

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

July 15, 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](http://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.*

**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 M. Vital/Greg Merwin/Josh Hill  
(Pursuant to Government Code § 54957(a))

**B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Gregory Merwin/Kathy Purcell  
Attorney – Justin Shinnefield  
Significant Exposure to Litigation – Three Cases  
ADR Case Number 20190425  
ADR Case Number 20191220  
ADR Case Number 20200622  
(Pursuant to Government Code § 54956.9(d)(2))

**EXHIBIT B-1**  
**EXHIBIT B-2**  
**EXHIBIT B-3**

**C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Gregory Merwin/Kathy Purcell  
Attorney – Justin Shinnefield  
Significant Exposure to Litigation – Two Cases  
OAH Case Number 2019020057  
OAH Case Number 2020020370  
(Pursuant to Government Code § 54956.9(d)(1))

**EXHIBIT C-1**  
**EXHIBIT C-2**

**D. 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 D-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 D-2**

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

**E. PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT**

Tim Brooks/Kirsten M. Vital  
Assistant Superintendent  
Principals, K-12  
*(Pursuant to Government Code § 54957)*

**EXHIBIT E-1**  
**EXHIBIT E-2**

**F. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE**

Tim Brooks  
One Case  
*(Pursuant to Government Code § 54957)*

**EXHIBIT F-1**

**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**

**H. STUDENT READMISSION**

Mike Beekman  
One Case  
Case #2019-073

**EXHIBIT H-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.

## **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**

### **1. DONATION OF FUNDS AND EQUIPMENT:**

Approval of donations of funds and equipment. A number of gifts have been donated to the District, including \$119,056.45 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*

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**EXHIBIT 1**

### **2. PURCHASE ORDERS, COMMERCIAL WARRANTS AND PREVIOUSLY BOARD-APPROVED BIDS AND CONTRACTS:**

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 \$3,376,706.27 and the commercial warrants total \$20,008,719.48. 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*

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**EXHIBIT 2**

### **3. INDEPENDENT CONTRACTOR, PROFESSIONAL SERVICES, FIELD SERVICE, AND MASTER CONTRACT AGREEMENTS:**

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 19 new agreements totaling \$981,194.80 and 24 amendments to existing agreements totaling \$182,012. 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*

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**EXHIBIT 3**

### **4. CHANGE ORDER NO. 2, BID NO. 1920-04, ALISO NIGUEL HIGH SCHOOL STEM BUILDING PROJECT:**

Approval of Change Order No. 2, Bid No. 1920-04 for the Aliso Niguel High School STEM Building Project related to modifications to steel plates, plumbing routing, drainage and fire post indicator valves. It also includes the additional removal of two trees impacting the course of construction. This change order consists of additions, deletions, or other revisions now being presented to the Board for approval. All such changes in the work are performed under applicable conditions of the change in contract documents. The original contract sum was \$10,954,576. The new contract sum including Change Order No. 2 is \$10,997,448.71 funded by CFD 87-1 and if necessary, earned interest and land sale revenue. With this change order, the project remains under budget.

