

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

November 18, 2020

Closed Session 4:00 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).*

*Members of the public may attend the meeting in person, however social distancing practices will be followed. Attendees will need to wear a mask whenever in District facilities. For the safety and well-being of others, speakers will be required to wear a mask when addressing the Board at the podium. If participants choose to not attend the Board meeting in person the District has provided the following option for the public to address the Board telephonically. Please submit a 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 4:00 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/Gregory Merwin  
(Pursuant to Government Code § 54957(a))

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

Gregory Merwin/Kathy Purcell  
Attorney – Justin Shinnfield  
Significant Exposure to Litigation – Six Cases  
ADR Case Number 20200813  
ADR Case Number 20200928  
ADR Case Number 20201019  
ADR Case Number 20201023  
ADR Case Number 20201026  
Martinez v. State of California Special Education Class Action Litigation  
(Pursuant to Government Code § 54956.9(d)(2))

**EXHIBIT B-1**

**EXHIBIT B-2**

**EXHIBIT B-3**

**EXHIBIT B-4**

**EXHIBIT B-5**

**EXHIBIT B-6**

Susan Holliday  
Attorney – Anthony De Marco  
Significant Exposure to Litigation – One Case  
(Pursuant to Government Code § 54956.9(d)(2))

**EXHIBIT B-7**

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

Gregory Merwin/Kathy Purcell  
Attorney – Justin Shinnfield  
Significant Exposure to Litigation – Two Cases  
OAH Case Number 2020060471  
OAH Case Number 2020070107  
(Pursuant to Government Code § 54956.9(d)(1))  
(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: Jeff Hoskinson  
Property: 33122 Valle Rd, San Juan Capistrano, CA 92675  
Negotiating Party: SchoolsFirst Federal Credit Union  
Under Negotiation: Price and Terms of Payment  
(Pursuant to Education Code § 54956.8)

**EXHIBIT D-1**

**E. 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 E-1**

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

Tim Brooks/Gregory Merwin  
Multiple Cases  
(Pursuant to Government Code § 54957)

**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:** Page 1  
**EXHIBIT 1**  
Approval of donations of funds and equipment. A number of gifts have been donated to the District, including \$83,029.40 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*
- 2. PURCHASE ORDERS, COMMERCIAL WARRANTS AND PREVIOUSLY BOARD-APPROVED BIDS AND CONTRACTS:** Page 3  
**EXHIBIT 2**  
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 \$19,277,500.30 and the commercial warrants total \$20,776,849.28. 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*
- 3. INDEPENDENT CONTRACTOR, PROFESSIONAL SERVICES, FIELD SERVICE, AND MASTER CONTRACT AGREEMENTS:** Page 88  
**EXHIBIT 3**  
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 9 new agreements totaling \$257,609 and 11 amendments to existing agreements totaling \$447,000. 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*
- 4. AMEND RESOLUTION 2021-08, EMERGENCY FLOOD MITIGATION AND REPAIR SERVICES:** Page 298  
**EXHIBIT 4**  
Approval of amendment of Resolution No. 2021-08, Emergency Flood Mitigation and Repair Services to include American Technologies, Incorporated (ATI) and Baldwin Builders for flood mitigation services due to a fire system supply line rupture at Vista Del Mar Elementary School. On August 5, 2020, Resolution No. 2021-08 was adopted by the Board to contract only with ATI; however, upon recommendation by the District's insurer, ASCIP, Baldwin Builders was engaged to perform the repair work in conjunction with remediation work performed by ATI. There is no additional fiscal impact.  
*Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*
- 5. AWARD BID NO. 2021-09, PHILIP REILLY ELEMENTARY SCHOOL SHADE STRUCTURE – A2Z CONSTRUCT INCORPORATED:** Page 349  
**EXHIBIT 5**  
Approval of Award of Bid No. 2021-09, Philip Reilly Elementary School Shade Structure to A2Z Construct Incorporated. Five bids were received and opened on October 27, 2020 and are listed on Exhibit A. The bidder offering the lowest base price was used to determine the lowest responsive bidder.

A2Z Construct Incorporated is the lowest responsive, responsible bidder at \$115,000. This project will be funded by Redevelopment Agency Mission Viejo funds.

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

- 6. CHANGE ORDER NO. 1, BID NO. 1920-08, CCA PORTABLE CLASSROOM PROJECT AT CAPISTRANO VALLEY HIGH SCHOOL:** Page 383  
**EXHIBIT 6**

Approval of Change Order No. 1, Bid No. 1920-08, CCA Portable Classroom Project at Capistrano Valley High School related to the return of the unused allowance from the project. 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 \$463,177. The new contract sum including Change Order No. 1 is \$438,990.22 funded by developer fees. With this change order, the project remains under budget.

