

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

March 2, 2022

Closed Session 5:30 p.m.
Open Session 7:00 p.m.

AGENDA

*Members of the public may attend the meeting in person. As a K-12 Public School District, we must follow the guidelines established by the California Department of Public Health specifically for schools. These guidelines act as our standard of care. Per CDPH and Cal/OSHA guidelines, masks are optional for fully COVID-19 vaccinated staff and members of the public when indoors at the District Office. Any individual who is not fully vaccinated (defined as two weeks after the last vaccination shot) will be required to wear a mask while indoors. By entering these premises without a mask, you are attesting that you are fully vaccinated with a COVID-19 vaccine. 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 telephonically by clicking [here](#), **register only if you are not attending in person**. Those who have registered to comment will receive an email prior to the meeting with information on how to join and comment via a Zoom link. If you are attending in person, 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.*

CLOSED SESSION AT 5:30 P.M.

1. CALL TO ORDER

2. CLOSED SESSION COMMENTS

3. CLOSED SESSION (as authorized by law)

A. PUBLIC HEALTH EMERGENCY

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

B. CONFERENCE WITH LABOR NEGOTIATORS

District Negotiators: Kirsten Vital Brulte/Rich Montgomery/Clark Hampton
Employee Organizations:
1) Capistrano Unified Education Association (CUEA)
2) California School Employees Association (CSEA)
3) Teamsters
4) Capistrano Unified Management Association (CUMA)
5) Unrepresented Employees
(Pursuant to Government Code § 54957.6)

C. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Rich Montgomery
Seven Cases
(Pursuant to Government Code § 54957)

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

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

STUDENT BOARD MEMBER REPORT

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.

HUMAN RESOURCE SERVICES

1. **RECOMMENDATION OF TENTATIVE AGREEMENT WITH CAPISTRANO UNIFIED EDUCATION ASSOCIATION (CUEA), FOR JULY 1, 2019 – JUNE 30, 2022:** Page 1
EXHIBIT 1

This is a standing item that is presented to the board of Trustees on an as needed basis. The purpose of this agenda item is to seek approval of the Tentative Agreement between the District and the Capistrano Unified Education Association (CUEA). In addition to the Tentative Agreement, the Public Disclosure of Collective Bargaining Agreement is included in the exhibit. The total fiscal impact of this agreement is approximately \$12,413,170. This is based on a total percentage increase of 5.17% which includes 3.1% (\$7,443,100) effective in March 2022 and retroactive to July 1, 2021 and 2.07% (\$4,970,070) contingent on funded COLA exceeding 5% for 2022-2023 and 1,500 additional ADA from first interim based on the enacted state budget and retroactive to July 1, 2021.

Contact: Rich Montgomery, Assistant Superintendent, Human Resource Services, Grades 6-12, K-8, Alternative Education

2. **RECOMMENDATION OF TENTATIVE AGREEMENT WITH TEAMSTERS LOCAL 952, FOR JULY 1, 2021 – JUNE 30, 2022:** Page 18
EXHIBIT 2

This is an item presented to the Board of Trustees on an as needed basis. The purpose of this agenda item is to seek approval of the Tentative Agreement between the District and the Teamsters Local 952 (Teamsters). In addition to the Tentative Agreement, the Public Disclosure of Collective Bargaining Agreement is included in the exhibit. The total fiscal impact of this agreement is approximately \$444,620.

This is based on a total percentage increase of 5.17% which includes 3.1% (\$266,600) effective in March 2022 and retroactive to July 1, 2021 and 2.07% (\$178,020) contingent on funded COLA exceeding 5% for 2022-2023 and 1,500 additional ADA from first interim based on the enacted state budget and retroactive to July 1, 2021.

Contact: Rich Montgomery, Assistant Superintendent, Human Resource Services, Grades 6-12, K-8, Alternative Education

3. RECOMMENDATION OF TENTATIVE AGREEMENT WITH CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION, FOR JULY 1, 2021 – JUNE 30, 2024: Page 32
EXHIBIT 3

This is a new item. The purpose of this agenda item is to seek approval of the Tentative Agreement between the District and the California School Employees Association (CSEA). In addition to the Tentative Agreement, the Public Disclosure of Collective Bargaining Agreement is included in the exhibit. The total fiscal impact of this agreement is approximately \$4,430,690. This is based on a total percentage increase of 5.17% which includes 3.1% (\$2,656,700) effective in March 2022 and retroactive to July 1, 2021 and 2.07% (\$1,773,990) contingent on funded COLA exceeding 5% for 2022-2023 and 1,500 additional ADA from first interim based on the enacted state budget and retroactive to July 1, 2021.

Contact: Rich Montgomery, Assistant Superintendent, Human Resource Services, Grades 6-12, K-8, Alternative Education

4. RECOMMENDATION OF REVISED EMPLOYMENT AGREEMENT WITH CAPISTRANO UNIFIED MANAGEMENT ASSOCIATION, JULY 1, 2021- JUNE 30, 2022: Page 51
EXHIBIT 4

This is a standing item that is presented to the Board of Trustees on an as needed basis. The purpose of this agenda item is to seek approval of revising the 2021-2022 employment agreement between the Capistrano Unified Management Association (CUMA) and the District. The employment agreement would provide management employees a 5.17% salary increase which includes 3.1% (\$973,400) effective upon CUSD Board of Trustees' adoption of the Second Interim Report in March 2022 and retroactive to July 1, 2021 and 2.07% (\$649,980) contingent on funded COLA exceeding 5% for 2022-2023 and 1,500 additional ADA from First Interim based on the enacted state budget and retroactive to July 1, 2021.

Contact: Rich Montgomery, Assistant Superintendent, Human Resource Services, Grades 6-12, K-8, Alternative Education

DISCUSSION/ACTION ITEMS

5. RESOLUTION NO. 2122-51, PRELIMINARY RESOLUTION LAYOFF OF CLASSIFIED MANAGEMENT EMPLOYEES FOR LACK OF WORK AND/OR LACK OF FUNDS: DISCUSSION/
ACTION
Page 52
EXHIBIT 5

This is a new item. Resolution No. 2122-51 initiates the process for the proposed reduction or elimination of certain services performed by classified management employees. It authorizes providing notice to impacted employees by the March 15, 2022 deadline required in Education Code § 45117 for the reasons specified in section 45308. All positively assured attrition which has occurred to date, including resignations, retirements, and other permanent vacancies, have been considered in reducing these services. In addition to the attrition already assured, the District finds it necessary to reduce additional particular kinds of services. Under the layoff statutes, classified employees who receive a preliminary layoff notice have the right to request a hearing before an administrative law judge provided by the California Office of Administrative Hearings, who acts as a factfinder on behalf of the Board. Ultimately, the Board has the final say regarding the reduction or elimination of services, and will be asked to take final action on any layoffs at a meeting to be determined in the month of May.