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

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**EXHIBIT 4**

5. **CHANGE ORDER NO. 3, BID NO. 1920-05, NEWHART MIDDLE SCHOOL STEAM BUILDING PROJECT:** Page 1096  
EXHIBIT 5  
 Approval of Change Order No. 3, Bid No. 1920-05 for the Newhart Middle School STEAM Building Project related to surveying and re-routing an unforeseen telecom line running through the project footprint, the addition of vaping sensors, irrigation changes, and an additional storm drain. This change order consists of additions, deletions, or other revisions now being presented to the Board for approval. All such changes in the work are performed under applicable conditions of the change in contract documents. The original contract sum was \$10,249,000. The new contract sum including Change Order No. 3 is \$10,395,502.93 funded by Redevelopment Agency Mission Viejo. With this change order, the project remains under budget.  
*Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*
6. **DECLARATION OF APPLICABILITY OF 2 CFR 200.320(F) FOR FOOD AND NUTRITION SERVICES PROCUREMENT – VARIOUS VENDORS:** Page 1174  
EXHIBIT 6  
 Approval of the declaration of applicability of 2 Code of Federal Regulations (CFR) 200.320(f) for Food and Nutrition Services procurement via noncompetitive proposals when the item/service is available only from a single source and/or the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation. As a result of the COVID-19 pandemic, the federal government as well as the Governor of California has declared a state of emergency as of March 2020. Unknown supply, logistics, and identifiable need quantities contribute to inadequacy of competitive bidding. As such, the emergent procurement needs of goods and services by Food and Nutrition Services cannot withstand a delay that competitive solicitation will assuredly result. Current vendors for frozen, refrigerated commodity, dry food and beverages (awarded to Gold Star Foods), milk and dairy products (awarded to Hollandia Dairy, Incorporated), fresh bread and bakery products (awarded to Galasso’s Bakery), and fresh, ready-to-serve pizza (awarded to Domino’s Pizza dba People First Pizza) agree to maintain their pricing from the current year through June 30, 2021. The proposed contracts will be funded from the cafeteria fund. Actual expenditures will depend on availability of funds and District needs.  
*Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*
7. **FIRST EXTENSION OF BID NO. 1819-11, FIRE ALARM INSPECTION SERVICES – CAL BUILDING SYSTEMS AND TIME AND ALARM SYSTEMS:** Page 1190  
EXHIBIT 7  
 Approval of the First Extension of Bid No. 1819-11, Fire Alarm Inspection Services with CAL Building Systems and Time and Alarm Systems. Bid 1819-11 was awarded to the lowest priced vendors per category on March 13, 2019 for the initial term of April 1, 2019 through March 31, 2020, with optional renewal terms. The vendors agree to maintain the same pricing under the initial bid award term for categories 1, 2 and 3 for the proposed renewal period of April 1, 2020 through March 31, 2021 as provided in Exhibit 1 of the respective agreements. Annual expenditures utilizing this contract are estimated to be \$100,000 funded by the general fund and deferred maintenance. Actual expenditures may vary based on District needs and the availability of funds.  
*Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*
8. **FIRST EXTENSION OF BID NO. 1819-12, FRESH PRODUCE (FRUITS AND VEGETABLES) PRODUCTS AND SERVICES, CATEGORY 2 CONVENTIONAL PRODUCE – GOLD STAR FOODS, INCORPORATED:** Page 1222  
EXHIBIT 8  
 Approval of the First Extension of Bid No. 1819-12, Fresh Produce (Fruits and Vegetables) Products and Service, Category 2 Conventional Produce with Gold Star Foods, Incorporated. Bid No. 1819-12 was awarded to the lowest responsive, responsible bidder on April 25, 2019 for the initial term of April 1, 2019 through June 30, 2020, with optional renewal terms. The vendor agrees to extend the proposed extension, at the rates shown in Exhibit A-1 for the proposed renewal period of July 1, 2020 through June 30, 2021.

Annual expenditures utilizing this contract are estimated to be \$580,000 funded by the cafeteria fund. Actual expenditures vary depending on availability of funds and District needs.