**Contact: Clark Hampton, Deputy Superintendent, Business and Support Services**
- 7. CHANGE ORDER NO. 1, BID NO. 2021-07, BRIDGES COMMUNITY DAY HIGH SCHOOL RESTROOM PORTABLE PROJECT:** Page 388  
**EXHIBIT 7**

Approval of Change Order No. 1, Bid No. 2021-07 for the Bridges Community Day High School Restroom Portable Project related to alterations of unknown site conditions and existing utilities. 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 \$214,000. The new contract sum including Change Order No. 1 is \$225,171.52 funded by developer fees. With this change order, the project remains under budget.

**Contact: Clark Hampton, Deputy Superintendent, Business and Support Services**
- 8. CHANGE ORDER NO. 4, BID NO. 1920-07, TESORO HIGH SCHOOL TURF AND SAND VOLLEYBALL COURT PROJECT:** Page 409  
**EXHIBIT 8**

Approval of Change Order No. 4, Bid No. 1920-07 for the Tesoro High School Turf and Sand Volleyball Court Project related to the installation of concrete under exterior stairs at Building D. 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 \$916,295. The new contract sum including Change Order No. 4 is \$1,010,989.36 funded by gift funds, Las Flores CFD 92-1 and deferred maintenance. With this change order, the project remains under budget.

**Contact: Clark Hampton, Deputy Superintendent, Business and Support Services**
- 9. CHANGE ORDER NO. 5, BID NO. 1920-04, ALISO NIGUEL HIGH SCHOOL STEM BUILDING PROJECT:** Page 415  
**EXHIBIT 9**

Approval of Change Order No. 5, Bid No. 1920-04 for the Aliso Niguel High School STEM Building is related to credits back to the District for scope eliminations, as well as additions related to unforeseen utilities issues and a correction due to incorrect sizing for the elevator. 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. 5 is \$11,236,576.07 funded by CFD 87-1 and if necessary, 2015 2 Liberty land sale revenue and interest earnings. With this change order, the project remains under budget.

**Contact: Clark Hampton, Deputy Superintendent, Business and Support Services**
- 10. FINAL ACCEPTANCE AND FILING OF NOTICE OF COMPLETION FOR BID NO. 1920-08, CCA PORTABLE CLASSROOM PROJECT AT CAPISTRANO VALLEY HIGH SCHOOL:** Page 471  
**EXHIBIT 10**

Approval of the Final Acceptance and filing of the Notice of Completion for Bid No. 1920-08 for the CCA Portable Classroom Project at Capistrano Valley High School. In order to obtain Division of State Architect closeout with certification,

Notice of Completion is required. All work has been inspected and completed to the satisfaction of staff. The project was funded by developer fees.