CUSD WIG 2: Communications – Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions. Contact: Rich Montgomery, Assistant Superintendent, Human Resource Services, Grades 6-12, K-8, Alternative Education

Staff Recommendation

It is recommended the Board President recognize Rich Montgomery, Assistant Superintendent, Human Resource Services, Grades 6-12, K-8, Alternative Education to present this item.

Following discussion, it is recommended the Board of Trustees adopt Resolution No. 2122-51, Preliminary Resolution Layoff of Classified Management Employees for Lack of Work and/or Lack of Funds.

Motion by _____ Seconded by _____

6. 2022 BALLOT FOR CALIFORNIA SCHOOL BOARDS ASSOCIATION DELEGATE ASSEMBLY REGION 15: **DISCUSSION/ ACTION**
Page 57
EXHIBIT 6

This is an annual item. The California School Boards Association (CSBA) accepts nominations for their Delegate Assembly and calls upon each school district to take action to cast a vote. The Board may vote for up to the number of vacancies in Region 15 as indicated on the ballot whereby there are 7 openings for this delegation. Elected Delegates will serve a two-year term beginning April 1, 2022, through March 31, 2024. Trustees McNicholas and Bullockus are the current Delegates representing the District on CSBA. Together they are requesting the Board take action and recommend voting for the following seven candidates listed below, incumbents are denoted:

- Marilyn Anderson (Placentia-Yorba Linda USD)
- Lauren Brooks (Irvine USD)*
- Carrie Buck (Placentia-Yorba Linda USD)*
- Lynn Davis (Tustin USD)*
- Candice (Candi) Kern (Cypress ESD)*
- Barbara Schulman (Saddleback Valley USD)
- Michael Simons (Huntington Beach Union HSD)*

CUSD WIG 2: Communications – Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions. Contact: Martha McNicholas, Board of Trustees, Area 4 Contact: Judy Bullockus, Board of Trustees, Area 7

Trustee Recommendation

It is recommended the Board President recognize Trustee Martha McNicholas, to present this item.

Following discussion, it is recommended the Board of Trustees cast the Board’s vote for seven candidates on the 2022 Ballot for CSBA Delegate Assembly Region 15.

Motion by _____ Seconded by _____

7. TRUSTEE REQUEST TO CONSIDER REVISING BOARD POLICY 9323, MEETING CONDUCT: **DISCUSSION/ ACTION**
Page 71
EXHIBIT 7

This is a new item. Per Board Bylaw 9322, *Agenda/Meeting Materials*, Board members may place any item on the agenda no later than ten days before the scheduled meeting date. If the Board decides to agendaize the agenda topic, it shall do so at a future regular Board meeting. A Trustee requested revising Board Policy 9323, *Meeting Conduct*, to better meet the needs of the community by adopting a transparent, standardized, non-biased policy that allows for greater public participation and respects the necessity of conducting orderly efficient proceedings.

This Board policy was last updated on August 23, 2017. The Trustee requested this item be brought before the Board at the March 16, 2022 Board meeting for consideration.

CUSD WIG 2: Communications – Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions.
Contact : Krista Castellanos, Trustee Area 5

Trustee Recommendation

It is recommended the Board President recognize Krista Castellanos, Trustee Area 5, to present the item.

Following discussion, it is recommended by Trustee Castellanos that the Board hear her request to revise Board Policy 9323, *Meeting Conduct*, and bring it back for discussion action at the March 16, 2022, regular Board meeting.

Motion by _____ Seconded by _____

- 8. TRUSTEE REQUEST – RESOLUTION NO. 2122-43, REQUEST FOR ALL CUSD FAMILIES TO RECEIVE IMPARTIAL, INFORMATIONAL EMAIL OR TEXT ABOUT CALIFORNIA SENATE BILLS 871 AND 866:** **DISCUSSION/ ACTION**
Page 77

This is a new item. Per Board Bylaw 9322, *Agenda/Meeting Materials*, Board members may place any item on the agenda no later than ten days before the scheduled meeting date. If signed into law, two current California Senate Bills - SB 866, authored by Senators Richard Pan and Scott Wiener; and SB 871, authored by Senator Richard Pan -- will have impacts for school-aged children in California.

CUSD WIG 2: Communications – Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions.
Contact : Judy Bullockus, Trustee Area 7
Contact: Gila Jones, Trustee Area 6

Trustee Recommendation

It is recommended the Board President recognize Judy Bullockus, Trustee Area 7, to present this item.

Following discussion, it is recommended by Trustees Bullockus and Jones that the Board vote to adopt Resolution No. 2122-43, Request for All CUSD Families to Receive Impartial, Informational Email or Text about California Senate Bills 871 and 866.

Motion by _____ Seconded by _____

- 9. TRUSTEE REQUEST, RESOLUTION NO. 2122-50, DIRECTING THE CAPISTRANO UNIFIED SCHOOL DISTRICT SUPERINTENDENT TO EXERCISE LOCAL RESPONSIBILITY IN ENFORCEMENT OF CLASSROOM MASK WEARING:** **DISCUSSION/ ACTION**
Page 79
EXHIBIT 9

This is a new item. Per Board Bylaw 9322, *Agenda Meeting Materials*, Board members may place any item on the agenda no later than ten days before the scheduled meeting date. Because suspending and excluding students from school when they refuse to wear masks in classrooms is in direct conflict with our mission to educate and prepare our students and our commitment to their success, it is proposed that the District exercise our permitted local responsibility, as explained by Governor Newsom, and modify the current policy of enforcement of mask-wearing in Capistrano Unified School District classrooms.

CUSD WIG 2: Communications – Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions.
Contact: Judy Bullockus, Trustee Area 7
Contact: Gila Jones Trustee Area 6

Trustee Recommendation

It is recommended the Board President recognize Trustees Bullockus and Jones to present this item.

Following discussion, it is recommended by Trustees Bullockus and Jones that the Board vote to adopt Resolution No. 2122-50, Directing the Capistrano Unified School District Superintendent to Exercise Local Responsibility in Enforcement of Classroom Mask Wearing.

Motion by _____ Seconded by _____

10. TRUSTEE REQUEST RESOLUTION NO. 2122-42, RESOLUTION OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT, BOARD OF TRUSTEES, REGARDING MASK MANDATES FOR STUDENTS:

**DISCUSSION/
ACTION
Page 82
EXHIBIT 10**

This is a new item. Per Board Bylaw 9322, *Agenda/Meeting Materials*, Board members may place any item on the agenda no later than ten days before the scheduled meeting date. A Trustee requested the Board to consider adopting a resolution regarding a policy of non-enforcement for mask wearing in schools and on District property. The District has the duty to adopt policies necessary and proper for the efficient administration of the affairs of the District. The District strongly values preserving student safety, and strives to balance that safety with the needs of students to engage in an in-person learning environment. The District was the leader in getting students back to school and staying open with in person learning during these past two years. It is our responsibility to offer equal access to the educational programs of the District for all students. The District acknowledges the growing mental health crisis among children and, will in all decisions, weigh the need for normalcy. The District acknowledges it is our responsibility to protect, not only the physical health of our students, but also the social, emotional, and mental health.

