

CAPISTRANO UNIFIED SCHOOL DISTRICT
San Juan Capistrano, California

May 1, 2024

RESOLUTION NO. 2324-29
NON-REELECTION OF TEMPORARY CERTIFICATED EMPLOYEES

A. General Recitals

WHEREAS, the Board of Trustees employs Temporary certificated employees pursuant to § 44909, § 44918, and § 44920 of the Education Code; and

WHEREAS, Education Code § 44916 requires a Temporary certificated employee to receive notice, prior to the first day of paid service, of the Temporary nature of the employment and the anticipated length of service; and

WHEREAS, each employee classified as a Temporary certificated employee pursuant to § 44909, § 44918, and § 44920 of the Education Code received notice, prior to their first day of paid service, of the Temporary nature of the employment and anticipated length of their service; and

WHEREAS, Education Code § 44954 provides that the Board of Trustees shall notify Temporary employees in a position requiring certification qualification of the District's decision to release the employees from such a position prior to the next succeeding school year; and

WHEREAS, through this resolution, it is the intent of the Board of Trustees to release each Temporary certificated employee employed for the 2023-2024 school year effective no later than the last school day of the school year.

B. Employment of Temporary Employees as Leave Replacements Pursuant to Education Code § 44920

WHEREAS, Education Code § 44920 permits the Board of Trustees to "employ as a teacher any person holding appropriate certification documents, and may classify such person as a Temporary employee" "based upon the need for additional certificated employees during a particular semester or year because a certificated employee has been granted leave for a semester or year, or is experiencing long-term illness;" and

WHEREAS, the Board of Trustees employed the following certificated employees under Temporary contracts pursuant to Education Code § 44920 during the 2023-2024 school year:

32472	36863	40003	34310	38364	39058
39389	39152	39347	27338	39517	40017

37920	36158	39400	36673	21815	33857
37671	34463	37584	36382	33887	37615
35719	38549	39398	39802	39353	37655
39497	38398	38380	33624	37626	39346
37783	39417	39361	40010	39505	39381
26282	39322	39386	24131	39470	39465
35838	34808	29069	36892	39666	

WHEREAS, the above-listed employees may be released pursuant to Education Code § 44918 and § 44954 regardless of any expiration of a contract or a specially funded project; and

WHEREAS, the Board of Trustees of the Capistrano Unified School District has determined to release the above-listed employees at the conclusion of the current 2023-2024 school year.

C. Employment of Temporary Employees in Categorically Funded Programs Pursuant to Education Code 44909

WHEREAS, Education Code § 44909 permits the Board of Trustees to "employ persons possessing an appropriate credential as certificated employees in programs and projects to perform services conducted under contract with public or private agencies, or categorically funded projects which are not required by federal or state statutes;" and

WHEREAS, Education Code § 44909 provides, "Such persons may be employed for periods which are less than a full school year and may be terminated at the expiration of the contract or specially funded project without regard to other requirements of this code respecting the termination of temporary or permanent employees other than § 44918;" and

WHEREAS, the Board of Trustees employed the following certificated employees under Temporary contracts in categorically funded positions pursuant to Education Code § 44909 during the 2023-2024 school year:

39712	39888	39873	16422	37434	37071
38185	36664	34537	21408	36725	37464
38183	37763	36513	36715	36943	37287
36822	36479	37286	39348	36759	38386
37430	34778	37578	36299	39489	18293
38471	39499	32047	37543	35478	36027

29163	35763	35876	29994	37930	38249
39362	36670	39519	35323	33422	38470
36685	39532	38456	37159	36972	37466
37446	30293	39490	37524	37557	33231
36631	37487	36349	37429	35874	36273
37425	31611	39502	38460	37367	37221
38304	36740	39529	34102	16416	38542
36790	39042	36181	38093	27277	37185
26829	37272	37588	33711	34961	38172
34190	36258	37462	36053	38175	35333
37522	34525	38496	39491	36638	36276
39577	19077	39508	37640	36808	37662
33993	29437	38342	38490	39416	37715
38503	37503	33028	38462	39506	37546
39461	39395	36824	39501	36687	36960
39469	37587	36426	37611	26766	39390
37803	38305	37743	38327	39350	38348
29613	38328	37681	39405	36020	39452
39059	37575	38347	37984	31179	39365
36416	39699	38312	37579	37974	37673
37086	37740	38351	38379	36497	38442
32199	39370	38140	37786	38425	38638
32137	33567	37455	37620	29488	38423
39494	39500	36491	37456	37774	31991
33929	35488	34566	36242	37440	38222
37245	37345	40100	37931	37372	

WHEREAS, Education Code § 44909 requires the "terms and conditions under which such persons are employed shall be mutually agreed upon by the employee and the Board of Trustees and such agreement shall be reduced in writing;" and

WHEREAS, each of the above-listed individuals was employed pursuant to a mutually agreed-upon contract between the employee and the Board of Trustees and for the term of the contract or project; and

WHEREAS, the employees were hired to perform services conducted under contract with public or private agencies or categorically funded projects which are not required by federal or state statutes; and