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

11. **LICENSE AGREEMENT FOR USE OF REAL PROPERTY AT CAPISTRANO VALLEY HIGH SCHOOL – COLLEGE AND CAREER ADVANTAGE:** Page 474  
**EXHIBIT 11**  
Approval of License Agreement with College and Career Advantage for use of real property at Capistrano Valley High School. The District is a member agency of the College and Career Advantage (CCA) Joints Power Authority (JPA), which serves both District and Laguna Beach Unified School District students. CCA, as part of its programing, agrees to relocate its Career Technical Education program to certain portable classrooms located at Capistrano Valley High School. A License Agreement (License) permits CCA to utilize 9 portable classrooms on the Capistrano Valley High School campus along the edge of the student parking lot and 15 parking spaces in that student lot, plus overflow parking in the upper lot. This License is for a total duration of 5 years, unless either party elects to terminate with a 60 day written notice. In exchange for the use granted by this License, CCA will allow the District use of all CCA portables and offices at the San Juan Elementary School campus for a charter school which is governed by a separate agreement. There is no financial impact.  
**Contact:** *Clark Hampton, Deputy Superintendent, Business and Support Services*
12. **STATE OF CALIFORNIA MULTIPLE AWARD SCHEDULE CONTRACT NO. 4-18-75-0059C, GENERAL SERVICES ADMINISTRATION SCHEDULE NO. GS-02F-0207X, PURCHASE AND WARRANTY OF OFFICE PRODUCTS, AND RESTROOM SUPPLIES AND ACCESSORIES – SUPPLY SOLUTIONS:** Page 495  
**EXHIBIT 12**  
Approval to utilize the State of California Multiple Award Schedule (CMAS) Contract No. 4-18-75-0059C, General Service Administration (GSA) Schedule No. GS-02F-0207X and any subsequent revisions, amendments, and extensions awarded to Supply Solutions, for the purchase and warranty of office products, and restroom supplies and accessories as needed by the District. The District can utilize such contracts pursuant to California Public Contract Code §§ 10298, 10299, and 12100 et. seq. 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 office products, and restroom supplies and accessories. Anticipated annual expenditures utilizing this contract are approximately \$250,000 funded by the general fund and deferred maintenance.  
**Contact:** *Clark Hampton, Deputy Superintendent, Business and Support Services*
13. **STATE OF CALIFORNIA MULTIPLE AWARD SCHEDULE CONTRACT NO. 4-20-00-0126B, BASE SCHEDULE NO. 080819-TFU, PURCHASE, WARRANTY, MAINTENANCE, AND INSTALLATION OF CARPET AND FLOOR COVERINGS – TARKETT USA, INCORPORATED:** Page 515  
**EXHIBIT 13**  
Approval to utilize the State of California Multiple Award Schedule (CMAS) Contract No. 4-20-00-0126B, Base Schedule No. 080819-TFU, and any subsequent revisions, amendments, and extensions awarded to Tarkett USA, Incorporated, for the purchase, warranty, maintenance, and installation of carpet and floor coverings as needed throughout the District. The District can utilize such contracts pursuant to California Public Contract Code §§ 10298, 10299, and 12100 et. seq. 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, warranty, maintenance, and installation of carpet and floor coverings. Anticipated annual expenditures utilizing this contract are approximately \$200,000 funded by the general fund and deferred maintenance. Actual expenditures will vary depending on District needs and the availability of funds. Due to the size of the contract and award documentation, the documentation is posted online on the District Board Agendas and Supporting Documentation page [here](#).  
**Contact:** *Clark Hampton, Deputy Superintendent, Business and Support Services*

14. **STATE OF CALIFORNIA MULTIPLE AWARD SCHEDULE CONTRACT NO. 4-20-00-0130A, BASE SCHEDULE NO. AEPA IFB# 020-A, PURCHASE, WARRANTY, INSTALLATION, AND MAINTENANCE OF ATHLETIC SURFACES – ASTROTURF CORPORATION:** Page 518  
EXHIBIT 14
- Approval to utilize the State of California Multiple Award Schedule (CMAS) Contract No. 4-20-00-0130A, Base Schedule No. AEPA IFB# 020-A, and any subsequent revisions, amendments, and extensions awarded to AstroTurf Corporation, for the purchase, warranty, installation, and maintenance of athletic surfaces as needed throughout the District. The District can utilize such contracts pursuant to California Public Contract Code §§ 10298, 10299, and 12100 et. seq. 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, warranty, installation, and maintenance of athletic surfaces. Anticipated annual expenditures utilizing this contract are approximately \$900,000 funded by the general fund and deferred maintenance. Actual expenditures will vary depending on District needs and the availability of funds. Due to the size of the contract and award documentation, the documentation is posted online on the District Board Agendas and Supporting Documentation page [here](#).
- Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*
15. **EDUCATION TECHNOLOGY JOINT POWERS AUTHORITY MASTER CONTRACT – HOONUIT, LLC:** Page 521  
EXHIBIT 15
- Approval to utilize the Education Technology Joint Powers Authority (Ed Tech JPA) Master Contract, awarded to Hoonuit, LLC and any subsequent revisions, amendments, and extensions, for the purchase and warranty of certain education support software, specifically electronic educational intelligence and analytics solution, as needed by 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 Ed Tech JPA contract for the purchase and warranty of this software. Anticipated annual expenditures utilizing this contract are approximately \$263,000 funded by the general fund. Actual expenditures will vary depending on the availability of funds and selected components and training. Due to the size of the contract and award, the documentation is posted online on the District’s Board Agendas and Supporting Documentation page [here](#).
- Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*
16. **RESOLUTION NO. 2021-22, STATE ALLOCATION BOARD AND SCHOOL FACILITY PROGRAM PROPOSITION 51 BEYOND BOND AUTHORITY ACKNOWLEDGMENT:** Page 524  
EXHIBIT 16
- Approval of Resolution No. 2021-22, State Allocation Board and School Facility Program Proposition 51 Beyond Bond Authority Acknowledgment. The School Facility Program (SFP) is currently accepting applications to be placed on the “Acknowledged List” for potential funding at a future date. The District intends to file applications for funding under the SFP. Participation in the SFP requires the Board of Trustees adopt this resolution as an acknowledgment by the Board that the SFP is currently beyond bonding authority and does not guarantee funding will be available in the future, or if funding is available, the projects will be eligible for funding. There is no financial impact.
- Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*
17. **RESOLUTION NO. 2021-23, APPROVING THE ANNUAL AND FIVE-YEAR REPORTABLE FEES REPORT FOR FISCAL YEAR 2019-2020, IN COMPLIANCE WITH GOVERNMENT CODE § 66006 AND § 66001:** Page 527  
EXHIBIT 17
- Approval of Resolution No. 2021-23, Approving the Annual and Five-Year Reportable Fees Report for Fiscal Year 2019-2020, in compliance with Government Code § 66006 and § 66001.

