

CAPISTRANO UNIFIED SCHOOL DISTRICT
33122 Valle Road
San Juan Capistrano, CA 92675
BOARD OF TRUSTEES
Regular Meeting

June 17, 2020

Closed Session 5:00 p.m.
Open Session 7:00 p.m.

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. Members of the public may live stream the meeting from our District website at CAPOUSD.org.

There will be no physical meeting location open to the public. For this meeting, public input will not be facilitated in person. The District has provided the following option for the public to address the Board telephonically. Please submit your request to address the Board by clicking [here](#). Those who have registered to comment will receive an email prior to the meeting with information on how to join and comment telephonically. A speaker card will need to be submitted prior to the agenda item per Bylaws of the Board 9323, Meeting Conduct. 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 (3) 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. Detailed guidelines and information on what to do if you wish to address the Board of Trustees, is provided at the end of this agenda. Per the Ralph M. Brown Act the heading 'Public Health Emergency' is the appropriate language at this time based on the Governor's Executive order allowing public Boards to conduct business under the current circumstances.

AGENDA

CLOSED SESSION AT 5:00 P.M.

- 1. CALL TO ORDER**
- 2. CLOSED SESSION COMMENTS**
- 3. CLOSED SESSION** (as authorized by law)

A. PUBLIC HEALTH EMERGENCY

Consultation with Agency Counsel
Attorney – Anthony De Marco
Kirsten Vital/Greg Merwin/Josh Hill
(Pursuant to Government Code § 54957(a))

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Gregory Merwin/Kathy Purcell
Attorney – Justin Shinnfield
Significant Exposure to Litigation – Four Cases
ADR Case Number 20190509
ADR Case Number 20190719
ADR Case Number 20191022
ADR Case Number 20200527
(Pursuant to Government Code § 54956.9(d)(2))

EXHIBIT B-1
EXHIBIT B-2
EXHIBIT B-3
EXHIBIT B-4

Clark Hampton
Attorney – Terry Tao
Significant Exposure to Litigation – One Case
(Pursuant to Government Code § 54956.9 (d) (2) or (3))

EXHIBIT B-5

C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Gregory Merwin/Kathy Purcell
Attorney – Justin Shinnfield
Significant Exposure to Litigation – Three Cases
OAH Case Number 2019110180
OAH Case Number 2019110452
OAH Case Number 2020030267
(Pursuant to Government Code § 54956.9(d)(1))

EXHIBIT C-1
EXHIBIT C-2
EXHIBIT C-3

D. LIABILITY CLAIMS

Clark Hampton
Significant Exposure to Litigation – Two Cases
Rejection of Government Claim Nos.: 1907165 and 2007052
(Pursuant to Government Code § 54956.9 (d) (2) or (3))

EXHIBIT D-1
EXHIBIT D-2

E. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

District Negotiators: Kirsten M. Vital/Clark Hampton/John Forney
Attorney: Andreas Chialtas
Consultant: Lorrie Ruiz
Property: PA-3 K-8 School No. 2 an approximate 20-acre school site
Negotiating Party: Mike Balsamo/Elise Milington of Rancho Mission Viejo, LLC

EXHIBIT E-1

District Negotiators: Kirsten M. Vital and Clark Hampton
Attorney: Andreas Chialtas
Property: South Transportation and Groundskeeping Facility; 5.51 acre property located at 26126 Victoria Blvd, Dana Point, CA 92624
Negotiating Party: Toll Brothers, Inc.

EXHIBIT E-2

Under Negotiation: Price and Terms of Payment
(Pursuant to Education Code § 54956.8)

F. STUDENT READMISSIONS

Mike Beekman
Two Cases
Case # 2018-050
Case # 2019-055

EXHIBIT F-1
EXHIBIT F-2

G. CONFERENCE WITH LABOR NEGOTIATORS

District Negotiators: Kirsten M. Vital/Tim Brooks/Clark Hampton
Employee Organizations:
1) Capistrano Unified Education Association (CUEA)
2) California School Employees Association (CSEA)
3) Teamsters
4) Capistrano Unified Management Association (CUMA)
(Pursuant to Government Code § 54957.6)

EXHIBIT G-1

RECORDING OF SCHOOL BOARD MEETINGS

In accordance with Board Policy 9324, Board Minutes, all Regular School Board Meetings will be audio recorded.

