i>Director</i>
Las Palmas Elementary School	Maria Christina Barrosa, <i>Principal</i>
Marian Bergeson Elementary School	Jayne Martin, <i>Interim Principal</i>
RH Dana Elementary School	Kristen Nelson, <i>Principal</i>
San Juan Elementary School	Guadalupe Girard, <i>Principal</i>
Viejo Elementary School	Jesus Becerra, <i>Principal</i>
Bernice Ayer Middle School	Nick Stever, <i>Principal</i>
Marco Forster Middle School	Catherine Thompson, <i>Principal</i>
Fred Newhart Middle School	Judith Murphine, <i>Principal</i>
Capistrano Valley High School	John Misustin, <i>Principal</i>
Dana Hills High School	Brad Baker, <i>Principal</i>
San Clemente High School	Chris Carter, <i>Principal</i>
San Juan Hills HS	Manoj Mahindrakar, <i>Principal</i>

10. BOARD COMMENTS

11. STUDENT BOARD MEMBER COMMENTS

12. ORAL COMMUNICATIONS (Non-Agenda Items)

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

13. CONSENT CALENDAR

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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


13


This is a monthly item. Approval of donations of funds and equipment. A number of gifts have been donated to the District, including \$92,421.37 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  18
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 \$6,393,771.03 and the commercial warrants total \$22,777,021.78. 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  127
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 ten new agreements totaling \$1,068,653.48 and six amendments to existing agreements totaling \$270,193.50. 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/2slshKqqhl3eLpSslsh1NBiZ1XoQ==>) .
Contact: Clark Hampton, Interim Superintendent

- 4. 2022-2023 TRANSPORTATION PLAN  221
This is a new item. Approval of the adoption of the 2022-2023 Transportation Plan. Home-to-School (HTS) transportation reimbursement was implemented by Assembly Bill (AB) 181 (Chapter 52, Statutes of 2022) and amended by AB 185 (Chapter 571, Statutes of 2022). The bill provides reimbursement funding for school districts based on the prior year's eligible transportation expenditures and prior year Local Control Funding Formula transportation-related add-on funding. AB 185 requires the Transportation Plan to be adopted by the school district's Board of Trustees on or before April 1, 2023. Adoption of the Transportation Plan results in approximately \$4.6 million in reimbursement to the District. This money has been allocated for the four-year plan for Multi-Tiered System of Support and class size reduction presented to the Board in December 2022.
Contact: Clark Hampton, Interim Superintendent

- 5. CHANGE ORDER NO. 1, BID NO. 2122-23, YMCA PORTABLE PROJECT AT ESENCIA  224
This is a regular business item. Approval of Change Order No. 1, Bid No. 2122-23 for the YMCA Portable Project at Esencia K-8 School related to the modification of the building eave to comply with the California Division of State Architect (DSA) requirements. Specifically, the eave will be cut back to no longer intrude into the fire



interface line as specified in the California Building Code. This change order consists of additions, deletions, or other revisions now being presented to the Board for approval. All such changes in the work are performed under applicable conditions of the change in contract documents. The original contract sum was \$179,000. With Change Order No. 1 in the amount of \$13,570, the new contract sum will be \$192,570 funded by developer fees. With this change order, the contract with the general contractor remains under the \$205,850 budget that represents the bid award plus contingency.

Contact: Clark Hampton, Interim Superintendent

B. CURRICULUM AND INSTRUCTION

1. AMENDED DATA SHARING AGREEMENT WITH THE FOUNDATION FOR CALIFORNIA COMMUNITY COLLEGES ON BEHALF OF THE CALIFORNIA GUIDANCE INITIATIVE


230

This is a returning item. Approval of the Amended Data Sharing Agreement with the Foundation for California Community Colleges on behalf of the California Guidance Initiative (CCGI). The agreement becomes effective when both parties sign and can be terminated at anytime by either party with no penalty. The original data sharing agreement permits the CCGI to make college applications to the University of California and California State University easier by using a pre-verified transcript from the Aeries Student Information System for these applications. Students no longer need to hand enter courses, grades, and demographic information for each application. This amendment permits CCGI to share aggregate, non-personally identifiable data with state and local entities and any collaborative lead agencies for the purpose of evaluating career college readiness services or streamlining eligibility for services. The Foundation complies with federal and state data privacy and security compliance measures, specifically the requirements of the Family Educational Rights and Privacy Act, the Children's Online Privacy Protection Act of 1998, California Education Code § 49073.1, commonly referred to as California Assembly Bill 1584 (or AB 1584), and California Business and Professions Code § 22584, commonly referred to as the "Student Online Personal Information Protection Act" (or SOPIPA) or Senate Bill 1177.