The Board of Trustees adopted guidelines in Senate Bill 1693 legislation requiring school districts to justify and report the need and reasonableness of any collection and spending of developer fees for new school facilities. As long as the District continues to use developer fees as a funding mechanism for new school facilities projects, the findings on the type and amount of fees are to be published in an Annual and Five-Year Report.

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

- 18. RESOLUTION NO. 2021-24, AUTHORIZATION TO SIGN APPLICATIONS AND ASSOCIATED DOCUMENTS AND SUPPORT OF APPLICATIONS FOR ELIGIBILITY DETERMINATION AND FUNDING:** Page 543  
**EXHIBIT 18**

Approval of Resolution No. 2021-24, Authorization to Sign Applications and Associated Documents and Support of Applications for Eligibility Determination and Funding. The District intends to file applications for eligibility determination and funding under the School Facility Program (SFP). This resolution will authorize the Deputy Superintendent, Business and Support Services and the Chief Facilities Officer to submit applications for eligibility determination and funding for programs including, but not limited to, modernization and new construction.

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

- 19. RESOLUTION NO. 2021-25, IN SUPPORT OF THE FILING OF AN APPLICATION FOR STATE FUNDING FOR CAPISTRANO UNIFIED SCHOOL DISTRICT ELIGIBLE FACILITIES:** Page 546  
**EXHIBIT 19**

Approval of Resolution No. 2021-25, In Support of the Filing of an Application for State Funding for Capistrano Unified School District Eligible Facilities. The District intends to file applications for eligibility determination and funding under the School Facility Program (SFP). This resolution will authorize the District to submit applications for eligibility determination and funding for programs including, but not limited to, modernization and new construction.

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

## **CURRICULUM AND INSTRUCTION**

- 20. RATIFICATION OF ADDENDUM #3 REOPENING PLAN FOR 2020-2021 SCHOOL YEAR:** Page 548  
**EXHIBIT 20**

Approval of Ratification of Addendum #3 Reopening Plan for 2020-2021 School Year. This third addendum to the Board approved Reopening Plan defines for all elementary families the enrollment process if they request a program change for the third trimester of the 2020-2021 School Year, from Program C (100% online) to Programs A and B. This addendum clarifies that new student enrollment in Programs A and B at their school of residence for the third trimester will depend upon available space, and families would be provided program space at a nearby school if it were not available at the school of residence. This was previously defined in the Reopening Plan for only school sites with higher overall student enrollment. This third addendum corrects an oversight in the Reopening Plan that has already been communicated to families Districtwide. This addendum will now formalize this process at all elementary schools and will be clearly described in the 2020-2021 School Year Opening & Safety Plan on the District's Reopening website. Families will continue to be able to select Program C at any time during the school year. This addendum is in alignment with Board Policy 5119(a), School of Choice; and Board Policy 5111.1(a), District Residency for both providing space at an alternative school and for the rights to return to the school of residence for 2021-2022.

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

- 21. AGREEMENT FOR PARTICIPATION WITH THE ART MASTERS LEGACY PROGRAM 2020-2021:** Page 631  
**EXHIBIT 21**

Approval of the ratification of the agreement for participation with the Art Masters Legacy Program at Carl Hankey Middle School for 2020-2021.

The agreement is effective July 1, 2020 – June 30, 2021. Art Masters Legacy teacher-lecturers conduct and present multimedia presentation assemblies using art visuals, images, and engrossing stories covering each artist and/or art subject. In past years, Art Masters Legacy has provided services that include art assemblies and hands-on studio art activities for students. Later, students have an opportunity to engage in art activities to create their own individual works of art in the manner of the master artist or art subject, using the same styles, techniques, media, and disciplines. This year, due to the COVID-19 pandemic, Art Masters Legacy is implementing the lectures and activity lessons virtually. The total expenditure for this agreement is \$12,235 funded by gift funds.