CUSD WIG 2: Communications – Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions. Contact : Lisa Davis, Trustee Area 3

Trustee Recommendation

It is recommended the Board President recognize Lisa Davis, Trustee Area 3, to present this item.

Following discussion, it is recommended by Trustee Davis that the Board hear her request to adopt Resolution No. 2122-42, Resolution of the Capistrano Unified School District, Board of Trustees, Regarding Mask Mandates for Students.

Motion by _____ Seconded by _____

ADJOURNMENT

Motion by _____ Seconded by _____

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS
WEDNESDAY, MARCH 16, 2022, 7:00 P.M.
AT THE CAPISTRANO UNIFIED SCHOOL DISTRICT OFFICE BOARD ROOM
33122 VALLE ROAD, SAN JUAN CAPISTRANO, CALIFORNIA**

For information regarding Capistrano Unified School District, please visit our website:
www.capousd.org

INSTRUCTIONS FOR PRESENTATIONS TO THE BOARD BY PARENTS AND CITIZENS PRESENT AT THIS MEETING

We are pleased you can be with us at this meeting, and we hope you will return often. Your visit assures us of continuing community interest in our schools.

The members of the Board of Trustees of this District are locally elected state officials, who serve four-year terms of office, and who are responsible for the educational program of our community from grades kindergarten through twelve. They are required to conduct programs of the schools in accordance with the State of California Constitution, the State Education Code, and other laws relating to schools enacted by the Legislature, and policies and procedures, which this Board adopts.

The Board is a policy-making body whose actions are guided by the school district's Mission and Goals. Administration of the District is delegated to a professional administrative staff headed by the Superintendent.

The agenda and its extensive background material are studied by each member of the Board for at least two days preceding the meeting. Board Members can call the administrative staff for clarification on any item, and many of the items on the agenda were discussed by the Board during previous meetings. These procedures enable the Board to act more effectively on agenda items than would otherwise be possible.

WHAT TO DO IF YOU WISH TO ADDRESS THE BOARD OF TRUSTEES

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

CLOSED SESSION: In accordance with Education Code § 35146 and Government Code § 54957, the Board may recess to Closed Session to discuss personnel matters, which they consider inadvisable to take up in a public meeting.

Members of the public shall have an opportunity to address the Board regarding items on the agenda to be considered during Closed Session prior to the Board adjourning the meeting to Closed Session. Individual presentations are limited to a maximum of three minutes; however, the time assigned for individual presentations could be fewer than three minutes depending upon the total number of speakers who wish to address a specific agenda topic.

ORAL COMMUNICATIONS (Non-Agenda Items): Regular, scheduled meetings of the Board shall have a portion of each meeting devoted to Oral Communications. Oral Communications, will take place following Special Recognitions. The total time for the Oral Communications portion of regular meetings shall be twenty minutes. Individual presentations are limited to a maximum of three minutes per individual but could be less if there are a large number of Oral Communication speakers. Legally, the Board may not take action on items raised by speakers under Oral Communications. The Board may, however, at its discretion, refer items to the administration for follow-up or place topics on a future Board agenda.

ORAL COMMUNICATIONS (Agenda Items): Members of the public shall also have an opportunity to address the Board on Open Session agenda items before their consideration by the Board. Individual presentations for the Consent Calendar are limited to a maximum of five minutes for all Consent Calendar items. Individual presentations for Discussion/Action agenda items are limited to a maximum of three minutes however; the time assigned for individual presentations could be fewer than three minutes depending upon the total number of speakers, who wish to address a specific agenda topic. The total time for presentations shall be limited to twenty minutes per agenda topic, unless the Board grants additional time. The Board shall hear all presentations after any staff comments but prior to the formal discussion by Board members of the agenda topic under consideration.

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

PUBLIC HEARINGS: Any time the Board schedules a separate public hearing on a given topic, it shall not hear speakers on that topic before the public hearing, except as to the scheduling of the hearing, nor shall it hear speakers after the hearing, except as to changes in the recommended action at the time of the hearing.

REASONABLE ACCOMMODATION

In order to help ensure participation in the meeting of disabled individuals, appropriate disability-related accommodations or modifications shall be provided by the Board, upon request, in accordance with the Americans with Disabilities Act (ADA). Persons with a disability who require a disability-related accommodation or modification, including auxiliary aids and services in order to participate in a Board meeting, shall contact the Superintendent or designee in writing by noon on the Friday before the scheduled meeting. Such notification shall provide school district personnel time to make reasonable arrangements to assure accessibility to the meeting.

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD REPORT

To: Board of Trustees

From: Rich Montgomery, Assistant Superintendent, Human Resource Services, Grades
6-12, K-8, Alternative Education

Date: March 2, 2022

Board Item: Recommendation of Tentative Agreement with Capistrano Unified Education
Association (CUEA), for 2021-2022 Reopener Negotiations

HISTORY

This is a standing item that is presented to the Board of Trustees on an as needed basis.

BACKGROUND INFORMATION

In 1975, the California Legislature enacted the Education Employment Relations Act (EERA). The EERA establishes a system of labor relations for employees employed by school districts.

The purpose of the EERA is to promote the improvement of personnel management and employer-employee relations within the public school systems of the State of California by providing a uniform basis for recognizing the right of public school employees to join organizations of their own choice, to be represented by such organizations in their professional and employment relationships with public school employees, to select one employee organization as the exclusive representative of the employees in an appropriate unit, and to afford certificated employees a voice in the formulation of educational policy.

The EERA provides that a public school employer or such representatives as it may designate shall meet and negotiate with and only with representatives of employee organizations selected as exclusive representatives of appropriate units upon request with regard to matters within the scope of representation?.

CURRENT CONSIDERATIONS

This agenda item presents for Board consideration the approval of the Tentative Agreement with Capistrano Unified Education Association (CUEA), for 2021-2022 Reopener negotiations along with the financial document prepared in accordance with Assembly Bill (AB) 1200 (Statute of 1991, Chapter 1213) and Government Code 3547.5 as amended by AB 2756 which was submitted to the Orange County Department of Education (OCDE) for their analysis. The response from the OCDE is included in this item.

FINANCIAL IMPLICATIONS

The total fiscal impact of this agreement is approximately \$12,413,170. This is based on a total percentage increase of 5.17% which includes 3.1% (\$7,443,100) effective in March 2022 and retroactive to July 1, 2021 and 2.07% (\$4,970,070) contingent on funded COLA exceeding 5% for 2022-2023 and 1,500 additional ADA from first interim based on the enacted state budget and retroactive to July 1, 2021.