OPEN SESSION AT 7:00 P.M.

CALL TO ORDER – ROLL CALL

PLEDGE OF ALLEGIANCE

ADOPTION OF THE AGENDA

REPORT ON CLOSED SESSION ACTION

BOARD AND SUPERINTENDENT COMMENTS

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.

PUBLIC HEARINGS

1. PUBLIC HEARING: 2020-2021 SPECIAL EDUCATION LOCAL PLAN AREA ANNUAL SERVICE PLAN AND ANNUAL BUDGET PLAN: Page 1
EXHIBIT 1

The Board will conduct a public hearing on the 2020-2021 Special Education Local Plan Area Annual Service Plan and Annual Budget Plan. A copy of the Annual Service Plan and Annual Budget Plan was offered to the public for inspection by appointment while the District continues to follow state and local social distancing rules. Supporting documentation is located in Exhibit #37.

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, Student Support Services

Staff Recommendation

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

2. PUBLIC HEARING: 2020-2021 PROPOSED BUDGET ADOPTION: Page 2
EXHIBIT 2

The Board will conduct a public hearing on the 2020-2021 Proposed Budget Adoption. Supporting documentation is located in Exhibit #38.

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

Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

Staff Recommendation

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

3. PUBLIC HEARING: CAPISTRANO UNIFIED SCHOOL DISTRICT’S INITIAL PROPOSAL TO CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION FOR 2020-2022 NEGOTIATIONS: Page 3
EXHIBIT 3

The Board will conduct a public hearing on Capistrano Unified School District’s initial proposal to California School Employees Association (CSEA) for negotiations for the 2020-2022 school year. This public hearing is conducted to meet the sunshining requirements set forth in Government Code § 3547. Supporting documentation is located in Exhibit #34.

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

Contact: Tim Brooks, Associate Superintendent, Human Resource Services

Staff Recommendation

It is recommended 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.

- 4. **PUBLIC HEARING: CAPISTRANO UNIFIED SCHOOL DISTRICT’S INITIAL PROPOSAL TO CAPISTRANO UNIFIED EDUCATION ASSOCIATION FOR 2020-2022 NEGOTIATIONS:** Page 5
EXHIBIT 4

The Board will conduct a public hearing on Capistrano Unified School District’s initial proposal to Capistrano Unified Education Association (CUEA) for negotiations for the 2020-2022 school year. This public hearing is conducted to meet the sunshining requirements set forth in Government Code § 3547. Supporting documentation is located in Exhibit #35.

CUSD WIG 2: Communications – Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions. Contact: Tim Brooks, Associate Superintendent, Human Resource Services

Staff Recommendation

It is recommended 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.

- 5. **PUBLIC HEARING: CAPISTRANO UNIFIED SCHOOL DISTRICT’S INITIAL PROPOSAL TO GENERAL TRUCK DRIVERS, OFFICE, FOOD AND WAREHOUSE UNION, TEAMSTERS LOCAL 952 FOR 2020-2022 NEGOTIATIONS:** Page 7
EXHIBIT 5

The Board will conduct a public hearing on Capistrano Unified School District’s initial proposal to General Truck Drivers, Office, Food and Warehouse Union, Teamsters Local 952 (Teamsters) for negotiations for the 2020-2022 school year. This public hearing is conducted to meet the sunshining requirements set forth in Government Code § 3547. Supporting documentation is located in Exhibit #36.

CUSD WIG 2: Communications – Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions. Contact: Tim Brooks, Associate Superintendent, Human Resource Services

Staff Recommendation

It is recommended 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.

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 or staff 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.

