



**October 18, 2023 Regular Board Meeting
10/18/2023 - 07:00 PM**

BOARD OF TRUSTEES BOARD ROOM
33122 Valle Rd., San Juan Capistrano, Ca 92675
Closed Session 6:00 PM Open Session 7:00 PM

AGENDA

CLOSED SESSION AT 6:00 P.M.

Trustee Pritchard will be teleconferencing into the Board meeting. Location: 475 Carroll Mountain Lane, Vermont 05661.

1. CALL TO ORDER

2. CLOSED SESSION COMMENTS

3. CLOSED SESSION (as authorized by law)

A. STUDENT EXPULSIONS

Darrin Jindra

Two Cases

1. Case No. 2024-002
2. Case No. 2024-004

B. STUDENT READMISSIONS

Darrin Jindra

Two Cases

1. Case No. 2023-006
2. Case No. 2023-013

C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Gregory Merwin/Clint Collins

Attorney – Justin Shinnfield

Significant Exposure to Litigation – Two Cases

1. OAH Case No. 2023020858
2. OAH Case No. 2023040124

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

Bob Presby

Significant Exposure to Litigation – One Case

3. Resolution No. 2223-21

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

D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

District Negotiators: Christopher Brown/Clark Hampton

Attorney: Andreas Chialtas, AALRR

1. 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

(Pursuant to Government Code § 54956.8)

E. CONFERENCE WITH LABOR NEGOTIATORS

District Negotiators: Christopher Brown/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)

F. PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT

- Bob Presby
1. Director II, Safety and Student Services
(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. SUPERINTENDENT AND BOARD COMMENTS

10. STUDENT BOARD MEMBER COMMENTS

11. 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.

12. 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 Superintendent and staff recommend approval of all Consent Calendar items.

13. CONSENT CALENDAR - Business and Support Services

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A. DONATION OF FUNDS AND EQUIPMENT

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This is a monthly item. Approval of donations of funds and equipment. A number of gifts have been donated to the District, including \$165,246.90 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.

B. PURCHASE ORDERS, COMMERCIAL WARRANTS AND PREVIOUSLY BOARD-APPROVED BIDS AND CONTRACTS

14



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 \$16,913,970.73 and the commercial warrants total \$27,835,458.33. 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.

C. AGREEMENTS AND BIDS 129

This is a monthly item. Approval of each agreement, amendment, bid award, and piggyback bid listed on the following Summary Listing. Any item with a financial impact is identified therein.

D. LICENSE AGREEMENT FOR CAPISTRANO VALLEY HIGH SCHOOL PROPERTY ENCROACHMENT - LYDIA ALLEN 135

This is a subsequent item. Approval of a License Agreement with Mission Viejo homeowner, Lydia Allen, involving encroached territory adjacent to Capistrano Valley High School. Specifically, the property owned by Ms. Allen at 26492 La Quilla Lane, the backyard of which has expanded onto District-owned land behind the home. The License would give Ms. Allen two years to remove the encroachment from District property. The License is effective upon full execution and has been reviewed by legal counsel. There is no financial impact.

14. CONSENT CALENDAR - Curriculum and Instruction 146

A. AGREEMENT NO. 10003855 WITH THE ORANGE COUNTY SUPERINTENDENT OF SCHOOLS 147

This is a biennial item. Approval of the ratification of Agreement No. 10003855 with the Orange County Superintendent of Schools, Strong Workforce Program (SWP) K12 Pathway Improvement Grant (Round 5) OC Pathways Service Agreement, January 1, 2023, through June 25, 2025. The agreement will be implemented in accordance with the conditions defined in the SWP K12 Pathway Improvement Grant Service Agreement (Round 5) and sets forth the responsibilities of the District and the Orange County Superintendent of Schools. The maximum payment obligation of the Orange County Superintendent of Schools under this agreement for the period January 1, 2023, through June 25, 2025, is \$148,138.64.

B. DATA SHARING AGREEMENT WITH PAPER EDUCATION COMPANY 167


This is a new item. Approval of the Data Sharing Agreement with Paper Education Company to conduct an impact analysis of Paper Education at the District during the 2023-2024 school year. Paper Education complies with the Family Education Rights and Privacy Act (20 U.S.C. s. 1232g) and 34 C.F.R. s. 99.31(a)(1)(i)(B). Paper Education Company will adhere to data privacy standards and data received by Paper from the District shall be de-identified or destroyed in accordance with industry standard practices. The District has been utilizing Paper Education beginning in the 2021-2022 school year. Paper Tutoring is an online chat-based program that provides live tutoring for students 24



hours a day, 7 days a week. The purpose of this project is to produce reports on how the usage of Paper Education impacts student academic performance and how teacher implementation of Paper affects student academic performance. The Paper Impact Team will run a study of student usage (i.e., number and duration of tutoring sessions, number of essay reviews, math missions, etc.) with some of the District's validated outcome measures including i-Ready Math, i-Ready Reading, Preliminary Scholastic Aptitude Test and other classroom diagnostics. The Paper Impact Team will also partner with District instructional leaders to assess educator implementation of Paper at the classroom level using mixed methods in order to understand how different types of implementation affect academic outcomes. There is no financial impact.