STAFF RECOMMENDATION

It is recommended the Board of Trustees approve the Tentative Agreement with Capistrano Unified Education Association (CUEA), for 2021-2022 Reopener negotiations.

PREPARED BY: Rich Montgomery, Assistant Superintendent, Human Resource Services,
Grades 6-12, K-8, Alternative Education

TENTATIVE AGREEMENT
BETWEEN THE
CAPISTRANO UNIFIED SCHOOL DISTRICT
AND

CAPISTRANO UNIFIED EDUCATION ASSOCIATION

The Capistrano Unified School District and the Capistrano Unified Education Association have reached a Tentative Agreement for the 2021-2022 Reopener negotiations on amendments to the following articles of the Collective Bargaining Agreement (CBA):

ARTICLE 14 – Wages

- **2%** ongoing salary increase, retroactive to July 1, 2021

- **0.1%** - \$2,250 stipend for Two-Way and Language Immersion Teachers, retroactive to July 1, 2021
 - Full-time unit members working a complete school year as the teacher of record in Spanish Two-Way or Mandarin Immersion programs at grades TK-12 shall receive a \$2,250 stipend (total cost is equivalent to 0.1%). Part-time unit members or unit members who work less than a complete school year as the teacher of record in a Spanish Two-Way Immersion or Mandarin Immersion Program at grades TK-12 shall receive a pro-rated stipend based on their FTE or school days worked during the school year.

- **1%** ongoing salary increase, retroactive to July 1, 2021
 - Upon CUSD Board of Trustees' adoption of the Second Interim Report in March, 2022

- **1.57%** ongoing salary increase, retroactive to July 1, 2021, contingent on the following:
 - A 2022-2023 funded COLA greater than 5%
 - The final enacted state budget provides a declining enrollment protection formula that yields a funded ADA in 2022-2023 in excess of 1,500 ADA above the projection contained in the District's First Interim Report.

ARTICLE 13 – Health and Welfare Benefits

- **0.50%** one-time off schedule payment for the 2021-2022 school year retroactive to July 1, 2021; this is in lieu of a retroactive augmentation to the District's maximum contribution to employee health and welfare benefits. Contingent on the following:
 - A 2022-2023 funded COLA greater than 5%
 - The final enacted state budget provides a declining enrollment protection formula that yields a funded ADA in 2022-2023 in excess of 1,500 ADA above the projection contained in the District's First Interim Report.

- An ongoing increase to the District’s maximum contribution to employee health and welfare benefits equivalent to **0.50%**, effective July 1, 2022, contingent on the following:
 - A 2022-2023 funded COLA greater than 5%
 - The final enacted state budget provides a declining enrollment protection formula that yields a funded ADA in 2022-2023 in excess of 1,500 ADA above the projection contained in the District’s First Interim Report.

If these contingencies are met, Article 13 shall be amended as follows:

13.1 The District shall pay on behalf of Unit Members employed full time, payments for medical, dental, vision, and life insurance benefits approved by the Board of Trustees up to a maximum as follows:

(1) Medical Coverage

HMO Medical Plans

For Plan Year ~~2020~~ 2022, beginning ~~January~~ July 1, ~~2020~~ 2022, the District shall pay the actual cost of insurance premiums for full-time employees and their dependents who participate in the HMO medical plans up to the following rates per tier:

| | |
|------------------------|---|
| Employee only | \$6,740.00 <u>\$7,160.00</u> |
| Employee + One | \$13,835.00 <u>\$14,475.00</u> |
| Employee + Two or more | \$19,608.00 <u>\$20,468.00</u> |

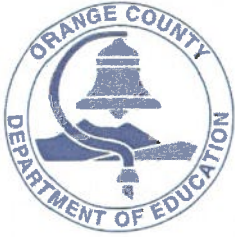
POS/PPO Medical Plans

For Plan Year ~~2020~~ 2022, beginning ~~January~~ July 1, ~~2020~~ 2022, the District shall pay the actual cost of insurance premiums for full-time employees and their dependents who participate in the POS/PPO medical plans up to the following rates per tier:

| | |
|------------------------|---|
| Employee only | \$6,740.00 <u>\$7,160.00</u> |
| Employee + One | \$13,835.00 <u>\$14,475.00</u> |
| Employee + Two or more | \$19,608.00 <u>\$20,468.00</u> |

The above-referenced increases to wages and health and welfare benefits shall be applied to all members of the CUEA bargaining unit including those who retire effective at the conclusion of the 2021-2022 school year.

This Tentative Agreement constitutes the completion of meeting and negotiating for the 2021-2022 school year per Article 1 – Designation of Parties and Length of Agreement. The parties shall commence negotiations process for successor negotiation for the 2022-2023 school year as soon as possible.



February 16, 2022

Martha McNicholas, Board President
 Capistrano Unified School District
 33122 Valle Road
 San Juan Capistrano, CA 92675

Kirsten M. Vital Brulte, District Superintendent
 Capistrano Unified School District
 33122 Valle Road
 San Juan Capistrano, CA 92675

Re: Disclosure of Collective Bargaining Agreement – Capistrano Unified Education Association (CUEA)

Dear Ms. McNicholas and Ms. Vital Brulte:

The Orange County Superintendent of Schools has reviewed the District's disclosure in accordance with Assembly Bill (AB) 1200 (Statute of 1991, Chapter 1213) and Government Code 3547.5 as amended by AB 2756.

The proposed reopener agreement covers the period from July 1, 2021 through June 30, 2022. The District and CUEA have agreed to a 3.0% on-schedule salary increase retroactive to July 1, 2021. Of this 3%, 1% is contingent upon the Board of Trustees' adoption of the second interim report in March, 2022.

The parties also agreed to an ongoing stipend of \$2,250 for Two-Way and Language Immersion teachers. This stipend is equivalent to a 0.1% increase.

The items below have been agreed to contingent upon gaining an additional 1,500 ADA for the 2022-23 LCFF calculation as a result of the Governor's budget proposal for declining enrollment protection and a 2022-23 funded COLA greater than 5%.

- An additional 1.57% on-schedule salary increase retroactive to July 1, 2021
- 0.5% one-time off schedule payment for health and welfare benefits retroactive to July 1, 2021
- 0.5% ongoing health and welfare benefits increase effective July 1, 2022
- The following increases to health and welfare caps for plan year 2022 effective July 1, 2022:

| HMO & POS/PPO Medical Plans | | |
|-----------------------------|----------|----------|
| Employee Only | \$6,740 | \$7,160 |
| Employee Plus One | \$13,835 | \$14,475 |
| Employee Plus Two or More | \$19,608 | \$20,468 |

ORANGE COUNTY DEPARTMENT OF EDUCATION

200 KALMUS DRIVE
 P.O. BOX 9050
 COSTA MESA, CA
 92628-9050

(714) 966-4000

FAX (714) 432-1916

www.ocde.us

AL MIJARES, Ph.D.
 County Superintendent
 of Schools

ORANGE COUNTY BOARD OF EDUCATION

MARI BARKE

REBECCA "BECKIE" GOMEZ

TIM SHAW

LISA SPARKS, PH.D.