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

**22. BUDGET OVERVIEW FOR PARENTS 2020-2021:**

Page 635

**EXHIBIT 22**

Approval of the Budget Overview for Parents 2020-2021. Senate Bill (SB) 98 decoupled the Budget Overview for Parents from the Local Control Accountability Plan (LCAP) for 2020-2021, and tied it to the First Interim report. SB 820 requires the Budget Overview template to be aligned to the Learning Continuity and Attendance Plan. As such, the revenue and budgeted expenditures referenced in the 2020-2021 Budget Overview for Parents are tied to the District's First Interim report, Learning Continuity and Attendance Plan, and the 2019-2020 LCAP. The financial impact is incorporated into the First Interim budget report.

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

**23. BURN-IN MINDSET CONSULTING SERVICES AGREEMENT:**

Page 641

**EXHIBIT 23**

Approval of Burn-In Mindset Consulting Services Agreement November 18, 2020 – June 30, 2021. Burn-In Mindset will provide one-on-one consulting and individual coaching, whole staff virtual presentations, access to program materials, and access to research-based content and feedback with the goal to create a team of expert early-adopters who model desired behaviors for an entire school. Participants are coached on how to support one another, and share best practices. All services will be conducted virtually. The cost of \$10,000 to provide the program will be funded by school site Comprehensive Support and Improvement grant funds.

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

**24. CALIFORNIA YOUTH SERVICES INDEPENDENT CONTRACTOR AGREEMENT:**

Page 644

**EXHIBIT 24**

Approval of the ratification of the Independent Contractor Agreement with California Youth Services July 1, 2020 – June 30, 2021. California Youth Services will facilitate Juvenile Alcohol and Drug Education (JADE) for students at Serra High School. Services are primarily individual and group counseling, but may include a legal awareness education program, and drug testing if requested by the parent. All services will be virtual until on campus services are approved by the District in adherence with health and safety protocols. Costs of \$10,000 to provide the program will be funded by Title I funds.

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

**25. HYBRID AND DISTANCE LEARNING COLLABORATIVE LETTER OF AGREEMENT:**

Page 652

**EXHIBIT 25**

Approval of the ratification of the Hybrid and Distance Learning Collaborative Letter of Agreement, November 1, 2020 – November 30, 2021. Funded by a grant from the S.D. Bechtel, Jr. Foundation, WestEd is convening the Hybrid and Distance Learning Collaborative, a network of 20-30 California school districts, who will meet to share experiences and resources relating to implementing distance and hybrid learning during the COVID-19 pandemic. The District will receive \$5,000 for participation in the quarterly survey and interview.

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



26. **AGREEMENT NO. 50458 WITH THE ORANGE COUNTY SUPERINTENDENT OF SCHOOLS:** Page 656  
**EXHIBIT 26**  
Approval of the ratification of Agreement No. 50458 with the Orange County Superintendent of Schools,  
Strong Workforce Program K12 (SWP K12) Pathway Improvement Grant (Round 2) Service Agreement for the period of July 1, 2020 through December 31, 2022. The agreement will be implemented in accordance with the conditions defined in the SWP K12 Pathway Improvement Grant Service Agreement (Round 2) and sets forth the responsibilities of the District and the Orange County Superintendent of Schools. There is no financial impact.  
*Contact: Susan Holliday, Chief Administrative Officer, Education and Support Services*

27. **SCHOOL PLANS FOR STUDENT ACHIEVEMENT AND BUDGETS FOR 2020-2021:** Page 676  
**EXHIBIT 27**  
Approval of the School Plans for Student Achievement (SPSA) and Budgets for the 2020-2021 school year. The purpose of each school's SPSA is to create a cycle of continuous improvement of student performance and to ensure all students succeed in reaching academic standards set by the State Board of Education. The goals contained within each plan are aligned to the District's Wildly Important Goals and Local Control Accountability Plan. Each plan is developed by school staff and initially approved through a process conducted by the School Site Council (SSC) advisory committee that includes stakeholder input. The SSC is composed of a group representing parents, staff, and students (high schools only). All plans are updated annually. Title I School wide Plan components are also included. The outlined action plans and related expenditures are implemented throughout the school year, and serve as a framework for each school's efforts. The SPSA documents are available for viewing in Education and Support Services, upon request.  
*Contact: Susan Holliday, Chief Administrative Officer, Education and Support Services*