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

- 9. 2020-2021 INTERNET ACCESS AGREEMENT NO. 50248 – ORANGE COUNTY SUPERINTENDENT OF SCHOOLS:** Page 1239  
EXHIBIT 9  
Approval of 2020-2021 Internet Access Agreement No. 50248 with Orange County Superintendent of Schools (OCDE) to provide Internet access services to the District. The term of this agreement is July 1, 2020 through June 30, 2021. Internet access is provided at no cost to the District.  
**Contact:** *Clark Hampton, Deputy Superintendent, Business and Support Services*
- 10. 2020-2021 NETWORK SUPPORT SERVICES AGREEMENT NO. 50051 – ORANGE COUNTY SUPERINTENDENT OF SCHOOLS:** Page 1245  
EXHIBIT 10  
Approval of 2020-2021 Network Support Services Agreement No. 50051 with Orange County Superintendent of Schools (OCDE) to provide network support services to the District from July 1, 2020 through June 30, 2021. Annual expenditures under this contract are limited to \$4,600 funded by the general fund.  
**Contact:** *Clark Hampton, Deputy Superintendent, Business and Support Services*
- 11. STATE OF CALIFORNIA MULTIPLE AWARD SCHEDULE CONTRACT NO. 4-20-51-0084A, GENERAL SERVICES ADMINISTRATION SCHEDULE NO. GS-06F-0035M, PURCHASE AND WARRANTY OF NON-INFORMATION TECHNOLOGY GOODS AND SERVICES – CARRIER CORPORATION:** Page 1253  
EXHIBIT 11  
Approval to utilize the State of California Multiple Award Schedule (CMAS) Contract No. 4-20-51-0084A, General Services Administration Schedule No. GS-06F-0035M, and any subsequent revisions, amendments, and extensions awarded to Carrier Corporation, for the purchase and warranty of heating, ventilation, and air conditioning (HVAC) equipment 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 and warranty of HVAC equipment as needed throughout the District. Anticipated annual expenditures utilizing this contract are approximately \$100,000 funded by general fund and deferred maintenance. Actual expenditures may vary depending on District needs and the availability of funds.  
**Contact:** *Clark Hampton, Deputy Superintendent, Business and Support Services*
- 12. TORRANCE UNIFIED SCHOOL DISTRICT BID NO. 10-04.09.19, CLASSROOM AND OFFICE FURNITURE – CULVER-NEWLIN, INCORPORATED:** Page 1283  
EXHIBIT 12  
Approval to utilize the Torrance Unified School District Bid No. 10-04.09.19 for the purchase of furniture and accessories from Culver-Newlin, Incorporated under the same terms and conditions of the public agency’s contract. This contract provides competitive set pricing for furniture and accessories, as needed, by the District. School boards have the authority to “piggyback” on another public agency’s bid, per Public Contract Code § 20118, when it is in the best interest of a district. It is often advantageous to utilize piggyback bids when contract items are identical to the District’s specifications. Using piggyback contracts saves time and often provides lower prices than a single jurisdiction would be able to obtain. Annual expenditures utilizing this contract are estimated to be \$750,000 funded by various departments, sites, and projects requesting product. Actual expenditures may vary depending on District needs and availability of funding. Due to the size of the contract and award, the documentation is posted online on the District Board Agendas and Supporting Documentation page [here](#).  
**Contact:** *Clark Hampton, Deputy Superintendent, Business and Support Services*

13. **SCHOOLMESSENGER RENEWAL AUTHORIZATION – INTRADO INTERACTIVE SERVICES CORPORATION:** Page 1286  
**EXHIBIT 13**  
Approval of the SchoolMessenger Renewal Authorization with Intrado Interactive Services Corporation. The District and site administration utilize SchoolMessenger to send emails and automated phone calls home to parents of students. It is used in case of an emergency as well as for informational items. The renewal contract term is from August 2, 2020 through August 1, 2021. Annual expenditures under this contract are limited to \$62,549.50 funded by the general fund.  
*Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*
14. **THIRD EXTENSION OF BID NO. 1718-09, REFRIGERATION AND ICE MACHINE REPAIR SERVICE AND PREVENTATIVE MAINTENANCE – REFRIGERATION CONTROL COMPANY, INCORPORATED:** Page 1289  
**EXHIBIT 14**  
Approval of the Third Extension of Bid No. 1718-09, Refrigeration and Ice Machine Repair Service and Preventative Maintenance with Refrigeration Control Company, Incorporated. Bid No. 1718-09 was awarded to the lowest responsive, responsible bidder on September 13, 2017 for the initial term of September 1, 2017 through August 31, 2018, with optional renewal terms. On July 25, 2018, the Board approved the First Extension through August 31, 2019. On July 17, 2019, the Board approved the Second Extension through August 31, 2020. The vendor agrees to maintain the pricing as described in Exhibit A-1 for the proposed extension for the renewal period of September 1, 2020 through August 31, 2021. Annual expenditures utilizing this contract are estimated to be \$250,000 funded by the cafeteria and general fund. Actual expenditures may vary depending on District needs and availability of funds.  
*Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*
15. **AMENDMENT FOUR TO THE CLIENT AGREEMENT FOR DIGITAL CURRICULUM SOLUTIONS – APEX LEARNING INC.:** Page 1308  
**EXHIBIT 15**  
Approval of Amendment Four to the Client Agreement for Digital Curriculum Solutions with Apex Learning Inc. The vendor provides online curriculum for courses taught in grades 6 through 12. The amendment ratifies the signed contract with Apex Learning following the delegated authority approved at the June 24, 2020 Board meeting. The District purchased additional licenses to expand student subscriptions in Apex Learning. The cost of \$8.15 per student will be funded by the 2020-2021 CARES Act. The total expenditures included in the 2020-2021 Amendment Four Client Agreement are \$203,988.41.  
*Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*