KEN L. WILLIAMS, D.O.

Ms. McNicholas
Ms. Vital Brulte
February 16, 2022
Page 2 of 2

The fiscal impact of the proposed agreement results in a total ongoing expenditure increase of \$12.4 million in the 2021-22 school year.

We would like to extend our thanks to your staff for the thorough and timely preparation of the disclosure of collective bargaining agreement. If you have any questions, please call me at (714) 966-4229 or Howard Marinier at (714) 966-4176.

Sincerely,



Dean West, CPA
Associate Superintendent, Business Services

cc: Clark Hampton, Deputy Superintendent, Business and Support Services
Philippa Townsend, Assistant Superintendent, Fiscal Services

**Orange County Department of Education
District Fiscal Services**

**PUBLIC DISCLOSURE OF COLLECTIVE BARGAINING AGREEMENT
in Accordance with AB 1200 (Chapter 1213/1991), GC 3547.5, and CCR, Title V, Section 15449**

Capistrano Unified School District - Capistrano Unified Education Association

School District - Bargaining Unit: (CUEA)

Certificated, Classified, Other: Certificated

The proposed agreement covers the period beginning: July 1, 2021 and ending: June 30, 2022
(date) (date)

The Governing Board will act upon this agreement on: March 2nd 2022
(date)

A. Proposed Change in Compensation

| Compensation | Annual Cost Prior to Proposed Agreement FY 2021-22 | Fiscal Impact of Proposed Agreement | | |
|--|--|---|---|---|
| | | Year 1 Increase/(Decrease) FY 2021-22 | Year 2 Increase/(Decrease) FY 2022-23 | Year 3 Increase/(Decrease) FY 2023-24 |
| 1 Salary Schedule 4.57% starting 7/1/2021 with 2.07% of this contingent upon revenues in Governor's Budget | \$ 193,636,050 above amt. includes other compensation | \$ 8,981,905 | \$ - | |
| | | 4.57% | 0.00% | 0.00% |
| 2 Step and Column | \$ 2,904,541 | | \$ - | |
| | | 0.00% | 0.00% | 0.00% |
| 3 Other Compensation - Stipend for Two Way Immersion equivalent to 0.1% for the bargaining unit | | \$ 196,541 | \$ - | |
| | | 0.10% | 0.00% | 0.00% |
| 4 Statutory Benefits - STRS, PERS, FICA, WC, UI, Medicare etc. | \$ 43,559,409 | \$ 2,034,224 | \$ - | |
| | | 4.67% | 0.00% | 0.00% |
| 5 Health/Welfare Plans Increase in cap equivalent to 0.5%. | \$ 30,667,839 | \$ 1,200,500 | \$ - | \$ - |
| | | 0.50% | 0.00% | 0.00% |
| 6 Total Compensation - Increase (Decrease) (Total Lines 1-5) | \$ 270,767,839 | \$ 12,413,170 | \$ - | \$ - |
| 7 Total Number of Represented Employees (Use FTEs if appropriate) | 2,367.70 | 0 | 0 | 0 |
| 8 Total Compensation Average Cost per Employee | \$ 114,359 | \$ - | \$ - | \$ - |
| | | 5.17 | 0.00 | 0.00 |

9. What was the negotiated percentage increase approved? For example, if the increase in "Year 1" was for less than a full year, what is the annualized percentage of that increase for "Year 1"?

Effective July 1 2021 an increase in the salary schedule of 3.00%. A \$2,250 stipend for teachers in the two way immersion program for Spanish and Mandarin that is equivalent to a 0.1% increase. An additional 2.07% is contingent upon gaining an additional 1,500 ADA for the LCFE calculation as a result of the Governor's budget proposal for declining enrollment protection (three prior year ADA average). This salary increase (1.57%) and health and welfare increase (0.50%) will be retroactive starting 7/1/21.

10. Were any additional steps, columns, or ranges added to the schedules? (If yes, please explain.)

No

11. Please include comments and explanations as necessary.

12. Does this bargaining unit have a negotiated cap for Health and Welfare benefits Yes No

If yes, please describe the cap amount.

Effective 1/1/2022

Employee only \$7,160

Employee plus one \$14,475

Employee plus two or more \$20,468

- B. Proposed Negotiated Changes in Noncompensation Items** (i.e., class size adjustments, staff development days, teacher prep time, classified staffing ratios, etc.)

None

- C. What are the specific impacts on instructional and support programs to accommodate the settlement?**

Include the impact of changes such as staff reductions or increases, program reductions or increases, elimination or expansion of other services or programs (i.e., counselors, librarians, custodial staff, etc.)

N/A

D. What contingency language is included in the proposed agreement? Include specific areas identified reopeners, applicable fiscal years, and specific contingency language.

(1) Funded COLA applied to the LCFF exceeds 5% for the 2022-2023 adopted state budget.

(2) The final enacted state budget provides a declining enrollment protection formula that yields a funded ADA in 2022-2023 in excess of 1,500 ADA above the projection contained in the District's First Interim report.

E. Will this agreement create, increase or decrease deficit financing in the current or subsequent year(s)?

"Deficit Financing" is defined to exist when a fund's expenditures and other financing uses exceed its revenues and other financing sources in a given year. If yes, explain the amounts and justification for doing so.

No. The additional revenue associated with part 2 of the contingency language has not been included in the multi year projection but the total compensation increase has been included.

F. Identify other major provisions that do not directly affect the district's costs, such as binding arbitrations, grievance procedures, etc.

None.

G. Source of Funding for Proposed Agreement

1. Current Year

General fund revenues.

2. If this is a single year agreement, how will the ongoing cost of the proposed agreement be funded in subsequent years (i.e., what will allow the district to afford this contract)?

The ongoing costs can be covered by current revenue and current reserves.

3. If this is a multiyear agreement, what is the source of funding, including assumptions used, to fund these obligations in subsequent years? (Remember to include compounding effects in meeting obligations.)