BUSINESS AND SUPPORT SERVICES

- 6. **DONATION OF FUNDS AND EQUIPMENT:** Page 9
EXHIBIT 6

Approval of donations of funds and equipment. A number of gifts have been donated to the District, including \$425,944.79 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, Deputy Superintendent, Business and Support Services

7. **PURCHASE ORDERS, COMMERCIAL WARRANTS AND PREVIOUSLY BOARD-APPROVED BIDS AND CONTRACTS:** Page 12
EXHIBIT 7
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 \$3,556,472.45 and the commercial warrants total \$9,914,174.32. 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, Deputy Superintendent, Business and Support Services
8. **INDEPENDENT CONTRACTOR, PROFESSIONAL SERVICES, FIELD SERVICE, AND MASTER CONTRACT AGREEMENTS:** Page 107
EXHIBIT 8
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 29 new agreements totaling \$2,217,733.16 and 28 amendments to existing agreements totaling \$224,874. 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](#).
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
9. **AWARD BID NO. 1920-08, CCA PORTABLE CLASSROOM PROJECT AT CAPISTRANO VALLEY HIGH SCHOOL - COLLEGE AND CAREER ADVANTAGE – ASTRA BUILDERS, INCORPORATED:** Page 1133
EXHIBIT 9
Approval of Award of Bid No. 1920-08, CCA Portable Classroom Project to Astra Builders, Incorporated. Four bids were received and opened on June 2, 2020 and are listed on Exhibit A. The bidder offering the lowest base price was used to determine the lowest responsive bidder. Astra Builders, Incorporated is the lowest responsive, responsible bidder at \$463,177. This project will be funded by developer fees.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
10. **FIRST EXTENSION OF BID NO. 1819-13, ASPHALT PAVING, SEALCOATING, AND CONCRETE REPAIRS – BEN’S ASPHALT, INCORPORATED:** Page 1165
EXHIBIT 10
Approval of First Extension of Bid No. 1819-13, Asphalt Paving, Sealcoating, and Concrete Repairs with Ben’s Asphalt, Incorporated for categories 1 and 2. Bid No. 1819-13 was awarded to the lowest responsive, responsible bidder on May 22, 2019 for the initial term of July 1, 2019 through June 30, 2020 with optional renewal terms. The vendor agrees to maintain the same pricing for categories 1 and 2 under the initial bid award term for the proposed renewal period of July 1, 2020 through June 30, 2021. Annual expenditures utilizing this contract are estimated to be \$1,500,000 funded by the deferred maintenance and the general fund. Actual expenditures may vary depending on availability of funds and District needs.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
11. **FOURTH EXTENSION OF BID NO. 1516-24, SERVICE TO COLLECT, RECYCLE, AND DISPOSE OF SOLID WASTE DISTRICTWIDE – CR&R, INCORPORATED:** Page 1187
EXHIBIT 11
Approval of Fourth Extension of Bid No. 1516-24, Service to Collect, Recycle, and Dispose of Solid Waste Districtwide with CR&R, Incorporated. Bid No. 1516-24 was awarded to the lowest responsive, responsible bidder on May 26, 2016 for the initial term of July 1, 2016 through June 30, 2017, with four one-year optional renewals. On May 24, 2017, the Board approved Extension No. 1 through June 30, 2018. On July 25, 2018, the Board approved the Second Extension through June 30, 2019. On July 17, 2019, the Board approved the Third Extension through June 30, 2020. The contractor agrees to provide services at the pricing as described in Exhibit A-3 for the renewal period of July 1, 2020 through June 30, 2021.

Annual expenditures utilizing this contract are estimated to be \$286,000 funded by the general fund. Actual expenditures may vary depending on availability of funds and District needs.

Contact: Clark Hampton, Deputy Superintendent, Business and Support Service

12. **STATE OF CALIFORNIA MULTIPLE AWARD SCHEDULE CONTRACT NO. 4-19-51-0083A, GENERAL SERVICES ADMINISTRATION SCHEDULE NO. GS-21F-0003U, PURCHASE AND WARRANTY OF NON-INFORMATION TECHNOLOGY GOODS AND SERVICES – GRAYBAR ELECTRIC COMPANY, INC.:** Page 1202
EXHIBIT 12