One of the District's Wildly Important Goals is to "engage students in meaningful, challenging, and innovative educational experiences to increase post-secondary options for all students." This item also supports the Vision of a CUSD Graduate in that it provides a continuum of services to ensure all students have access to post-secondary options. Housed at the Foundation for California Community Colleges, the CCGI works to ensure that all grade 6-12 students in California have access to a systematic baseline of guidance and support as they plan, prepare, and pay for postsecondary education. CCGI partners with kindergarten through grade 12 school districts to support students, counselors, parents, and community-based organizations with technological tools that help guide the college and career planning and preparation process. The CCGI is currently funded by the state of California. There is no financial impact.

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



2. ADDENDUM TO THE AGREEMENT FOR ADDITIONAL SCHOOLS PARTICIPATING IN THE INSIDE THE OUTDOORS SCHOOL PROGRAM, AGREEMENT NUMBER 15001, ADDENDUM NO. 15, NO. 16 AND NO. 17  235

This is a returning item. Approval and ratification of Addendum to the Agreement for Additional Schools Participating in the Inside the Outdoors School Program, Agreement Number 15001, Addendum No. 15, No. 16 and No. 17. District schools routinely participate in the Orange County Department of Education's outdoor science school/field trip programs and "Traveling Scientist" programs and assemblies. Las Flores Elementary School has 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. Palisades Elementary School has expressed interest in adding Shipley Ecosystem Extravaganza. Carl Hankey Elementary School, John S. Malcolm Elementary School, Palisades Elementary School, Philip Reilly Elementary School and Truman Benedict Elementary School had a change of date for their programs. Programs and assemblies will be held in-person. Estimated expenditures under the contract addendums are \$1,220 funded by site and/or grant funds.

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

3. ILLUMINATION INSTITUTE, 2022-2023 MINDFULNESS PILOT PROGRAM  244

This is a new item. Approval of Illumination Institute, 2022-2023 Mindfulness Pilot Program to provide Mindfulness Teacher Training Workshops focused on self care and wellness with staff at Clarence Lobo Elementary School, Marco Forster Middle School, and San Clemente High School. Illumination Institute will provide training to teachers and administrators surrounding stress management and mindfulness practices to address teacher burnout, anxiety, and create supportive self-care practices. Staff will also be trained on the implementation of Illumination Institute's Mindfulness Curriculum in the classroom. The pilot program will be implemented between April 1, 2023, through June 1, 2023. Parents of any students who would be included in the pilot would be provided prior notice, and they could choose to not have their students participate in the brief lessons. In response to feedback of site staff implementing the Illumination Institute Mindfulness curriculum, District staff will consider expanding the partnership with Illumination Institute and incorporating the curriculum into the CUSD Cares mental health and wellness plan, which will be presented to the Board at the May 17, 2023, Board meeting. The cost of \$4,000 will be funded by Local Control Funding Formula Supplemental funds.

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

C. HUMAN RESOURCE SERVICES

1. MEMORANDUM OF UNDERSTANDING WITH CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION (CSEA) , AND ITS CAPISTRANO CHAPTER 224  248

This is a new item. Approval of the Memorandum of Understanding (MOU) with California School Employees Association (CSEA) and its Capistrano Chapter 224, regarding continued troubleshooting for the Chromebook 1:1 program. The District and CSEA, Chapter 224, recognize the need for work performed by non-Technology



Information Services (TIS) classified employees to ensure students receive troubleshooting support for their Chromebooks. Classified employees who perform troubleshooting work during the 2022-2023 school year and prior to this approved agreement, will be eligible for the stipends outlined in the MOU, upon administrator approval. The MOU designates an administrator at each site who will direct the troubleshooting work, and track the frequency of the work, by reviewing the forms turned in by non-TIS classified employees. The administrator will refer to the Chromebook Tracking Flow Chart and verify the work for the stipend monthly. Any bargaining unit member who believes they should receive the retroactive stipend will notify the Chromebook point person. The estimated financial impact for stipends paid to non-TIS classified employees is \$90,500 and will be funded by the general fund.

Contact: Bob Presby, Associate Superintendent, Human Resource Services

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

252

This is a quarterly item. Acceptance of Williams Settlement Legislation Orange County Department of Education (OCDE) 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 § 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 at a regularly scheduled public meeting each quarter.