## **CURRICULUM AND INSTRUCTION**

16. **CONTRACT NO. CT-042-20010870 WITH THE COUNTY OF ORANGE HEALTH CARE AGENCY:** Page 1326  
**EXHIBIT 16**  
Approval of Contract No. CT-042-20010870 with the County of Orange Health Care Agency (HCA) for the California Healthy Kids Survey (CHKS) for 2020-2021 school year. The contract with HCA will provide the District with \$10,735.20 reimbursement toward the costs of the 2020–2021 CHKS administrations.  
*Contact: Gregory Merwin, Chief Academic Officer, Education and Support Services*
17. **RESOLUTION NO. 2021-01, RESOLUTION OF THE BOARD OF TRUSTEES TO APPROVE MATERIAL REVISION TO CHARTER OF CALIFORNIA CONNECTIONS ACADEMY SOUTHERN CALIFORNIA CHARTER SCHOOL:** Page 1351  
**EXHIBIT 17**  
Approval of Resolution 2021-01, and the Material Revision to the Charter of California Connections Academy Southern California Charter School.

The Charter School has requested a material revision to its charter to change the Special Education Local Plan Area (SELPA) from Tulare County SELPA, to El Dorado Charter SELPA, as part of its efforts to align the six California Connections Academy charter schools with the same SELPA. There is no financial impact.