Approval to utilize the State of California Multiple Award Schedule (CMAS) Contract No. 4-19-51-0083A, General Services Administration Schedule No. GS-21F-0003U, and any subsequent revisions, amendments, and extensions awarded to Graybar Electric Company, Inc. for the purchase of electrical supplies and materials as needed throughout the District. The District can utilize such contracts pursuant to California Public Contract Code § 20118 without going to bid. The prices offered by the contractor have been assessed to be fair, reasonable, and competitive. Staff determined it is in the best interest of the District to utilize the state contract for the purchase of electrical supplies and materials as needed throughout the District. Anticipated annual expenditures utilizing this contract are approximately \$50,000 funded by the general fund, deferred maintenance, and site funds. Actual expenditures may vary depending on the availability of funds. Due to the size of the contracts and award documentation, it is posted online on the District Board Agendas and Supporting Documentation page [here](#).

Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

13. **RESOLUTION NO. 1920-59, EDUCATION PROTECTION ACT:** Page 1205
EXHIBIT 13
- Approval of Resolution No. 1920-59, Education Protection Act. On November 6, 2012, voters approved Proposition 30. The monies received from the Education Protection Account (EPA) will be spent according to Article XIII, § 36 of the California Constitution. The Board is required to determine how the District plans to spend the EPA money and annually post it on the District website.

Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

14. **LIMITED USE LICENSE AGREEMENT WITH RANCHO SANTA MARGARITA LANDSCAPE AND RECREATION CORPORATION FOR USE OF TIJERAS CREEK PARK:** Page 1209
EXHIBIT 14

Approval of the renewal of the Limited Use License Agreement with Rancho Santa Margarita Landscape and Recreation Corporation (SAMLARC) for student use of Tijeras Creek Park. Tijeras Creek Elementary School is located adjacent to Tijeras Creek Park in the City of Rancho Santa Margarita. The Limited Use License Agreement was developed to provide general provisions defining each agency's responsibilities. Terms of the agreement include a defined amount of student use of the park for the 2020-2021 school year for a fee of \$8,900 funded by the general fund. The original Limited Use License Agreement was reviewed and approved by District and SAMLARC legal counsel.

Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

15. **THIRD EXTENSION OF BID NO. 1718-08, OUTSOURCE TRANSPORTATION SERVICE – AMERICAN LOGISTICS COMPANY, LLC:** Page 1259
EXHIBIT 15

Approval of Third Extension of Bid No. 1718-08, Outsource Transportation Service with American Logistics Company, LLC. Bid No. 1718-08 was awarded to the lowest responsive, responsible bidder on July 26, 2017 for the initial term of August 1, 2017 through June 30, 2018, with optional renewal terms. On July 25, 2018, the Board approved the First Extension through June 30, 2019. On June 12, 2019, the Board Approved the Second Extension through June 30, 2020. On May 20, 2020, the Board approved the Addendum to Transportation Contractor Agreement. The vendor agrees to maintain the same pricing under the initial bid award term for the proposed renewal period of July 1,

2020 through June 30, 2021. Annual expenditures utilizing this contract are estimated to be \$650,000 funded by special education, transportation and the general fund. Actual expenditures may vary depending on availability of funds and District needs.

Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

16. AMENDMENT NO. 4 EXTENSION OF LICENSE AGREEMENT WITH YMCA OF ORANGE COUNTY AT CROWN VALLEY ELEMENTARY SCHOOL: Page 1289
EXHIBIT 16

Approval of Amendment No. 4 Extension of License Agreement with YMCA of Orange County (YMCA) at Crown Valley Elementary School dated June 23, 2016. This amendment proposes to extend the term of the agreement for an additional year. The renewal term will begin July 1, 2020 and will expire on June 30, 2021. The agreement was previously reviewed and approved by the District's legal counsel. There is no financial impact for the District.

Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

CURRICULUM AND INSTRUCTION

17. MEMORANDUM OF UNDERSTANDING WITH BIG BROTHERS BIG SISTERS OF ORANGE COUNTY 2020-2021: Page 1297
EXHIBIT 17

Approval of the Memorandum of Understanding (MOU) and amendment with Big Brothers Big Sisters of Orange County 2020-2021. This MOU outlines the roles and responsibilities for the High School Bigs Mentoring Program. The goal is to pair a maximum of 80 at-risk students (Littles) from Kinoshita, RH Dana and San Juan Elementary Schools with 80 high school mentors (Bigs) in one-to-one mentoring relationships that provide positive modeling that leads to school and lifetime success. The Amendment will allow the program to be run virtually, as the program plans to be implemented virtually in the summer and fall. There is no financial impact.