### HUMAN RESOURCE SERVICES

28. **CLINICAL AFFILIATION AGREEMENT WITH EMERSON COLLEGE:** Page 679  
**EXHIBIT 28**  
Approval of the Clinical Affiliation Agreement with Emerson College, effective on November 19, 2020 and continuing through June 30, 2022. University students enrolled in a speech language pathology program will be paired with a veteran District Speech Language Pathologist as they complete practicum/fieldwork hours required to earn their degree.  
*Contact: Tim Brooks, Associate Superintendent, Human Resource Services*
29. **FIRST QUARTER REPORT – WILLIAMS SETTLEMENT LEGISLATION UNIFORM COMPLAINT:** Page 686  
**EXHIBIT 29**  
Acceptance of Williams Settlement Legislation Uniform Complaint First 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 § 35186 requires any deficiencies or complaints be reported to the Board of Trustees at a regularly scheduled public meeting each quarter. No complaints were received during the first quarter.  
*Contact: Tim Brooks, Associate Superintendent, Human Resource Services*
30. **ANNUAL REPORT – WILLIAMS SETTLEMENT LEGISLATION, 2019-2020 SCHOOL YEAR:** Page 689  
**EXHIBIT 30**  
Approval of Annual Report – Williams Settlement Legislation, 2019-2020 School Year. 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, the law requires any deficiencies or complaints be reported to the Board of Trustees at a regularly scheduled public meeting. Both quarterly and annually the Orange County Department of Education (OCDE) conducts a review to determine if deficiencies exist. The annual report for the District, conducted by OCDE, was found to be in compliance. The inspection of Kinoshita and Viejo Elementary Schools revealed the schools have sufficient instructional materials. The inspection of the facility conditions revealed one minor deficiency at Kinoshita and one minor deficiency at Viejo Elementary School. These have been resolved. Data reported on School Accountability Report Cards (SARC) was found to be accurately reported. Teacher assignments were reviewed at both schools and found to be in compliance. The schools are considered to have met all expectations established under the Williams Settlement Legislation.

**Contact: Tim Brooks, Associate Superintendent, Human Resource Services**

**31. RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CERTIFICATED EMPLOYEES: Page 695 EXHIBIT 31**

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**

**32. RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CLASSIFIED EMPLOYEES: Page 730 EXHIBIT 32**

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**

**33. SCHOOL BOARD MINUTES: Page 771 EXHIBIT 33**

Approval of the October 21, 2020 Regular Board meeting minutes.

**Contact: Colleen Hayes, Manager II, Board Operations/Superintendent's Office**

**DISCUSSION/ACTION ITEMS**

**34. CERTIFICATION OF THE 2020-2021 FIRST INTERIM REPORT: DISCUSSION/ACTION Page 779 EXHIBIT 34**

In accordance with Education Code § 42130, school districts are required to prepare and submit Interim Financial Reports to the governing board. The purpose of these reports is to satisfy State and County Office of Education officials as to whether or not the District will be able to meet its financial obligations for the remainder of the fiscal year. Additionally, as required by AB 2756, districts must certify that minimum reserve levels are projected to be met in the two subsequent fiscal years. This agenda item presents a qualified certification of the First Interim Report for 2020-2021, indicating the District may not meet its financial obligations in either the current, or the two subsequent fiscal years. The multi-year projections for 2021-2022 and 2022-2023 are projected using cost of living adjustment (COLA) factors from the Governor's adopted budget.

**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 approve the Certification of the 2020-2021 First Interim Report.

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

35. **BOND MARCH 2020 POST-ELECTION ANALYSIS PRESENTATION:**  
The Board will receive an information presentation from the District’s survey research consultant, True North Research, with an analysis of the results of the March 2020 Measure H, Measure I, and the November 2016 Measure M bond elections. Staff would like to share the results of the analysis with the community.

**INFORMATION/  
DISCUSSION**  
Page 908  
**EXHIBIT 35**

***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 information on this item and answer any questions Trustees may have. This is an information item only and no Board action is necessary.

36. **FIRST READING - BOARD POLICY 5131.2, BULLYING:**  
Prior to March 2019, Board Policy 5141, *Conduct*, defined bullying and cyberbullying, identified the responsibilities of all stakeholders to prevent bullying and explained the complaint procedure to report bullying. Staff recommended that a separate policy, specific to bullying, be developed and adopted. On March 13, 2019, the Board approved the new Board Policy 5131.2, *Bullying*. Through the lens of cultural proficiency, staff reviewed the disciplinary Board Policies and Administrative Regulations. A team of administrators and cultural proficiency team members reviewed this Board Policy and made minor revisions. The revised language more clearly defines bullying, and what groups may potentially be targeted. The proposed policy also aligns with the California School Boards Association sample policy. Legal counsel has reviewed the policy. Changes are underlined; deletions are struck through. There is no financial impact.