**Contact:** *Susan Holliday, Chief Administrative Officer, Education and Support Services*

18. **RESOLUTION NO. 2021-02, FOR SIGNATURE AND ACCEPTANCE OF STATE AGREEMENT:** Page 1361  
**EXHIBIT 18**  
Approval of Resolution No. 2021-02, For Signature and Acceptance of State Agreement. The District authorizes personnel to be designated to sign the California Department of Education Local Agreement for Child Development Services, and approves the local agreement for California State Preschool Program 0341 with the California Department of Education. The agreement awards a total of \$3,115,575 from July 1, 2020 through June 30, 2021 for the purpose of providing services related to early childhood development and school readiness for state funded programs.  
**Contact:** *Susan Holliday, Chief Administrative Officer, Education and Support Services*
19. **BROADENING THE COURSE OF STUDY – NEW SECONDARY COURSE, HONORS WORLD HISTORY MANDARIN IMMERSION PROGRAM:** Page 1364  
**EXHIBIT 19**  
Approval of Broadening the Course of Study: New Secondary Course, Honors World History Mandarin Immersion Program. The following high school course is proposed for the 2020-2021 course catalog in accordance with Board Policy 6143, *Courses of Study*: Honors World History Mandarin Immersion Program. Prerequisites for this course include completion of Mandarin Immersion Program K-8. Upon approval, the course will be offered in the 2020-2021 school year.  
**Contact:** *Susan Holliday, Chief Administrative Officer, Education and Support Services*
20. **BROADENING THE COURSE OF STUDY – NEW SECONDARY COURSE, MANDARIN LANGUAGE ARTS 9:** Page 1367  
**EXHIBIT 20**  
Approval of Broadening the Course of Study: New Secondary Course, Mandarin Language Arts 9. The following high school course is proposed for the 2020-2021 course catalog in accordance with Board Policy 6143, *Courses of Study*: Mandarin Language Arts 9. Prerequisites for this course include completion of Mandarin Immersion Program K-8. Upon approval, the course will be offered in the 2020-2021 school year.  
**Contact:** *Susan Holliday, Chief Administrative Officer, Education and Support Services*
21. **AGREEMENT WITH DREAMBOX LEARNING:** Page 1370  
**EXHIBIT 21**  
Approval of the agreement with Dreambox Learning will provide licenses for middle school students enrolled in Math support classes, effective August 1, 2020 through July 31, 2021. These licenses will enable student access to Dreambox online resources and tutorials to build Mathematical competency. Estimated expenditures under this agreement are \$8,430 funded by funded by CARES Act.  
**Contact:** *Susan Holliday, Chief Administrative Officer, Education and Support Services*
22. **FACILITIES USE AGREEMENT WITH RIGHT AT SCHOOL 2020-2021:** Page 1376  
**EXHIBIT 22**  
Approval of the Facilities Use Agreement with Right at School 2020-2021. This Facilities Use Agreement outlines the terms to operate a pilot summer camp program at Carl Hankey K-8 and San Juan Elementary School. Programming will be offered from 6:45 a.m. to 6:00 p.m. with full and part-day options. There is no financial impact.  
**Contact:** *Susan Holliday, Chief Administrative Officer, Education and Support Services*

23. **COLLEGE AND CAREER ACCESS PATHWAYS DUAL ENROLLMENT PARTNERSHIP AGREEMENT WITH SOUTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT:** Page 1396  
**EXHIBIT 23**  
Approval of the College and Career Access Pathways Dual Enrollment Partnership Agreement will enable high school students, who enroll in approved courses at Capistrano Valley High School, to receive both college credit and high school credit for courses taught on high school campuses during the 2020-2021 school year. There is no financial impact.  
*Contact: Susan Holliday, Chief Administrative Officer, Education and Support Services*

#### HUMAN RESOURCE SERVICES

24. **RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CERTIFICATED EMPLOYEES:** Page 1418  
**EXHIBIT 24**  
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*
25. **RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CLASSIFIED EMPLOYEES:** Page 1432  
**EXHIBIT 25**  
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

26. **SCHOOL BOARD MINUTES:** Page 1448  
Approval of the June 17, 2020 Regular Board Meeting minutes. **EXHIBIT 26**  
*Contact: Colleen Hayes, Manager II, Board Operations/Superintendent's Office*
27. **SCHOOL BOARD MINUTES:** Page 1458  
Approval of the June 24, 2020 Regular Board Meeting minutes. **EXHIBIT 27**  
*Contact: Colleen Hayes, Manager II, Board Operations/Superintendent's Office*

#### DISCUSSION/ACTION ITEMS

28. **REOPENING OF SCHOOLS FOR 2020-2021 SCHOOL YEAR:** **DISCUSSION/ ACTION**  
Staff presents the plan for Reopening of Schools for 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, including all special education programs and services, from preschool through grade 12 and Adult Transition Program. Educational programs include a 100 percent online learning model and other models, which feature a combination of on campus and online learning, and students will be able to return to campus to the greatest extent possible as per the guidance from the Orange County Health Care Agency and California Department for Public Health. In response to community values, 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. Through the collaborative work of the Reopening Lead and Logistics Teams, staff has worked closely with stakeholder groups to solicit input, feedback, and guidance on the plan that will be presented. Page 1465  
**EXHIBIT 28**  
*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, Chief Academic Officer, Education and Support Services Contact: Joshua Hill, Assistant Superintendent, Leadership Support and Instruction, Education and Support Services***