Contact: Susan Holliday, Associate Superintendent, Education Services

18. COVID-19 OPERATIONS WRITTEN REPORT: Page 1303
EXHIBIT 18

Approval of COVID-19 Operations Written Report. Executive Order (EO) N-56-20 was released on April 22, 2020, establishing the requirement that districts adopt a COVID-19 Operations Written Report. This item shares the District's report that explains the changes to program offerings and the major impacts of the closures on students and families, a description of how the District met the needs of its English learners, foster youth and low-income students, and a description of the steps that were taken to deliver distance learning opportunities. The report also includes a description of the steps that were taken to provide school meals while maintaining social distancing practices and a description of the steps that were taken to arrange for supervision of students during ordinary school hours. There is no financial impact.

Contact: Susan Holliday, Associate Superintendent, Education Services

19. 2020-2021 TITLE III EVERY STUDENT SUCCEEDS ACT LOCAL CONTROL ACCOUNTABILITY PLAN FEDERAL ADDENDUM: Page 1308
EXHIBIT 19

Approval of the 2020-2021 Title III Every Student Succeeds Act Local Control Accountability Plan Federal Addendum. Districts applying for Every Student Succeeds Act (ESSA) funding must complete the Title III Local Control Accountability Plan (LCAP) Federal Addendum, annually, as part of meeting the requirements for the ESSA Local Educational Agency (LEA) Plan. The LCAP Federal Addendum is meant to supplement the LCAP to ensure that eligible districts have the opportunity to meet the LEA Plan provisions of the ESSA. Completing the 2020-2021 Title III ESSA LCAP Federal Addendum will enable the District to receive an estimated \$491,920 in Title III ESSA federal funding for 2020-2021. This funding is highly restrictive and can only be spent on programs and services to support students who are English learners. Examples of planned expenditures for 2020-2021 include Bilingual Community Services Liaisons to assist with document translation and meeting interpretation needs, additional hours for

school site teacher advisors to facilitate annual reclassification procedures, and parent education programs including Parent Institute for Quality Education (PIQE).

