

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES OF REGULAR MEETING
MAY 20, 2020
EDUCATION CENTER – BOARD ROOM
REVISED

Due to the nature of the COVID-19 pandemic and in accordance with Governor Newsom's Executive Order N-29-20, issued on March 17, 2020, the Board members will have the option to attend the meeting and take action on any item telephonically.

President Reardon called the meeting to order at 4:36 p.m.

**Call to Order/
Adjourn to Closed
Session**

ROLL CALL:

Present: Trustees Bullockus, Castellanos, Hanacek, Holloway, Jones, McNicholas, and Reardon
Absent: None

The Board recessed to closed session to discuss: Public Health Emergency; Conference with Legal Counsel – Anticipated Litigation; Conference with Legal Counsel – Existing Litigation; Conference with Real Property Negotiators; Conference with Labor Negotiators; Public Employee Employment/Appointment; Public Employee Discipline/Dismissal/Release; Public Employment and Evaluation of Performance.

**Closed Session
Comments**

The regular meeting of the Board of Trustees was called to order by President Reardon at 7:07 p.m.

ROLL CALL:

Present: Trustees Bullockus, Castellanos, Hanacek, Holloway, Jones, McNicholas, Reardon and Student Advisor Koenigshofer
Absent: None

The Pledge of Allegiance was led by Jim Reardon, President, Board of Trustees.

**Pledge of
Allegiance
Permanent Record**

The Board meeting discussion related to each of the items on the public agenda is on file in the Superintendent's office as a matter of the permanent record. An audio recording of the meeting is available on the District website: www.capousd.org

It was moved by Trustee McNicholas and seconded by Trustee Jones and motion carried by a 7-0 roll call vote to adopt the Regular Board agenda.

**Adoption of the
Board Agenda**

AYES: Trustees Bullockus, Castellanos, Hanacek, Holloway, Jones, McNicholas, and Reardon
NOES: None
ABSENT: None

Student Advisor Koenigshofer voted aye to adopt the agenda.

President Reardon asked Colleen Hayes, Manager II - Board Operations/ Superintendent's Office to read the report out of closed session:

**President's Report
from Closed
Session Meeting**

Agenda Item #3A– Public Health Emergency
Trustees gave direction to staff.

Agenda Item #3B– Conference with Legal Counsel – Anticipated Litigation
Significant Exposure to Litigation – Four Cases

Trustees voted 7-0 to approve the staff recommendation on the following cases:

- ADR Case Number 20190619
- ADR Case Number 20200421
- ADR Case Number 20200424
- ADR Case Number 20200430

Agenda Item #3C – Conference with Legal Counsel – Existing Litigation

Significant Exposure to Litigation – One Case

Trustees voted 6-0-1 to approve staff recommendation on the following case:

- OAH Case Number 2019120601

Agenda Item #3D – Conference with Real Property Negotiators

Trustees tabled this item to the May 27, 2020 Special Board meeting.

Agenda Item #3E – Conference with Labor Negotiators

No reportable action.

Agenda Item #3F – Public Employee Employment/Appointment

Trustees voted 7-0 to approve staff recommendation to appoint Laura Kindron, Principal Elementary School, assigned to Clarence Lobo Elementary School.

Trustees voted 7-0 to approve staff recommendation to appoint Gretchen Fleming, Principal Elementary School, assigned to Concordia Elementary School.

Trustees voted 7-0 to approve staff recommendation to appoint Amy Varricchio, Principal Middle School, assigned to Don Juan Avila Middle School.

Trustees voted 7-0 to approve staff recommendation to appoint Dr. Catherine Thompson, Principal Middle School, assigned to Marco Forster Middle School.

Agenda Item #3G – Public Employee Discipline/Dismissal/Release

On agenda item 3G-1 Trustees voted 7-0 to approve staff recommendation.

On agenda item 3G-2 Trustees voted 7-0 to approve staff recommendation.

On agenda item 3G-2 Trustees voted 7-0 to approve staff recommendation.

Agenda Item #3H – Public Employment and Evaluation of Performance

Superintendent

Trustees tabled this item to the May 27, 2020 Special Board meeting.

Superintendent Vital reported on the various activities at our sites in the past weeks.

**Board and
Superintendent
Comments**

Trustees thanked Genavieve Koenigshofer, Student Advisor to the Board, for her service to the District for the 2019-2020 school year.

The following speakers addressed the Board:

**Oral
Communications**

- Shawnn Smark spoke regarding distance learning in the fall
- Michele Ploessel-Campbell spoke regarding PTA/PTSA and end of the school year

At 7:27 p.m. President Reardon opened the Public Hearing on Instructional Materials Recommended for Adoption: Secondary Language Arts/Mandarin Immersion Program,

**Public Hearing:
Instructional
Materials**

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Grade 9, and Secondary Introduction to Statistics and Math for the College Bound, Grades 10-12.