WHEREAS, the term for each specifically fund project or contract has expired, or will expire by the termination date of each employee's contract; and

WHEREAS, all categorical funds used to justify the above-listed employees' classification as Temporary under Education Code § 44909 will be expended and therefore will expire at the end of the 2023-2024 school year; and

WHEREAS, no categorical funding used to justify the above-listed employees' classification as Temporary under Education Code § 44909 has a duration beyond the 2023-2024 school year; and

WHEREAS, accordingly, each of the above-listed employees designated as Temporary by the District under Education Code § 44909 may be released at the end of the 2023-2024 school year without the procedural requirements applicable to temporary and permanent employees; and

WHEREAS, the Board of Trustees has determined to release the above-listed employees, whether their lawful status is considered to be Temporary or temporary, at the end of the current 2023-2024 school year, consistent with the terms of Education Code § 44909, and § 44954.

D. Employment of Temporary Employees to Replace Regular Employees Assigned to Categorically Funded Programs Pursuant to Education Code § 44909

WHEREAS, Education Code § 44909 further provides, "Whenever any certificated employee in the regular educational program is assigned to a categorically funded project not required by federal or state statute and the district employs an additional credentialed person to replace that certificated employee, the replacement certificated employee shall be subject to the provisions of § 44918;" and

WHEREAS, the lawful status of certificated employees employed pursuant to this provision of Education Code § 44909 is Temporary; and

WHEREAS, the Board of Trustees employed the following certificated employees under Temporary contracts to replace regular employees assigned to categorically funded projects or programs pursuant to Education Code § 44909 during the 2023-2024 school year:

39463	CF EDU EFF (6266)	35578	CF One-Time Money (0501)
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39757	CF IDEA Fed Preschool (3315)	36104	CF IDEA Fed Preschool (3315)
39242	CF ESSER III (3213)	21969	CF One-Time Money (0501)
39399	CF ESSER III (3213)	39010	CF ESSER III (3213)
38340	One-Time Money (0501)	38687	CF One-Time Money (0501)
39411	CF IDEA Fed Preschool (3315)	34806	CF One-Time Money (0501)
38685	CF One-Time Money (0501)	35415	CF ESSER III (3213)
37931	CF One-Time Money (0501)	37311	CF IDEA Fed Preschool (3315)
39345	CF ESSER III (3213)	15104	CF IDEA Fed Preschool (3315)
35291	CF One-Time Money (0501)	28732	CF ESSER III (3213)
39920	CF IDEA Fed Preschool (3315)	39409	CF ESSER III (3213)
39360	CF IDEA Fed Preschool (3315)	38634	CF Title I (3010)
37209	CF One-Time Money (0501)	38410	CF IDEA Fed Preschool (3315)
38764	CF SpEd Mental Health (6546)	26109	CF ESSER III (3213)
39326	CF ESSER III (3213)	39413	CF ESSER III (3213)
37435	CF One-Time Money (0501)	39430	CF EDU EFF (6266)
36143	CF IDEA Fed Preschool (3315)	38434	CF SpEd Mental Health (6546)
38502	CF IDEA Fed Preschool (3315)	38604	CF SpEd Mental Health (6546)
40009	CF ESSER III (3213)	37439	CF One-Time Money (0501)
34744	CF ESSER III (3213)	22060	CF ESSER III (3213)
37336	CF ESSER III (3213)	39255	CF Title I (3010)
18621	CF Tchr Development (0404)	32459	CF ESSER III (3213)
36813	CF ESSER III (3213)	28959	CF ESSER III (3213)
38822	CF ESSER III (3213)	35867	CF EDU EFF (6266)
37603	CF ESSER III (3213)	25211	CF ESSER III (3213)

37172	CF ESSER III (3213)	39531	CF LCFF Sup (0790)
37436	CF ESSER III (3213)	36779	CF ESSER III (3213)
30281	CF ESSER III (3213)	37622	CF ESSER III (3213)
37652	CF ESSER III (3213)	23804	CF Title III LEP (4203)
36907	CF ESSER III (3213)	33594	CF ESSA Title IV (4127)
21973	CF ESSER III (3213)	11662	CF ESSER III (3213)
37612	CF ESSER III (3213)	37573	CF ESSER III (3213)
36032	CF ESSER III (3213)	37569	CF ESSER III (3213)
20243	CF ESSER III (3213)	37531	CF ESSER III (3213)
37171	CF ESSER III (3213)	39495	CF Title I (3010)
38963	CF LCFF Sup (0790)	36672	CF EDU EFF (6266)
37104	CF ESSER III (3213)	39492	CF ESSER III (3213)
35428	CF ESSER III (3213)	37600	CF ESSER III (3213)
37602	CF ESSER III (3213)	39376	CF Title I (3010)
37530	CF ESSER III (3213)	37459	CF ESSER III (3213)
15318	CF IDEA Fed Preschool (3315)	32017	CF Billings/Invoices (0986)
38079	CF Billings/Invoices (0986)	38336	CF Billings/Invoices (0986)
28857	CF Billings/Invoices (0986)	37359	CF Billings/Invoices (0986)
13338	CF EDU EFF (6266) .8/CF Gift (0400) .2	37428	CF EDU EFF (6266)
37453	CF EDU EFF (6266)	37424	CF EDU EFF (6266)
37617	CF EDU EFF (6266)	36812	CF EDU EFF (6266)
34092	CF EDU EFF (6266)	37521	CF EDU EFF (6266)
37484	CF EDU EFF (6266)	33584	CF EDU EFF (6266)
37472	CF EDU EFF (6266)	36895	CF EDU EFF (6266)
37556	CF EDU EFF (6266)	37127	CF EDU EFF (6266)
37548	CF EDU EFF (6266)	33960	CF EDU EFF (6266)
37520	CF EDU EFF (6266)	36468	CF EDU EFF (6266)
34569	CF EDU EFF (6266)	37541	CF EDU EFF (6266)