Staff Recommendation

It is recommended the Board President recognize Gregory Merwin, Chief Academic Officer, Education and Support Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve the Reopening Schools Plan for the 2020-2021 school year.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

**29. DECLARATION OF NEED FOR FULLY QUALIFIED EDUCATORS:**

As we prepare for the 2020-2021 school year, staff is recommending approval of the Declaration of Need for Fully Qualified Educators. Education Code § 80026 requires that a Declaration of Need for Fully Qualified Educators be on file with the appropriate County Office of Education before the beginning of a new school year and shall remain in force until the end of that academic year. A Declaration of Need is necessary if there are an insufficient number of qualified applicants. Submission of this declaration does not commit the District to issuing short-term staff permits, or emergency credentials, but rather is submitted as a matter of routine in the event it becomes necessary to employ such individuals. A Declaration of Need for Fully Qualified Educators must be filed prior to the beginning of the school year, even though there is no way to determine if there will be a need to employ teachers. However, if the Board of Trustees has not approved the appropriate declaration for the upcoming year, the District is precluded from hiring such individuals should the need arise. There is no financial impact to the general fund in the Board's acceptance of this declaration.

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

***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 approve the Declaration of Need for Fully Qualified Educators.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

**30. SECOND READING – TEMPORARY BOARD POLICY T6146.1, HIGH SCHOOL GRADUATION REQUIREMENTS:**

To prepare for the 2020-2021 school year, during the COVID-19 pandemic, staff is recommending a temporary policy to create maximum flexibility for reopening. Staff is recommending Trustees approve temporary Board Policy T6146.1, *High School Graduation Requirements*. Staff modified the policy by reducing the required number of classes needed to graduate from high school from 220 to 200, for the classes of 2021 through 2022. This change would reduce the number of elective credits students would need to take in order to graduate from high school. Staff also adjusted language to allow students to take more than 1 class at a community college, and the ability to take those college classes regardless of the class being offered on their high school campus.

**DISCUSSION/  
ACTION  
Page 1466  
EXHIBIT 29**

**DISCUSSION/  
ACTION  
Page 1471  
EXHIBIT 30**

This temporary proposal is to support our focus on juniors and seniors completing their requirements. There is no financial impact

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

***Contact: Susan Holliday, Chief Administrative Officer, Education and Support Services***

Staff Recommendation

It is recommended the Board President recognize Susan Holliday, Chief Administrative Officer, Education and Support Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve temporary Board Policy T6146.1, *High School Graduation Requirements*.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

**31. SECOND READING – TEMPORARY BOARD POLICY T5121.1, GRADES/EVALUATION OF STUDENT ACHIEVEMENT: DISCUSSION/  
ACTION**

Page 1483  
**EXHIBIT 31**

As we prepare for the 2020-2021 school year, due to the COVID-19 pandemic, staff is recommending a temporary policy to create maximum flexibility for reopening. In April 2020, Trustees waived Board Policy 5121.1 and replaced it with Emergency Board Policy E5121.2, *Grades/Evaluation of Student Achievement* to temporarily replace Board Policy 5121.1. Staff has now modified Board Policy 5121.1, to add temporary language to address school closures, and to allow weighted grading for approved college level courses and International Baccalaureate courses, in addition to Honors and Advanced Placement courses that are already approved. This temporary proposal supports improving high school outcomes, specifically for juniors and seniors. Staff worked with the Capistrano Unified Education Association to review language and determined the policy language regarding letter grades and marks for the 2020-2021 school year would return to those marks that were previously included in BP 5121.1. There is no financial impact.