Contact: Susan Holliday, Associate Superintendent, Education Services

20. **NATIVE AMERICAN PARENT AND STUDENT COMMITTEE 2020-2021:** Page 1313
EXHIBIT 20
Approval of the Native American Parent and Student Committee 2020-2021. The District has been awarded an Indian Education Formula Grant, and the 2020-2021 year will be year four of the four-year grant. Each year, the District must certify an application in the spring, which includes a Parent and Student Committee component. The purpose of the Native American Parent and Student Committee is to have open consultation between teachers, secondary students and parents of Native American students to provide a full opportunity to understand the grant program and to offer recommendations regarding the program. Meetings are generally held three times per year. Each spring, staff seeks interest for vacant positions for a two-year term. All parents of District Native American students and secondary Native American students enrolled in the program were encouraged to participate. An Indian Education Formula Grant award in the amount of \$34,993 will be received for 2020-2021.
Contact: Susan Holliday, Associate Superintendent, Education Services
21. **RESOLUTION NO. 1920-60 TO ACCEPT GRANT FUNDS FROM THE CALIFORNIA DEPARTMENT OF JUSTICE, OFFICE OF THE ATTORNEY GENERAL, TOBACCO GRANT PROGRAM:** Page 1316
EXHIBIT 21
Approval of Resolution No. 1920-60 will allow the District to receive \$67,600 from the California Department of Justice, Office of the Attorney General, Tobacco Grant Program, to provide vaping and e-cigarette prevention education through the National Council on Alcoholism and Drug Dependence – Orange County through June 30, 2023.
Contact: Susan Holliday, Associate Superintendent, Education Services
22. **SCHOOL-BASED MEDICAL ADMINISTRATIVE ACTIVITIES PARTICIPATION AGREEMENT NO. 50048 WITH THE ORANGE COUNTY SUPERINTENDENT OF SCHOOLS:** Page 1320
EXHIBIT 22
Approval of the School-Based Medi-Cal Administrative Activities (SMAA) Participation Agreement No. 50048 with the Orange County Superintendent of Schools to provide administrative services and required oversight related to Medi-Cal SMAA program reimbursement. The term of the agreement is July 1, 2020 through June 30, 2021. The Orange County Superintendent of Schools receives 4.5 percent of the quarterly claim received by the District from the state for Medi-Cal Administrative Activities administration.
Contact: Gregory Merwin, Associate Superintendent, Student Support Services
23. **PARADIGM HEALTHCARE SERVICE, LLC SERVICE AGREEMENT FOR 2020-2021:** Page 1353
EXHIBIT 23
Approval of Service Agreement with Paradigm Healthcare Services, LLC to provide Medi-Cal Local Educational Agency (LEA) and School-Bases Medi-Cal Administrative Activities (SMAA) billing services. The contract term will be July 1, 2020 through June 30, 2021, with renewals at the option of the Board with a 30 day notice termination provision option. Fees vary and are relative to the amounts that the District is reimbursed by Medi-Cal for applicable related services. This year, it is anticipated that the LEA billing program will provide the District with an estimated \$750,000 in revenue. SMAA generated funds are difficult to predict because the measurement methodology is implemented in conjunction with an outcome based upon performance of a consortium of school districts who are also participating in the program. Expenditures utilizing this contract are estimated to be \$56,000 funded by the general fund and \$100,000 funded by Special Education using revenues generated via the LEA billing program. Overall, this contract includes an expenditure that represents less than 10 percent of the District's estimated income from participation with the Medi-Cal LEA and SMAA billing programs.
Contact: Gregory Merwin, Associate Superintendent, Student Support Services

- 24. MEMBERS OF THE SPECIAL EDUCATION LOCAL PLAN AREA COMMUNITY ADVISORY COMMITTEE:** Page 1369
EXHIBIT 24
- Approval of the appointment of Julie Husoe, Diane Noss, and Michele Ploessel-Campbell to serve as a Community Advisory Committee (CAC) voting members for the 2020-2021 and 2021-2022 fiscal years. In accordance with the California Education Code § 56190, each Special Education Local Plan Area (SELPA) shall establish a CAC with parents of special education students forming the majority. Based on the bylaws of the SELPA, a committee of voting members is established annually, comprised of District parents, teachers, administrators, and community representatives who serve District students. The term of appointment for voting members is two years, staggered annually. There is no financial impact.
- Contact: Gregory Merwin, Associate Superintendent, Student Support Services*

- 25. MEMORANDUM OF UNDERSTANDING WITH JOURNEY SCHOOL REGARDING SPECIAL EDUCATION:** Page 1370
EXHIBIT 25
- Approval of the Memorandum of Understanding (MOU) with Journey School regarding Special Education. District staff has provided special education and related services to Journey School since 2003. Under the previous MOU, Journey School reimbursed the District for all special education and related services provided. At the May 20, 2020 Board meeting, Trustees approved Journey’s Charter renewal. The MOU covers the following categories: Educational Program, Governance Structure, Employee Qualifications, Admission Policies and Procedures, Suspension and Expulsion Procedures, and Dispute Resolution Procedures. Journey School and the District have a separate MOU for special education and related services that requires renewal. The terms of the MOU are intended by both the District and Journey School to become part of the approved charter. There is no financial impact.
- Contact: Gregory Merwin, Associate Superintendent, Student Support Services*

HUMAN RESOURCE SERVICES

- 26. ORANGE COUNTY DEPARTMENT OF EDUCATION THIRD QUARTER REPORT – WILLIAMS SETTLEMENT LEGISLATION:** Page 1385
EXHIBIT 26
- Acceptance of Williams Settlement Legislation Orange County Department of Education (OCDE) Third 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 of Trustees at a regularly scheduled public meeting each quarter. During the third quarter, the District received no complaints.
- Contact: Tim Brooks, Associate Superintendent, Human Resource Services*