**DISCUSSION/  
ACTION**  
Page 957  
**EXHIBIT 36**

***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 5131.2, *Bullying*.

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

37. **REPORT ON HIGH SCHOOL STUDENT DATA, BASED ON THE IMPLEMENTATION OF THE TEMPORARY BOARD POLICY T6146.1, HIGH SCHOOL GRADUATION REQUIREMENTS, BOARD APPROVED ON JULY 15, 2020, AND REAGENDIZED ON AUGUST 5, 2020, WITH DIRECTION TO RETURN TO THE BOARD, WITH STUDENT OUTCOMES:**

**INFORMATION/  
DISCUSSION**  
Page 963  
**EXHIBIT 37**

This item presents for discussion both the updated and the temporary Board Policy 6146.1, *High School Graduation Requirements*. This policy was revised with temporary language by Trustees on July 15, 2020, due to COVID-19, the policy language provided the District maximum flexibility for reopening. Staff modified the policy by reducing the required number of classes needed to graduate from high school from 220 to 205, for the classes of 2021 through 2022. This temporary revision reduced the number of elective credits students would need to take in order to graduate from high school. Staff also revised 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.

These temporary revisions were to support our focus on juniors and seniors completing their requirements. Staff will provide Trustees with data tied to the temporary language and make recommendations. The purpose of this presentation is to recap the temporary revisions that were made as we examine future programming and offerings. 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: Greg Merwin, Chief Academic Officer, Education and Support Services**

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

Staff Recommendation

It is recommended the Board President recognize Greg Merwin, Chief Academic Officer, Education and Support Services, and Susan Holliday, Chief Administrative Officer, Education and Support Services, to present this item and answer any questions Trustees may have regarding this item. This is an information item only and no Board action is necessary.

**38. FIRST READING – SPECIAL EDUCATION LOCAL PLAN AREA:**

The District Special Education Local Plan Area (SELPA) Local Plan, Part B, is recommended for adoption and will replace the District’s previous plan, which was last updated in 2011. The SELPA Local Plan is the coordinated plan to ensure access to special education and services for all students with disabilities residing within the geographic areas served by each plan. The Local Plan for Special Education must be developed and updated collaboratively by a committee of special and general education teachers and administrators; and with the participation of parent members from the Community Advisory Committee (CAC). The Local Plan includes: Section A - Contracts and Certifications; Section B - Governance and Administration; Section D - Annual Budget Plan; and required Attachments I-VII. The District SELPA, the Orange County Department of Education (OCDE), and the California Department of Education (CDE) must approve the Plan. 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.***

***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 the Special Education Local Plan.

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

**39. AMENDMENT TO RECIPROCAL PARKING LICENSE AGREEMENT FOR SAN JUAN HILLS HIGH SCHOOL – THE CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS:**

Approval of the Amendment to the Reciprocal Parking License Agreement with the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints (CHC) for San Juan Hills High School.

**DISCUSSION/  
ACTION  
Page 995  
EXHIBIT 38**

**DISCUSSION/  
ACTION  
Page 1090  
EXHIBIT 39**

The current agreement grants both the District and CHC a non-exclusive license to utilize the parking lots of the other, with the District owning and operating San Juan Hills High School on property immediately adjacent to property owned by CHC. The District is permitted to use the CHC parking lot during school hours and CHC is permitted to use the San Juan Hills High School parking lots on evenings and weekends. CHC now wishes to amend the agreement, to better align it with existing practices that have since developed at the locations and to provide for more accurate monitoring of student use while also preserving the benefits of securing and providing adequate parking for students. The amended agreement will be effective upon full execution and can be terminated by either party with a 30-day written notice. There is no financial impact.

***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 Amendment to the Reciprocal Parking License Agreement with the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints.

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

**40. UPDATE ON FINANCING PLANS FOR THE PACIFICA SAN JUAN COMMUNITY FACILITIES DISTRICT:**

The Board will receive an information presentation from the District’s financial advisor, Government Financial Strategies, with an update on financing plans for the Pacifica San Juan Community Facilities District (CFD 98-1A and CFD 98-1B). Issuance of the bonds will provide development mitigation funds to the District for the schools that serve the CFD, and to the City for infrastructure such as streets, water, and sewer. The amount of funding is estimated to total just under \$4 million each to the District and City.