27226	CF EDU EFF (6266)	38818	CF IDEA Fed Preschool (3315)
39515	CF LCFF Sup (0790) .8/CF Gift (0400) .2	35862	CF LCFF Sup (0790)
39464	CF LCFF Sup (0790)	39479	CF LCFF Sup (0790)
35753	CF LCFF Sup (0790)	20116	CF LCFF Sup (0790)
38400	CF LCFF Sup (0790)	30459	CF LCFF Sup (0790)
35636	CF LCFF Sup (0790)	34460	CF LCFF Sup (0790)
24613	CF LCFF Sup (0790)	28940	CF LCFF Sup (0790)
39321	CF LCFF Sup (0790)	37299	CF LCFF Sup (0790)
38323	CF LCFF Sup (0790)	37723	CF LCFF Sup (0790)
34763	CF One-Time Money (0501)	37298	CF One-Time Money (0501)
37482	CF One-Time Money (0501)	40105	CF One-Time Money (0501)
39338	CF One-Time Money (0501)	15363	CF One-Time Money (0501)
37343	CF One-Time Money (0501)	37952	CF One-Time Money (0501)
36995	CF One-Time Money (0501)	36503	CF One-Time Money (0501)
36905	CF One-Time Money (0501)	39498	CF One-Time Money (0501)
34823	CF One-Time Money (0501)	30714	CF One-Time Money (0501)
39682	CF One-Time Money (0501)	26889	CF One-Time Money (0501)
37904	CF One-Time Money (0501)	36816	CF One-Time Money (0501)
37448	CF One-Time Money (0501)	37554	CF One-Time Money (0501)
29871	CF One-Time Money (0501)	38054	CF One-Time Money (0501)
39438	CF One-Time Money (0501)	37553	CF One-Time Money (0501)
36300	CF One-Time Money (0501)	38635	CF One-Time Money (0501)
38399	CF One-Time Money (0501)	31918	CF One-Time Money (0501)
39467	CF One-Time Money (0501)	39351	CF One-Time Money (0501)
38171	CF One-Time Money (0501)	37691	CF One-Time Money (0501)
38378	CF One-Time Money (0501)	38753	CF One-Time Money (0501)
39806	CF One-Time Money (0501)	37865	CF One-Time Money (0501)
39119	CF One-Time Money (0501)	40106	CF One-Time Money (0501)

37888	CF One-Time Money (0501)	37648	CF Title I (3010) .9/CF Gift (0400) .1
33184	CF Title I (3010)	32538	CF Title I (3010)
39410	CF Title I (3010)	39046	CF Title I (3010)
39557	CF Title I (3010)	25470	CF SpEd IDEA Mental Health (3327)
37392	Tchr Development (0404)		

WHEREAS, the Board of Trustees of the Capistrano Unified School District has determined to release each of the above-listed employees at the end of the current 2023-2024 school year.

NOW THEREFORE BE IT RESOLVED that the above recitals are true and correct;
and

BE IT FURTHER RESOLVED that the Board of Trustees of the Capistrano Unified School District hereby directs that notice be provided to each of the above employees of his or her non-release effective upon the close of the 2023-2024 school year or the expiration of any applicable Temporary contract (whichever occurs first), that their employment with the Capistrano Unified School District is thereby ended accordingly, and that the notification be provided on or after May 1, 2024.

CAPISTRANO UNIFIED SCHOOL DISTRICT
San Juan Capistrano, California

RESOLUTION NO. 2324-29
RESOLUTION OF THE BOARD OF TRUSTEES
OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT

PASSED AND ADOPTED by the Board of Trustees of the Capistrano Unified School District on May 1, 2024, by the following vote:

AYES: 7
NOES: 0
ABSTENTIONS: 0
ABSENT: 0

**BOARD OF TRUSTEES OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT,
COUNTY OF ORANGE, STATE OF CALIFORNIA**


Krista Castellanos
President to the Board of Trustees

I, Amy Hanacek, Clerk of the Capistrano Unified School District Board of Trustees, do certify that the foregoing Resolution was regularly introduced, passed and adopted by the Board of Trustees at its regular meeting held on May 1, 2024.


Amy Hanacek
Clerk of the Board of Trustees