- 27. RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CERTIFICATED EMPLOYEES:** Page 1389
EXHIBIT 27
- 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: Tim Brooks, Associate Superintendent, Human Resource Services*

- 28. RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CLASSIFIED EMPLOYEES:** Page 1405
EXHIBIT 28
- 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: Tim Brooks, Associate Superintendent, Human Resource Services*

GENERAL FUNCTIONS

29. **SCHOOL BOARD MINUTES:** Page 1415
Approval of the May 20, 2020 Special Board meeting minutes. **EXHIBIT 29**
Contact: Colleen Hayes, Manager II, Board Operations/Superintendent's Office
30. **SCHOOL BOARD MINUTES:** Page 1424
Approval of the May 27, 2020 Special Board meeting minutes. **EXHIBIT 30**
Contact: Colleen Hayes, Manager II, Board Operations/Superintendent's Office
31. **SCHOOL BOARD MINUTES:** Page 1426
Approval of the June 10, 2020 Special Board meeting minutes. **EXHIBIT 31**
Contact: Colleen Hayes, Manager II, Board Operations/Superintendent's Office
32. **BOARD MEETING SCHEDULE 2019 – 2020 REVISED:** Page 1428
Approval of the 2019-2020 Board meeting schedule as revised. **EXHIBIT 32**
Contact: Colleen Hayes, Manager II, Board Operations/Superintendent's Office

DISCUSSION/ACTION ITEMS

33. **REOPENING OF SCHOOLS IN FALL 2020:** INFORMATION/
DISCUSSION
Page 1430
EXHIBIT 33
- Staff will present a recommendation to Trustees for a plan to reopen schools in the fall of the 2020-2021 school year. The plan provides flexibility and options for families in all grade levels with rigorous, engaging, and consistent educational learning programs from transitional kindergarten through grade 12 and Adult Transition Program. Options for families include a 100 percent online learning model and other models which feature both on campus and online learning, and students would be able to return to campus to the greatest extent possible with guidance from the Orange County Health Care Agency and California Department for Public Health. The plan to reopen schools has 4 foundational components: 1) health and safety for students, families, and staff; 2) curriculum and instruction; 3) mental health, emotional support, and cultural diversity; and 4) flexible and innovative program models. Staff have studied several models to help determine an effective plan that reflects community values. Staff also collaborated with stakeholder groups to solicit input, feedback, and guidance on the plan that will be presented.
- 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.*
- Contact: Gregory Merwin, Associate Superintendent, Student Support Services*
Contact: Joshua Hill, Assistant Superintendent, Secondary Education

Staff Recommendation

It is recommended the Board President recognize Gregory Merwin, Associate Superintendent, Student Support Services, to present information on this item and answer any questions Trustees may have. This is an information item only and no Board action is necessary.

34. **BOARD ACTION TO ADOPT DISTRICT'S INITIAL PROPOSAL TO DISCUSSION/
CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION FOR 2020-2022 ACTION
NEGOTIATIONS:** Page 1431
EXHIBIT 34
- The Board will consider the Capistrano Unified School District's initial proposal to California School Employees Association (CSEA) for 2020-2022 reopener negotiations. As required by Government Code § 3547, after the public has had the opportunity to express itself on the initial proposals, the Board may adopt its initial proposal.

*CUSD WIG 2: Communications – Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions.
Contact: Tim Brooks, Associate Superintendent, Human Resource Services*

Staff Recommendation

It is recommended the Board President recognize Tim Brooks, Associate Superintendent, Human Resource Services, to present this item.

Following discussion, it is recommended the Board of Trustees adopt the District’s initial proposal to CSEA.

Motion by _____ Seconded by _____

35. BOARD ACTION TO ADOPT DISTRICT’S INITIAL PROPOSAL TO CAPISTRANO UNIFIED EDUCATION ASSOCIATION FOR 2020-2022 NEGOTIATIONS: **DISCUSSION/
ACTION**
Page 1434

The Board will consider the Capistrano Unified School District’s initial proposal to Capistrano Unified Education Association (CUEA) for 2020-2022 reopener negotiations based on the current economic crisis resulting in changed District financials. As required by Government Code § 3547, after the public has had the opportunity to express itself on the initial proposals, the Board may adopt its initial proposal.