No speakers addressed the Board.

President Reardon closed the Public Hearing at 7:27 p.m.

**Recommended for Adoption:
Secondary Language Arts/Mandarin Immersion Program, Grade 9, and Secondary Introduction to Statistics and Math for the College Bound, Grades 10-12
Agenda Item 1
Consent Calendar**

CONSENT CALENDAR

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, staff, or the public request specific items to be discussed and/or removed from the Consent Calendar. The Superintendent and the staff recommend approval of all Consent Calendar items.

President Reardon asked Trustees for items they wished to pull from the Consent Calendar. Trustee Holloway pulled agenda item #6.

It was moved by Trustee McNicholas and seconded by Trustee Bullockus motion carried by a 7-0 roll call vote to approve the following Consent Calendar with the exception of items pulled.

- AYES: Trustees Bullockus, Castellanos, Hanacek, Holloway, Jones, McNicholas and Reardon
- NOES: None
- ABSENT: None

Student Advisor Koenigshofer voted aye to approve the Consent Calendar.

Approval of donations of funds and equipment.

Approval of purchase orders (Attachment 1) and commercial warrants (Attachment 2).

Approval of the District standardized Independent Contractor, Professional Services, Field Service and Master Contract agreements.

**Donation of Funds and Equipment
Agenda Item 2
Purchase Orders, Commercial Warrants and Previously Board-Approved Bids and Contracts
Agenda Item 3
Independent Contractor, Professional Services, Field Service, and Master Contract**

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Approval of Change Order No. 1, Bid No. 1920-04 for the Aliso Niguel High School STEM Building Project related to internet drops and tile specifics adjustments made in order to meet District standards.

Approval of Charter Facilities Agreement with Journey School to enter into an in-lieu arrangement where Journey will occupy the Foxborough Elementary School campus for the 2020-2021 school year through the 2024-2025 school year.

Approval of Charter Facilities Agreement with OCASA College Prep (OCP) to enter into an in-lieu arrangement where OCP will occupy space at 31522 El Camino Real in San Juan Capistrano (formerly the College and Career Advantage campus) in the 2020-2021 school year.

Approval of the ratification of the agreement with Child360 to provide consulting services to support the analysis and review of early childhood programming in the District, April 22, 2020 through May 12, 2020.

Approval of the Memorandum of Understanding (MOU) with Journey School.

Approval of the Student Teaching Placement Agreement with University of Northern Colorado, effective July 1, 2020 and expiring June 30, 2021.

Adoption of Resolution No. 1920-52, Non-Reelection of Temporary Certificated Employees. Education Code §§ 44909, 44918 and 44920 permit school districts to hire certificated employees on temporary contracts.

Approval of the activity list for employment, separation, and additional assignments of certificated employees.

Approval of the activity list for employment, separation, and additional assignments of classified employees.

**Agreements
Agenda Item 4
Change Order No. 1, Bid No. 1920-04, Aliso Niguel High School Stem Building Project
Agenda Item 5
Charter Facilities Agreement for 2020-2025 – Journey School
Agenda Item 7
Charter Facilities Agreement for 2020-2021 – OCASA College Prep
Agenda Item 8
Agreement with Child360 for Consulting Services
Agenda Item 9
Memorandum of Understanding with Journey School
Agenda Item 10
Student Teaching Placement Agreement with University of Northern Colorado
Agenda Item 11
Resolution No. 1920-52, Non-Reelection of Temporary Certificated Employees
Agenda Item 12
Resignations/Retirements/ Employment - Certificated Employees
Agenda Item 13
Resignations/Retirements/ Employment -**

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Approval of the April 29, 2020 Regular Board meeting minutes.

President Reardon recognized Kirsten M. Vital, Superintendent to present the item.

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

President Reardon recognized Clark Hampton, Deputy Superintendent, Business and Support Services to present the item.

It was moved by Trustee Holloway and seconded by Trustee Bullockus to adopt Resolution No. 1920-54, Authorization of Temporary Interfund Transfers. The motion carried 7-0 by a roll call vote.

- AYES: Trustees Bullockus, Castellanos, Hanacek, Holloway, Jones, McNicholas and Reardon
- NOES: None
- ABSENT: None

Student Advisor Koenigshofer voted aye to adopt Resolution No. 1920-54, Authorization of Temporary Interfund Transfers.

President Reardon recognized Clark Hampton, Deputy Superintendent, Business and Support Services to present the item.

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

President Reardon recognized Kirsten M. Vital, Superintendent to present the item.

It was moved by Trustee McNicholas and seconded by Trustee Jones to adopt Resolution No. 1920-56, Resolution and Order of Biennial Trustee Election Specifications of the Election Order. The motion carried 7-0 by a roll call vote.