Contact: Bob Presby, Associate Superintendent, Human Resource Services

3. CONSIDER AND APPROVE THE REVISED JOB DESCRIPTIONS – BOYS ATHLETIC EQUIPMENT/LOCKER ROOM ATTENDANT AND GIRLS ATHLETIC EQUIPMENT/LOCKER ROOM ATTENDANT

256

This is a revised item. Approval of the revised job descriptions for the positions of Boys Athletic Equipment/Locker Room Attendant and Girls Athletic Equipment/Locker Room Attendant. Human Resource Services (HRS) and California School Employees Association (CSEA) have been working to align the job descriptions and ensure they both include the same essential duties. The revised job descriptions include the essential duty of assisting the appropriate teacher in the supervision of the boys'/girls' locker room during the school day. There is no financial impact.

Contact: Bob Presby, Associate Superintendent, Human Resource Services

4. CALIFORNIA STATE UNIVERSITY, FULLERTON FALL 2022 MASTER TEACHER HONORARIUM

262

This is a bi-annual item. Approval of payment of honorarium to District master teachers who supported a California State University, Fullerton (CSUF) Student Teacher during the Fall 2022 semester. Universities pay master teachers a nominal payment for their supervision and support of Student Teachers. CSUF reimburses the District for these master teacher payments. The compensation amounts vary based on the nature of the assignments. There is no financial impact.



Contact: Bob Presby, Associate Superintendent, Human Resource Services

- 5. RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CERTIFICATED EMPLOYEES 266
 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

- 6. RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CLASSIFIED EMPLOYEES 280
 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 - FEBRUARY 22, 2023 291
 This is a monthly item. Approval of the February 22, 2023, Regular Board meeting minutes.
Contact: Colleen Hayes, Manager II, Board Operations/Superintendent's Office

- 2. SCHOOL BOARD MINUTES - MARCH 1, 2023 303
 This is a monthly item. Approval of the March 1, 2023, Special Board meeting minutes.
Contact: Colleen Hayes, Manager II, Board Operations/Superintendent's Office

14. DISCUSSION ACTION ITEMS 306

A. DISCUSSION/INFORMATION ITEMS

- 1. CERTIFICATION OF THE 2022-2023 SECOND INTERIM FINANCIAL REPORT 307
 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 appropriate State and County Office of Education officials as to whether or not the District will be able to meet its financial obligations for the remainder of the fiscal year. Additionally, as required by Assembly Bill (AB) 2756, districts must certify that minimum reserve levels are projected to be met in the two subsequent fiscal years.
CUSD WIG 2: Communications - Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions.
Contact: Clark Hampton, Interim Superintendent

Staff Recommendation

It is recommended the Board President recognize Clark Hampton, Interim Superintendent, to present this item.

Following discussion, it is recommended the Board of Trustees approve the



Certification of the 2022-2023 Second Interim Financial Report.

Motion by _____ Seconded by _____

2. DESIGNATION OF TITLE I SCHOOL – CARL HANKEY MIDDLE SCHOOL 425

This is a new action item. Carl Hankey Middle School is in the range of identification and designation as a Title I school. The enrollment and low-income data from the current year 2022-2023 is used for the identification of schools for the following 2023-2024 school year. A Title I needs assessment and plan will be developed for Carl Hankey Middle School which will outline proposed goals, actions, and services tied to the expenditures. This plan will be brought forward at the May 17, 2023, Board meeting. Approximately \$100,000 in Title I funding will be allocated to Carl Hankey Middle School for the 2023-2024 school year.

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

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

Staff Recommendation

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

Following discussion, it is recommended the Board of Trustees approve Carl Hankey Middle School as a Title I school.

Motion by _____ Seconded by _____

3. FIRST READING – BOARD POLICY 3430, INVESTING 429

This is a new action item. The proposed revisions to Board Policy 3430, *Investing*, bring the policy current by aligning with the law. The revised language and title change from Investment of District Funds to Investing provides updated language and legal references. 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, Interim Superintendent

Staff Recommendation

It is recommended the Board President recognize Clark Hampton, Interim Superintendent, to present this item.

Following discussion, it is recommended the Board of Trustees approve the first reading of Board Policy 3430, *Investing*.

Motion by _____ Seconded by _____

15. ADJOURNMENT

Motion by _____ Seconded by _____



**March 15, 2023 Regular Board Meeting
03/15/2023 - 07:00 PM**

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS
WEDNESDAY, APRIL 19, 2023, 7:00 P.M.
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.