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

***Contact: Susan Holliday, Chief Administrative Officer, Education and Support Services***

Staff Recommendation

It is recommended the Board President recognize Susan Holliday, Chief Administrative Officer, Education and Support Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve temporary Board Policy E5121.1, *Grades/Evaluation of Student Achievement*.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

**32. SECOND READING – TEMPORARY BOARD POLICY T6111, SCHOOL CALENDAR: DISCUSSION/  
ACTION**

Page 1489  
**EXHIBIT 32**

As we prepare for the 2020-2021 school year, due to the COVID-19 pandemic, staff is recommending a temporary policy, to create maximum flexibility for reopening. Staff is recommending Trustees approve temporary Board Policy T6111, *School Calendar*. Staff modified the policy to allow grade 9 and grade 10 students to take a minimum of 5 classes in District schools, and grade 11 and grade 12 students to take a minimum of 4 classes in District schools. This would allow students to take classes through educational institutions such as community colleges.

High school bell schedules may need to be adjusted and instructional minutes added to the day to ensure students are able to meet the minimum instructional minutes required by statute. This temporary proposal is to support our focus on juniors and seniors completing their requirements. There is no financial impact.

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

***Contact: Susan Holliday, Chief Administrative Officer, Education and Support Services***

Staff Recommendation

It is recommended the Board President recognize Susan Holliday, Chief Administrative Officer, Education and Support Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve temporary Board Policy T6111, *School Calendar*.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

**33. FIRST READING – BOARD POLICY 0420.4, CHARTER SCHOOL AUTHORIZATION: DISCUSSION/ ACTION**

The proposed revisions to Board Policy 0420.4, *Charter School Authorization*, are a result of the passage of Assembly Bill (AB) 1505 Charter Schools: Petitions and Renewals and AB 1507 Charter Schools: Location: Resource Center. The policy has been revised to reflect relevant provisions of existing law and modifications that take effect in July 2020. These changes are necessary to ensure consistency of language, provides all stakeholders with current information, and ensures legal compliance. Changes are underlined deletions are struck through. There is no financial impact.

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

***Contact: Susan Holliday, Chief Administrative Officer, Education and Support Services***

Staff Recommendation

It is recommended the Board President recognize Susan Holliday, Chief Administrative Officer, Education and Support Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve Board Policy 0420.4, *Charter School Authorization*.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

**34. FIRST READING – BOARD POLICY 0420.41, CHARTER SCHOOL OVERSIGHT: DISCUSSION/ ACTION**

The proposed revisions to Board Policy 0420.41, *Charter School Oversight*, are a result of the passage of Assembly Bill (AB) 1505, Charter Schools: Petitions and Renewals, and AB, 1507 Charter Schools: Location: Resource Center.

The policy has been revised to reflect relevant provisions of existing law and modifications that take effect in July 2020. These changes are necessary to ensure consistency of language, and provide all stakeholders with current information and ensure legal compliance. Changes are underlined deletions are struck through. There is no financial impact.

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

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**EXHIBIT 33**

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**EXHIBIT 34**

**Contact: Susan Holliday, Chief Administrative Officer, Education and Support Services**

Staff Recommendation

It is recommended the Board President recognize Susan Holliday, Chief Administrative Officer, Education and Support Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve Board Policy 0420.41, *Charter School Oversight*.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

- 35. FIRST READING – BOARD POLICY 0420.42, CHARTER SCHOOL RENEWAL:** **DISCUSSION/ ACTION**  
Staff is proposing a new Board Policy 0420.42, *Charter School Renewal*, as a result of the passage of Assembly Bill (AB) 1505, Charter Schools: Petitions and Renewals, and AB 1507, Charter Schools: Location: Resource Center. Board Policy 0420.42 has been drafted to reflect the new criteria for granting or denying a charter renewal. This policy details how a renewal of a charter petition may be granted in accordance with a three-tiered system based on school performance. There is no financial impact. **Page 1530**  
**CUSD WIG 1: Teaching and Learning - Engage students in meaningful, challenging, and innovative educational experiences to increase post-secondary options for all students.** **EXHIBIT 35**  
**Contact: Susan Holliday, Chief Administrative Officer, Education and Support Services**