H. IMPACT OF PROPOSED AGREEMENT ON CURRENT YEAR OPERATING BUDGET

General Fund

Enter Bargaining Unit: **Capistrano Unified Education Association (CUEA)**

| | Column 1 | Column 2 | Column 3 | Column 4 |
|--|--|---------------------------------------|-----------------|--------------------------------------|
| | Latest Board-Approved Budget Before Settlement First Interim | Adjustments as a Result of Settlement | Other Revisions | Total Current Budget (Columns 1+2+3) |
| REVENUES | | | | |
| LCFF Sources (8010-8099) | \$ 433,723,558 | \$ - | | \$ 433,723,558 |
| Remaining Revenues (8100-8799) | \$ 173,571,070 | \$ - | | \$ 173,571,070 |
| TOTAL REVENUES | \$ 607,294,628 | \$ - | \$ - | \$ 607,294,628 |
| EXPENDITURES | | | | |
| Certificated Salaries (1000-1999) | \$ 254,439,281 | \$ 9,178,446 | \$ - | \$ 263,617,727 |
| Classified Salaries (2000-2999) | \$ 79,584,463 | \$ - | \$ - | \$ 79,584,463 |
| Employee Benefits (3000-3999) | \$ 151,666,166 | \$ 3,234,724 | \$ - | \$ 154,900,890 |
| Books and Supplies (4000-4999) | \$ 40,915,810 | \$ - | | \$ 40,915,810 |
| Services, Other Operating Expenses (5000-5999) | \$ 54,825,542 | \$ - | | \$ 54,825,542 |
| Capital Outlay (6000-6599) | \$ 4,446,250 | \$ - | | \$ 4,446,250 |
| Other Outgo (7100-7299) (7400-7499) | \$ 12,959,896 | \$ - | | \$ 12,959,896 |
| Direct Support/Indirect Cost (7300-7399) | \$ (513,464) | \$ - | | \$ (513,464) |
| Other Adjustments | | | | |
| TOTAL EXPENDITURES | \$ 598,323,944 | \$ 12,413,170 | \$ - | \$ 610,737,114 |
| OPERATING SURPLUS (DEFICIT) | \$ 8,970,684 | \$ (12,413,170) | \$ - | \$ (3,442,486) |
| TRANSFERS IN & OTHER SOURCES (8910-8979) | \$ - | \$ - | \$ - | \$ - |
| TRANSFERS OUT & OTHER USES (7610-7699) | \$ - | \$ - | \$ - | \$ - |
| CONTRIBUTIONS (8980-8999) | \$ - | \$ - | | \$ - |
| CURRENT YEAR INCREASE (DECREASE) IN FUND BALANCE | \$ 8,970,684 | \$ (12,413,170) | \$ - | \$ (3,442,486) |
| | | | | |
| BEGINNING BALANCE | \$ 110,932,784 | | | \$ 110,932,784 |
| Prior-Year Adjustments/Restatements (9793/9795) | \$ - | | | \$ - |
| CURRENT-YEAR ENDING BALANCE | \$ 119,903,468 | \$ (12,413,170) | \$ - | \$ 107,490,298 |
| COMPONENTS OF ENDING BALANCE: | | | | |
| Nonspendable Reserves (9711-9719) | \$ 325,000 | \$ - | \$ - | \$ 325,000 |
| Restricted Reserves (9740) | \$ 40,910,891 | \$ - | \$ - | \$ 40,910,891 |
| Stabilization Arrangements (9750) | \$ - | \$ - | \$ - | \$ - |
| Other Commitments (9760) | \$ - | \$ - | \$ - | \$ - |
| Other Assignments (9780) | \$ 2,523,134 | \$ - | \$ - | \$ 2,523,134 |
| Reserve for Economic Uncertainties (9789) | \$ 11,900,000 | \$ - | | \$ 11,900,000 |
| Unassigned/Unappropriated (9790) | \$ 64,244,443 | \$ (12,413,170) | \$ - | \$ 51,831,273 |

* Please see question on page 7.

I. IMPACT OF PROPOSED AGREEMENT ON SUBSEQUENT YEARS

| Enter Bargaining Unit: | | Combined General Fund Capistrano Unified Education Association (CUEA) | | |
|---|--|--|---|--|
| | | 2021-22 | 2022-23 | 2023-24 |
| | | Total Current Budget After Settlement | First Subsequent Year After Settlement | Second Subsequent Year After Settlement |
| REVENUES | | | | |
| Revenue Limit Sources (8010-8099) | | \$ 433,723,558 | \$ 413,684,952 | \$ 427,606,097 |
| Remaining Revenues (8100-8799) | | \$ 173,571,070 | \$ 105,292,063 | \$ 106,685,589 |
| TOTAL REVENUES | | \$ 607,294,628 | \$ 518,977,015 | \$ 534,291,686 |
| EXPENDITURES | | | | |
| Certificated Salaries (1000-1999) | | \$ 263,617,727 | \$ 246,211,093 | \$ 236,504,259 |
| Classified Salaries (2000-2999) | | \$ 79,584,463 | \$ 81,175,948 | \$ 79,799,467 |
| Employee Benefits (3000-3999) | | \$ 154,900,890 | \$ 159,320,452 | \$ 157,468,424 |
| Books and Supplies (4000-4999) | | \$ 40,915,810 | \$ 29,452,488 | \$ 15,218,951 |
| Services, Other Operating Expenses (5000-5999) | | \$ 54,825,542 | \$ 55,063,363 | \$ 49,848,471 |
| Capital Outlay (6000-6999) | | \$ 4,446,250 | \$ 92,596 | \$ 542,596 |
| Other Outgo (7100-7299) (7400-7499) | | \$ 12,959,896 | \$ 13,653,708 | \$ 13,828,842 |
| Direct Support/Indirect Cost (7300-7399) | | \$ (513,464) | \$ 636,970 | \$ (426,628) |
| Other Adjustments | | | \$ - | \$ - |
| TOTAL EXPENDITURES | | \$ 610,737,114 | \$ 585,606,618 | \$ 552,784,382 |
| OPERATING SURPLUS (DEFICIT) | | \$ (3,442,486) | \$ (66,629,603) | \$ (18,492,696) |
| TRANSFERS IN & OTHER SOURCES (8910-8979) | | \$ - | \$ - | \$ - |
| TRANSFERS OUT & OTHER USES (7610-7699) | | \$ - | \$ - | \$ - |
| CURRENT YEAR INCREASE (DECREASE) IN FUND BALANCE | | \$ (3,442,486) | \$ (66,629,603) | \$ (18,492,696) |
| BEGINNING BALANCE | | \$ 110,932,784 | \$ 107,490,298 | \$ 40,860,695 |
| CURRENT-YEAR ENDING BALANCE | | \$ 107,490,298 | \$ 40,860,695 | \$ 22,367,999 |
| COMPONENTS OF ENDING BALANCE: | | | | |
| Nonspendable Reserves (9711-9719) | | \$ 325,000 | \$ 325,000 | \$ 325,000 |
| Restricted Reserves (9740) | | \$ 40,910,891 | \$ 4,075,206 | \$ 4,075,204 |
| Stabilization Arrangements (9750) | | \$ - | \$ - | \$ - |
| Other Commitments (9760) | | \$ - | \$ - | \$ - |
| Other Assignments (9780) | | \$ 2,523,134 | \$ 1,058,941 | \$ 847,153 |
| Reserve for Economic Uncertainties (9789) | | \$ 11,900,000 | \$ 11,400,000 | \$ 10,800,000 |
| Unassigned/Unappropriated (9790) | | \$ 51,831,273 | \$ 24,001,548 | \$ 6,320,642 |