C. MEMORANDUM OF UNDERSTANDING WITH THE CITY OF DANA POINT  173

This is a new item. Approval of the Memorandum of Understanding with the City of Dana Point, October 19, 2023, through June 30, 2024. The City of Dana Point offers tuition-free sports programs serving approximately 90 elementary students, providing enrichment opportunities such as soccer, basketball, kickball, and more, for underserved students attending Palisades Elementary School. There is no financial impact.


D. MEMORANDUM OF UNDERSTANDING WITH THE ORANGE COUNTY SUPERINTENDENT OF SCHOOLS  178

This is an annual item. Approval of the ratification of the Memorandum of Understanding with the Orange County Superintendent of Schools will allow Orange County Department of Education (OCDE) to provide special education programs and services for eligible District students from July 1, 2023, through June 30, 2024. The OCDE Division of Special Education Services operates a special schools program for pupils with exceptional needs who require intensive educational services. These students are referred by their Individualized Education Program (IEP) teams when it is jointly determined by the District and OCDE that the student's educational needs, as specified in the IEP, can be appropriately met by OCDE programs and services. The District has approximately 50 students enrolled in OCDE programs per year. There are three cost categories for OCDE programs: classroom cost; transportation cost; and special circumstance aide cost. The average classroom cost per student is \$70,473. Based on average enrollment, the estimated District cost for students attending OCDE classes for the 2023-2024 school year is approximately \$3,600,000. The estimated District cost for transportation provided by OCDE is approximately \$990,000. The estimated District cost for required special circumstance aides in classrooms or on buses is approximately \$1,000,000. Annual expenditures under this agreement are funded by special education funds.

15. CONSENT CALENDAR - Human Resource Services 201

A. RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CERTIFICATED EMPLOYEES  202

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.

B. RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CLASSIFIED EMPLOYEES  240

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.

16. CONSENT CALENDAR - General Functions 280

A. SCHOOL BOARD MINUTES - SEPTEMBER 20, 2023 281

This is a monthly item. Approval of the September 20, 2023, regular Board meeting minutes.

B. SCHOOL BOARD MINUTES - OCTOBER 4, 2023 292

This is a monthly item. Approval of the October 4, 2023, Board Workshop meeting minutes.

17. DISCUSSION ACTION/INFORMATION ITEMS 295

A. 2022-2023 EDUCATION AND SUPPORT SERVICES ACCOMPLISHMENTS 296

This is an annual information item. Education and Support Services staff will present a review of the 2022-2023 division accomplishments. These accomplishments align with the District's mission to prepare students to meet the challenges of a rapidly changing world, the vision of an unwavering commitment to student success, and the Vision of a CUSD Graduate.

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

B. CONSIDERATION FOR A BOARD POLICY FOR PARENTAL NOTIFICATION 309

Motion by _____ Seconded by _____

This is a new action item. Per Board Policy 9322, *Agenda/Meeting Materials*, Board members may place any item on the agenda no later than ten days before the scheduled meeting date. Trustee Davis is recommending the Board consider a Board Policy regarding parent/guardian notification for all non-academic issues.

Trustee Recommendation

Trustee Davis recommends the Board of Trustees adopt a Board Policy regarding parental notification.

C. BOARD ACTION TO ADOPT DISTRICT'S INITIAL PROPOSAL TO CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION, CAPISTRANO CHAPTER 224 (CSEA), FOR NEGOTIATIONS FOR THE 2023-2024 FISCAL YEAR, AND CSEA'S 2023-2024 INITIAL REOPENER CONTRACT PROPOSAL TO THE DISTRICT 312

Motion by _____ Seconded by _____

This is a new action item. This agenda item presents for Board consideration the initial proposal from the District to the California School Employees Association, Capistrano Chapter 224 (CSEA), for negotiations for the 2023-2024 fiscal year and their Initial Reopener Contract Proposal to the District for the 2023-2024 fiscal year. As required by Government Code § 3547, after the public has had the



opportunity to express itself on the initial proposals, the Board shall approve its initial proposal.

Staff Recommendation

It is recommended the Board of Trustees approve the District's initial proposal to California School Employees Association, Capistrano Chapter 224 (CSEA), for Negotiations for the 2023-2024 fiscal year, and CSEA's Initial Reopener Contract Proposal to the District for 2023-2024.

18. ADJOURNMENT

Motion by _____ Seconded by _____

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS
WEDNESDAY, NOVEMBER 8, 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.