- AYES: Trustees Bullockus, Castellanos, Hanacek, Holloway, Jones, McNicholas and Reardon
- NOES: None
- ABSENT: None

Student Advisor Koenigshofer voted aye to adopt Resolution No. 1920-56, Resolution and Order of Biennial Trustee Election Specifications of the Election Order.

President Reardon recognized Susan Holliday, Associate Superintendent, Education Services to present the item.

It was presented by President Reardon to consolidate agenda items 20, 21, and 22 into one roll call vote. It was moved by Trustee McNicholas and seconded by Trustee Holloway to approve the consolidation of all Board Policies into one vote. The motion carried 7-0 by a roll call vote.

**Classified
Employees
Agenda Item 14
School Board
Minutes
Agenda Item 15
Capitol Advisors
Group, LLC
Presentation
Agenda Item 16
Resolution No.
1920-54,
Authorization of
Temporary
Interfund
Transfers
Agenda Item 17**

**Governor’s May
Revise for Fiscal
Year 2020-2021
Agenda Item 18**

**Resolution No.
1920-56,
Resolution and
Order of Biennial
Trustee Election
Specifications of
the Election Order
Agenda Item 19**

**Second Reading -
Board Policy 5150,
Discipline
Agenda Item 20**

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AYES: Trustees Bullockus, Castellanos, Hanacek, Holloway, Jones,
McNicholas and Reardon

ABSENT: None

Student Advisor Koenigshofer voted aye to approve consolidating the Board Policy items 20, 21, and 22 into one roll call vote.

It was moved by Trustee McNicholas and seconded by Trustee Bullockus to approve Board Policy 5150, *Discipline*. The motion carried 7-0 by a roll call vote.

AYES: Trustees Bullockus, Castellanos, Hanacek, Holloway, Jones,
McNicholas and Reardon (as part of the consolidated motion for items
20, 21, and 22)

NOES: None

ABSENT: None

Student Advisor Koenigshofer voted aye to approve Board Policy 5150, *Discipline*.

It was moved by Trustee McNicholas and seconded by Trustee Bullockus to approve Board Policy 5152, *Suspension and Expulsion/Due Process*. The motion carried 7-0 by a roll call vote.

**Second Reading -
Board Policy 5152,
Suspension and
Expulsion/Due
Process
Agenda Item 21**

AYES: Trustees Bullockus, Castellanos, Hanacek, Holloway, Jones,
McNicholas and Reardon (as part of the consolidated motion for items
20, 21, and 22)

NOES: None

ABSENT: None

Student Advisor Koenigshofer voted aye to approve Board Policy 5152, *Suspension and Expulsion/Due Process*.

It was moved by Trustee McNicholas and seconded by Trustee Bullockus to approve Board Policy 6145, *Extracurricular and Co-curricular Activities*. The motion carried 7-0 by a roll call vote.

**Third Reading –
Board Policy 6145,
Extracurricular
and Co-
Curricular
Activities
Agenda Item 22**

AYES: Trustees Bullockus, Castellanos, Hanacek, Holloway, Jones,
McNicholas and Reardon (as part of the consolidated motion for items
20, 21, and 22)

NOES: None

ABSENT: None

Student Advisor Koenigshofer voted aye to approve Board Policy 6145, *Extracurricular and Co-curricular Activities*.

President Reardon recognized Susan Holliday, Associate Superintendent, Education Services to present the item.

**Instructional
Materials
Recommended for
Adoption:
Secondary
Expository
Reading and
Writing**

It was presented by President Reardon to consolidate and approve agenda items 23, 24 and 25 into one roll call vote. It was moved by Trustee Holloway and seconded by Trustee Bullockus The motion carried 7-0 by a roll call vote.

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AYES: Trustees Bullockus, Castellanos, Hanacek, Holloway, Jones,
McNicholas and Reardon
NOES: None
ABSENT: None

**Curriculum,
Grade 12
Agenda Item 23**

Student Advisor Koenigshofer voted aye to approve the consolidation of agenda item 23, 24, and 25 into one vote.

It was moved by Trustee Holloway and seconded by Trustee Bullockus to approve the adoption of the secondary Expository Reading and Writing Curriculum supplemental novel, grade 12: *The Distance Between Us* ©2012 by Reyna Grande, Washington Square Press. The motion carried 7-0 by a roll call vote.

AYES: Trustees Bullockus, Castellanos, Hanacek, Holloway, Jones,
McNicholas and Reardon (as part of the consolidated motion for items
23, 25 and 25)
NOES: None
ABSENT: None

Student Advisor Koenigshofer voted aye to approve the adoption of the secondary Expository Reading and Writing Curriculum supplemental novel, grade 12: *The Distance Between Us* ©2012 by Reyna Grande, Washington Square Press.