J. IMPACT OF PROPOSED AGREEMENT ON UNRESTRICTED RESERVES

1. State Reserve Standard

| | 2021-22 | 2022-23 | 2023-24 |
|---|----------------|----------------|----------------|
| a. Total Expenditures, Transfers Out, and Uses (Including Cost of Proposed Agreement) | \$ 610,737,114 | \$ 585,606,618 | \$ 552,784,382 |
| b. State Standard Minimum Reserve Percentage for this District is 2% | 2.00% | 2.00% | 2.00% |
| c. State Standard Minimum Reserve Amount for this District (For districts with less than 1,001 ADA, this is the greater of Line a, times Line b. OR \$50,000) | \$ 12,214,742 | \$ 11,712,132 | \$ 11,055,688 |

2. Budgeted Unrestricted Reserve (After Impact of Proposed Agreement)

| | | | |
|--|---------------|---------------|---------------|
| a. General Fund Budgeted Unrestricted Reserve for Economic Uncertainties (9789) | \$ 11,900,000 | \$ 11,400,000 | \$ 10,800,000 |
| b. General Fund Budgeted Unrestricted Unassigned/Unappropriated Amount (9790) | \$ 51,831,273 | \$ 24,001,548 | \$ 6,320,642 |
| c. Special Reserve Fund (Fund 17) Budgeted Reserve for Economic Uncertainties (9789) | \$ | \$ | \$ |
| d. Special Reserve Fund (Fund 17) Budgeted Unassigned/Unappropriated Amount (9790) | \$ | \$ | \$ |
| g. Total Available Reserves | \$ 63,731,273 | \$ 35,401,548 | \$ 17,120,642 |
| h. Reserve for Economic Uncertainties Percentage | 10.44% | 6.05% | 3.10% |

3. Do unrestricted reserves meet the state minimum reserve amount?

| | | | | |
|---------|-----|-------------------------------------|----|--------------------------|
| 2021-22 | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| 2022-23 | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| 2023-24 | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |

4. If no, how do you plan to restore your reserves?

5. If the total amount of the adjustment in Column 2 on Page 4 does not agree with the amount of the total compensation Increase in Section A, Line 5, Page 1 (i.e., increase was partially budgeted), explain the variance below:

6. Please include any additional comments and explanations of Page 4 as necessary:

K. CERTIFICATION NO. 1: CERTIFICATION OF THE DISTRICT'S ABILITY TO MEET THE COSTS OF COLLECTIVE BARGAINING AGREEMENT

The disclosure document must be signed by the District Superintendent and Chief Business Officer at the time of public disclosure.

In accordance with the requirements of Government Code Section 3547.5, the Superintendent and Chief Business Officer of Capistrano Unified School District, hereby certify that the District can meet the costs incurred under the Collective Bargaining Agreement between the District and the Capistrano Unified Education Association , during the term of the agreement from July 01, 2021 to June 30, 2022

The budget revisions necessary to meet the costs of the agreement in each year of its term are as follows:

| <u>Budget Adjustment Categories:</u> | <u>Budget Adjustment Increase (Decrease)</u> |
|---|--|
| <u>Revenues/Other Financing Sources</u> | <u>0</u> |
| <u>Expenditures/Other Financing Uses</u> | <u>12,413,169.99</u> |
| <u>Ending Balance Increase (Decrease)</u> | <u><u>(12,413,169.99)</u></u> |

(No budget revisions necessary - included in revised budget)

| | |
|--|----------------------------------|
| _____ District Superintendent (Signature) | _____ 2-Mar-22 Date |
|--|----------------------------------|

| | |
|---|----------------------------------|
| _____ Chief Business Officer (Signature) | _____ 2-Mar-22 Date |
|---|----------------------------------|

L. CERTIFICATION NO. 2

The disclosure document must be signed by the district Superintendent or designee at the time of public disclosure and by the President or Clerk of the Governing Board at the time of formal board action on the proposed agreement.

The information provided in this document summarizes the financial implications of the proposed agreement and is submitted to the Governing Board for public disclosure of the major provisions of the agreement (as provided in the "Public Disclosure of Proposed Bargaining Agreement") in accordance with the requirements of AB 1200 and Government Code Section 3547.5.

| | |
|--|-------------|
| _____ | 2-Mar-22 |
| District Superintendent (or Designee) | Date |
| (Signature) | |

| | |
|--|-------------|
| _____ | 2-Mar-22 |
| President or Clerk of Governing Board | Date |
| (Signature) | |

| | |
|---|---------------|
| <u>Philippa Townsend, Assistant Superintendent, Fiscal Services</u> | 949- 234-9316 |
| Contact Person | Phone |

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD REPORT

To: Board of Trustees

From: Rich Montgomery, Assistant Superintendent, Human Resource Services, Grades 6-12, K-8, Alternative Education

Date: March 2, 2022

Board Item: Recommendation of Tentative Agreement with Teamsters Local 952, for 2021-2022 Reopener Negotiations

HISTORY

This is an item presented to the Board of Trustees on an as needed basis.

BACKGROUND INFORMATION

In 1975, the California Legislature enacted the Education Employment Relations Act (EERA). The EERA establishes a system of labor relations for employees employed by school districts.

The purpose of the EERA is to promote the improvement of personnel management and employer-employee relations within the public school systems of the State of California by providing a uniform basis for recognizing the right of public school employees to join organizations of their own choice, to be represented by such organizations in their professional and employment relationships with public school employees, to select one employee organization as the exclusive representative of the employees in an appropriate unit, and to afford certificated employees a voice in the formulation of educational policy.

The EERA provides that a public school employer or such representatives as it may designate shall meet and negotiate with and only with representatives of employee organizations selected as exclusive representatives of appropriate units upon request with regard to matters within the scope of representation?.

CURRENT CONSIDERATIONS

This agenda item presents for Board consideration the approval of the Tentative Agreement with Teamsters Local 952 (Teamsters) for 2021-2022 Reopener negotiations along with the financial document prepared in accordance with Assembly Bill (AB) 1200 (Statute of 1991, Chapter 1213) and Government Code 3547.5 as amended by AB 2756 which was submitted to the Orange County Department of Education (OCDE) for their analysis. The response from the OCDE is included in this item.

FINANCIAL IMPLICATIONS

The total fiscal impact of this agreement is approximately \$444,620. This is based on a total percentage increase of 5.17% which includes 3.1% (\$266,600) effective in March 2022 and retroactive to July 1, 2021 and 2.07% (\$178,020) contingent on funded COLA exceeding 5% for 2022-2023 and 1,500 additional ADA from first interim based on the enacted state budget and retroactive to July 1, 2021.

STAFF RECOMMENDATION

It is recommended the Board of Trustees approve the Tentative Agreement with Teamsters Local 952 (Teamsters), for 2021-2022 Reopener negotiations.