***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 information on this item and answer any questions Trustees may have. This is an information item only and no Board action is necessary.

**41. RESOLUTION NO. 2021-26, A RESOLUTION OF THE BOARD OF TRUSTEES OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT AUTHORIZING THE ISSUANCE OF NOT-TO-EXCEED \$5,000,000 AGGREGATE PRINCIPAL AMOUNT OF COMMUNITY FACILITIES DISTRICT NO. 98-1A OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT (PACIFICA SAN JUAN) SPECIAL TAX BONDS, SERIES 2020, APPROVING THE EXECUTION AND DELIVERY OF A SECOND SUPPLEMENTAL INDENTURE, A BOND PURCHASE AGREEMENT AND A CONTINUING DISCLOSURE CERTIFICATE AND THE PREPARATION OF AN OFFICIAL STATEMENT AND OTHER MATTERS RELATED THERETO:**

The Board is asked to consider adoption of Resolution No. 2021-26 authorizing the issuance of up to \$5 million of bonds for Pacifica San Juan Community Facilities District (CFD 98-1A) and approving the bond legal documents.

**INFORMATION/  
DISCUSSION**

Page 1105

**EXHIBIT 40**

**DISCUSSION/  
ACTION**

Page 1117

**EXHIBIT 41**

This will be the third series of bonds issued by CFD 98-1A, and will provide funds that can be used toward facilities projects at schools that serve Pacifica San Juan and to the City of San Juan Capistrano for city infrastructure projects that support Pacifica San Juan. It is estimated the District and the City will each receive \$1.4 million, which when combined with past funds received from both CFD 98-1A and 98-1B, will total \$13.8 million in funding each for the District and the City.

***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 adopt Resolution No. 2021-26, A Resolution of the Board of Trustees of the Capistrano Unified School District Authorizing the Issuance of Not-to-Exceed \$5,000,000 Aggregate Principal Amount of Community Facilities District No. 98-1A of the Capistrano Unified School District (Pacifica San Juan) Special Tax Bonds, Series 2020, Approving the Execution and Delivery of a Second Supplemental Indenture, a Bond Purchase Agreement and a Continuing Disclosure Certificate and the Preparation of an Official Statement and Other Matters Related Thereto.

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

42. **RESOLUTION NO. 2021-27, A RESOLUTION OF THE BOARD OF TRUSTEES OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT AUTHORIZING THE ISSUANCE OF NOT-TO-EXCEED \$8,000,000 AGGREGATE PRINCIPAL AMOUNT OF COMMUNITY FACILITIES DISTRICT NO. 98-1B OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT (PACIFICA SAN JUAN) SPECIAL TAX BONDS, SERIES 2020, APPROVING THE EXECUTION AND DELIVERY OF A FIRST SUPPLEMENTAL INDENTURE, A BOND PURCHASE AGREEMENT AND A CONTINUING DISCLOSURE CERTIFICATE AND THE PREPARATION OF AN OFFICIAL STATEMENT AND OTHER MATTERS RELATED THERETO:**

**DISCUSSION/  
ACTION  
Page 1364  
EXHIBIT 42**

The Board is asked to consider adoption of Resolution No. 2021-27 authorizing the issuance of up to \$8 million of bonds for Pacifica San Juan Community Facilities District (CFD 98-1B) and approving the bond legal documents. This will be the second series of bonds issued by CFD 98-1B, and will provide funds that can be used toward facilities projects at schools that serve Pacifica San Juan and to the City of San Juan Capistrano for city infrastructure projects that support Pacifica San Juan. It is estimated the District and the City will each receive \$2.5 million, which when combined with past funds received from both CFD 98-1A and 98-1B, will total \$13.8 million in funding each for the District and the City.

***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 adopt Resolution No. 2021-27, A Resolution of the Board of Trustees of the Capistrano Unified School District

Authorizing the Issuance of Not-To-Exceed \$8,000,000 Aggregate Principal Amount of Community Facilities District No. 98-1B of the Capistrano Unified School District (Pacifica San Juan) Special Tax Bonds, Series 2020, Approving the Execution and Delivery of a First Supplemental Indenture, a Bond Purchase Agreement and a Continuing Disclosure Certificate and the Preparation of an Official Statement and Other Matters Related Thereto.

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

**ADJOURNMENT**

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

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS  
WEDNESDAY, DECEMBER 16, 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**

**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.*