It was moved by Trustee Holloway and seconded by Trustee Bullockus to approve the adoption of *Statistics and Probability with Applications* ©2017 Bedford, Freeman, and Worth, grades 10-12. The motion carried 7-0 by a roll call vote.

**Instructional
Materials
Recommended for
Adoption:
Secondary
Introduction to
Statistics/Math for
the College
Bound, Grades 10-
12
Agenda Item 24**

AYES: Trustees Bullockus, Castellanos, Hanacek, Holloway, Jones,
McNicholas and Reardon (as part of the consolidated motion for items
23, 25 and 25)
NOES: None
ABSENT: None

Student Advisor Koenigshofer voted aye to approve the adoption of *Statistics and Probability with Applications* ©2017 Bedford, Freeman, and Worth, grades 10-12.

It was moved by Trustee Holloway and seconded by Trustee Bullockus to approve the adoption of the following Secondary Language Arts/Mandarin Immersion Program instructional materials, grade 9: *Zhen Bang! Level 3* ©2019 EMC Publishing and *Easy Steps to Chinese Level 6* ©2009 Beijing Language and Culture University Press. The motion carried 7-0 by a roll call vote.

**Instructional
Materials
Recommended for
Adoption:
Secondary
Language
Arts/Mandarin
Immersion
Program, Grade 9
Agenda Item 25**

AYES: Trustees Bullockus, Castellanos, Hanacek, Holloway, Jones,
McNicholas and Reardon (as part of the consolidated motion for items
23, 25 and 25)
NOES: None
ABSENT: None

Student Advisor Koenigshofer voted aye to approve the adoption of the following Secondary Language Arts/Mandarin Immersion Program instructional materials, grade 9: *Zhen Bang! Level 3* ©2019 EMC Publishing and *Easy Steps to Chinese Level 6* ©2009 Beijing Language and Culture University Press.

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President Reardon recognized Gila Jones, Clerk of the Board of Trustees to present the item.

Resolution No. 1920-58, Resolution Expressing the Desire of the Board of Trustees that all Teachers Honor Individual Student Requests for Credit/No Credit Grades Agenda Item 26

The following speakers addressed the Board:

- *Anthony Ruggiero spoke regarding the Do No Harm policy*
- *Samantha Geary spoke regarding the distance learning transition and the grading policy*
- *Jacqueline Flores, a senior in high school, spoke regarding the grading policy and equity for all students*

It was moved by Trustee Reardon and seconded by Trustee Bullockus to adopt Resolution No. 1920-58, Resolution Expressing the Desire of the Board of Trustees that All Teachers Honor Individual Student Requests for Credit/No Credit Grades. The motion carried 7-0 by a roll call vote.

AYES: Trustees Bullockus, Castellanos, Hanacek, Holloway, Jones, McNicholas and Reardon
NOES: None
ABSENT: None

Student Advisor Koenigshofer voted aye to adopt Resolution No. 1920-58, Resolution Expressing the Desire of the Board of Trustees that All Teachers Honor Individual Student Requests for Credit/No Credit Grades.

President Reardon recognized Clark Hampton, Deputy Superintendent, Business and Support Services.

Addendum to Transportation Contractor Agreement – American Logistics Company, LLC Agenda Item 6

It was moved by Trustee Holloway and seconded by Trustee Reardon to approve Addendum to Transportation Contractor Agreement with American Logistics Company to enable the contractor to be paid for transportation for days schools are closed pursuant to language in Senate Bill 117 § 1 (b) and establishing criteria for payment. The motion carried 7-0 by a roll call vote.

AYES: Trustees Bullockus, Castellanos, Hanacek, Holloway, Jones, McNicholas and Reardon
NOES: None
ABSENT: None

Student Advisor Koenigshofer voted aye to approve Addendum to Transportation Contractor Agreement with American Logistics Company to enable the contractor to be paid for transportation for days schools are closed pursuant to language in Senate Bill 117 § 1 (b) and establishing criteria for payment.

Trustees recessed to closed session at 9:10 p.m.

**Recess to Closed Session
Reconvene to Open Session
Adjournment**

Trustees reconvened to open session at 9:15 p.m.

It was moved by Trustee Hanacek and seconded by Trustee Bullockus to adjourn the meeting, motion carried 7-0 by a roll call vote.

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AYES: Trustees Bullockus, Castellanos, Hanacek, Holloway, Jones,
McNicholas and Reardon

NOES: None

ABSENT: None

Student Advisor Koenigshofer voted aye to adjourn the meeting.

President Reardon announced the meeting adjourned at 9:20 p.m.

Board Clerk

Secretary, Board of Trustees

Minutes submitted by Colleen Hayes, Manager II, Board Operations/Superintendent's Office