*CUSD WIG 2: Communications – Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions.
Contact: Tim Brooks, Associate Superintendent, Human Resource Services*

EXHIBIT 35

Staff Recommendation

It is recommended the Board President recognize Tim Brooks, Associate Superintendent, Human Resource Services, to present this item.

Following discussion, it is recommended the Board of Trustees the District’s initial proposal to CUEA.

Motion by _____ Seconded by _____

36. BOARD ACTION TO ADOPT DISTRICT’S INITIAL PROPOSAL TO GENERAL TRUCK DRIVERS, OFFICE, FOOD & WAREHOUSE UNION, TEAMSTERS LOCAL 952 FOR 2020-2022 NEGOTIATIONS: **DISCUSSION/
ACTION**
Page 1438

The Board will consider the Capistrano Unified School District’s initial proposal to General Truck Drivers, Office, Food & Warehouse Union, Teamsters Local 952 (Teamsters) for 2020-2022 reopener negotiations based on the current economic crisis resulting in changed District financials. As required by Government Code § 3547, after the public has had the opportunity to express itself on the initial proposals, the Board may adopt its initial proposal.

*CUSD WIG 2: Communications – Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions.
Contact: Tim Brooks, Associate Superintendent, Human Resource Services*

EXHIBIT 36

Staff Recommendation

It is recommended the Board President recognize Tim Brooks, Associate Superintendent, Human Resource Services, to present this item.

Following discussion, it is recommended the Board of Trustees adopt the District’s initial proposal to Teamsters.

Motion by _____ Seconded by _____

37. 2020-2021 SPECIAL EDUCATION LOCAL PLAN AREA ANNUAL SERVICE PLAN AND ANNUAL BUDGET PLAN: **DISCUSSION/ ACTION**

Page 1441
EXHIBIT 37

Approval of the 2020-2021 Special Education Local Plan Area Annual Service Plan and Annual Budget Plan. Each Special Education Local Plan Area is required to submit an Annual Service Plan and Annual Budget Plan. The plans are required to be adopted at a public hearing. The Annual Service Plan must describe and identify the Individualized Education Program (IEP) services the District has adopted and intends to provide at school locations within the District and at other public and private locations as determined by the IEP team. The Annual Budget Plan is required to identify expenditures in specific categories as determined by the California Department of Education. The attachments further specify projected revenue and expenditures and California State Management Information System number codes to represent services by site, such as 330 for specialized academic instruction, and 415 for language and speech services.

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, Student Support Services

Staff Recommendation

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

Following discussion, it is recommended the Board of Trustees approve the 2020-2021 Special Education Local Plan Area Annual Service Plan and Annual Budget Plan.

Motion by _____ Seconded by _____

38. 2020-2021 BUDGET ADOPTION: **DISCUSSION/ ACTION**

Page 1547
EXHIBIT 38

The District is required by law to adopt a budget for the 2020-2021 fiscal year no later than June 30, 2020 for enactment on July 1, 2020. The budget for 2020-2021 is based upon revenue assumptions outlined within the Governor’s May Revise, as well as District-specific assumptions for revenue and expenditures. The following documents are included in the exhibit: 2020-2021 Budget for District Funds; School District Certification of the State Criteria and Standards and the Workers’ Compensation Certification; State Criteria and Standards; and 2020-2021 Guidelines and Assumptions.

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

Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

Staff Recommendation

It is recommended the Board President recognize Clark Hampton, Deputy Superintendent, Business and Support Services, to present this item.

Following discussion, it is recommended the Board of Trustees adopt the 2020-2021 Budget.

Motion by _____ Seconded by _____

ADJOURNMENT

Motion by _____ Seconded by _____

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS
WEDNESDAY, JULY 15, 2020, 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

If you wish to register to be a public speaker, please register by clicking [here](#).

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 five 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.

Once an agenda item has been opened for public comment, no additional "Request to Address the Board of Trustees" cards shall be accepted for that topic unless otherwise approved by the Board. When addressing a specific item on the agenda, the Board may vote to allow additional public speaker time for an individual Discussion/Action item.

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.