Staff Recommendation

It is recommended the Board President recognize Susan Holliday, Chief Administrative Officer, Education and Support Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve Board Policy 0420.42, *Charter School Renewal*.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

- 36. FIRST READING – BOARD POLICY 0420.43, CHARTER SCHOOL REVOCATION:** **DISCUSSION/ ACTION**  
The proposed revisions to Board Policy 0420.43, *Charter School Revocation*, are a result of the passage of Assembly Bill (AB) 1505, Charter Schools: Petitions and Renewals, and AB 1507, Charter Schools: Location: Resource Center. The policy has been revised to reflect relevant provisions of existing law and modifications that take effect in July 2020. These changes are necessary to ensure consistency of language, provides all stakeholders with current information, and ensures legal compliance. Changes are underlined deletions are struck through. There is no financial impact. **Page 1537**  
**CUSD WIG 1: Teaching and Learning - Engage students in meaningful, challenging, and innovative educational experiences to increase post-secondary options for all students.** **EXHIBIT 36**  
**Contact: Susan Holliday, Chief Administrative Officer, Education and Support Services**

Staff Recommendation

It is recommended the Board President recognize Susan Holliday, Chief Administrative Officer, Education and Support Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve Board Policy 0420.43, *Charter School Revocation*.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

**37. FIRST READING - BOARD POLICY 5112.1, EXEMPTIONS AND EXCLUSIONS FROM ATTENDANCE: DISCUSSION/ ACTION**

The proposed revisions to Board Policy 5112.1, *Exemptions and Exclusions from Attendance*, bring the policy in alignment with current law. The proposed policy is consistent with legislative changes and local health care agency practices regarding exemptions and exclusions from attendance. Board Policy 5112.1 was last updated in 1997. Changes are underlined; deletions are struck through. There is no financial impact.

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**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.***

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

**Contact: Gregory Merwin, Chief Academic Officer, Education and Support Services**

Staff Recommendation

It is recommended the Board President recognize Gregory Merwin, Chief Academic Officer, Education and Support Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve Board Policy 5112.1, *Exemptions and Exclusions from Attendance*.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

**38. FIRST READING – BOARD POLICY 1330, USE OF SCHOOL FACILITIES: DISCUSSION/ ACTION**

As changes occur in statutes or precedent-setting lawsuits, it becomes necessary to update Board policies. Board Policy 1330, *Use of School Facilities*, was initially adopted on October 2, 1995 and was last revised on October 14, 2015. The fee structure/schedule was last revised on June 15, 2010 and was enacted on July 1, 2010. This updated Board Policy 1330, *Use of School Facilities*, provides the Board, District staff, and the community with a policy ensuring that the District conforms with the legal requirements of the Civic Center Act and fee regulations for use of the District’s school facilities and grounds by the public.

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**EXHIBIT 38**

The existing policy charges Non-profit/Youth-serving Groups (Group A) “District expense only”, in other words, the District’s costs. Non-profit Community Groups (Group B) are charged the “basic rental cost”. The cost or fee charged to Commercial users (Group C) is not specified in the policy. Further, the existing policy could be construed as providing subsidies or support for certain religious activities. Accordingly, the policy requires updating. There would be a financial impact to the District resulting from this updated policy because Group A would only be charged for after-hours custodial services. This means the District would have to absorb all other operating and maintenance costs for the school facilities or grounds being used by Group A. Under the updated policy, the District’s expenses would be covered by use by Groups B through D.

Extensive revisions and redactions bring the policy’s language in alignment with current legal mandates and in conformity with the California School Board Association’s sample policy.

***CUSD WIG 3: Facilities – Optimize facilities and learning environments for all students.***

**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 approve the First Reading - Board Policy 1330, *Use of School Facilities*.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

**ADJOURNMENT**

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS  
WEDNESDAY, AUGUST 19, 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](http://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.*