PREPARED BY: Rich Montgomery, Assistant Superintendent, Human Resource Services,
Grades 6-12, K-8, Alternative Education

**TENTATIVE AGREEMENT
BETWEEN THE
CAPISTRANO UNIFIED SCHOOL DISTRICT
AND
TEAMSTERS LOCAL 952**

February 17, 2022

The Capistrano Unified School District and the Teamsters have reached a Tentative Agreement for the 2021-2022 Reopener negotiations on amendments to the following articles of the Collective Bargaining Agreement (CBA):

ARTICLE 11 – Wages

- **2.1% ongoing salary increase, retroactive to July 1, 2021**
- **1% ongoing salary increase, retroactive to July 1, 2021**
 - Upon CUSD Board of Trustees' adoption of the Second Interim Report in March, 2022
- **1.57% ongoing salary increase, retroactive to July 1, 2021, contingent on the following:**
 - A 2022-2023 funded COLA greater than 5%
 - The final enacted state budget provides a declining enrollment protection formula that yields a funded ADA in 2022-2023 in excess of 1,500 ADA above the projection contained in the District's First Interim Report.

ARTICLE 12 -- Health and Welfare Benefits

- **An ongoing increase to the District's maximum contribution to employee health and welfare benefits equivalent to 0.50%, effective July 1, 2021, contingent on the following:**
 - A 2022-2023 funded COLA greater than 5%
 - The final enacted state budget provides a declining enrollment protection formula that yields a funded ADA in 2022-2023 in excess of 1,500 ADA above the projection contained in the District's First Interim Report.

If these contingencies are met, Article 12 shall be amended as follows:

12.1 The District shall pay on behalf of Unit Members employed full time, payments for medical, dental, vision, and life insurance benefits approved by the Board as follows:

- a. Medical Coverage HMO Medical Plans**

The District shall pay the actual cost of insurance for full-time employees and their dependents who participate in the HMO medical plans up to the following rates per tier:

| | <u>CURRENT</u> | <u>0.5% cap increase</u> |
|------------------------|----------------|--------------------------|
| Employee only | \$6,478.00 | \$6,783.00 |
| Employee + One | \$13,304.00 | \$13,914.00 |
| Employee + Two or more | \$18,834.00 | \$19,749.00 |

POS/PPO Medical Plans No Change

The District shall pay the actual cost of insurance for full-time employees and their dependents who participate in the POS/PPO medical plans up to the following rates per tier:

| | |
|------------------------|-------------|
| Employee only | \$6,363.40 |
| Employee + One | \$13,118.00 |
| Employee + Two or more | \$18,642.70 |

The above-referenced increases to wages and health and welfare benefits shall be applied to all members of the Teamsters bargaining unit including those who retire effective at the conclusion of the 2021-2022 school year.

This Tentative Agreement constitutes the completion of meeting and negotiating for the 2021-2022 school year per Article 1 – Designation of Parties and Length of Agreement. The parties shall commence negotiations process for successor negotiation for the 2022-2023 school year as soon as possible.

The parties shall confer regarding incorporating the agreed upon revisions into the CBA. As soon as possible, the District shall provide Teamsters with a “track changes” version of the revised CBA for discussion and acknowledgement of accuracy. The District shall then provide Teamsters with a finalized version of the revised CBA for discussion and acknowledgement of accuracy.

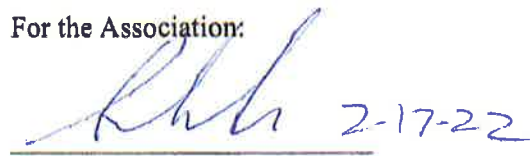
The Parties acknowledge this Tentative Agreement and attachments are subject to approval by Teamsters’ membership and approval by the District’s Board of Trustees.

For the District:



Rich Montgomery
Bargaining Chairperson
Capistrano Unified School District

For the Association:



Sam Carlin
Bargaining Chairperson
Teamsters

**Orange County Department of Education
District Fiscal Services**

**PUBLIC DISCLOSURE OF COLLECTIVE BARGAINING AGREEMENT
in Accordance with AB 1200 (Chapter 1213/1991), GC 3547.5, and CCR, Title V, Section 15449**

School District - Bargaining Unit: Capistrano Unified School District - Teamsters Local 952

Certificated, Classified, Other: Classified

The proposed agreement covers the period beginning: July 1, 2021 and ending: June 30, 2022
(date) (date)

The Governing Board will act upon this agreement on: March 2nd 2022
(date)

A. Proposed Change in Compensation

| Compensation | Annual Cost Prior to Proposed Agreement FY 2021-22 | Fiscal Impact of Proposed Agreement | | |
|--|---|---|---|---|
| | | Year 1 Increase/(Decrease) FY 2021-22 | Year 2 Increase/(Decrease) FY 2022-23 | Year 3 Increase/(Decrease) FY 2023-24 |
| 1 Salary Schedule 4.67% starting 7/1/2021 with 1.57% of this contingent upon revenues in Governor's Budget | \$ 6,271,799 | \$ 298,751 | \$ - | |
| | | 4.67% | 0.00% | 0.00% |
| 2 Step and Column | \$ 125,436 | | \$ - | |
| | | 0.00% | 0.00% | 0.00% |
| 3 Other Compensation - | | | \$ - | |
| | | 0.00% | 0.00% | 0.00% |
| 4 Statutory Benefits - STRS, PERS, FICA, WC, UI, Medicare etc. | \$ 2,195,600 | \$ 102,535 | \$ - | |
| | | 4.67% | 0.00% | 0.00% |
| 5 Health/Welfare Plans Increase in cap equivalent to 0.5%. | \$ 1,362,004 | \$ 42,964 | \$ - | \$ - |
| | | 0.50% | 0.00% | 0.00% |
| 6 Total Compensation - Increase (Decrease) (Total Lines 1-5) | \$ 9,954,839 | \$ 444,249 | \$ - | \$ - |
| 7 Total Number of Represented Employees (Use FTEs if appropriate) | 115.38 | 0 | 0 | 0 |
| 8 Total Compensation Average Cost per Employee | \$ 86,279 | \$ - | \$ - | \$ - |
| | | 5.17 | 0.00 | 0.00 |

9. What was the negotiated percentage increase approved? For example, if the increase in "Year 1" was for less than a full year, what is the annualized percentage of that increase for "Year 1"?

Effective July 1 2021 an increase in the salary schedule of 3.1% . An additional 1.57% plus an increase in health and welfare caps equivalent to 0.5% is contingent upon gaining an additional 1,500 ADA for the LCFF calculation as a result of the Governor's budget proposal for declining enrollment protection (three prior year ADA average). All increases will be retroactive starting 7/1/21.

10. Were any additional steps, columns, or ranges added to the schedules? (If yes, please explain.)

No

11. Please include comments and explanations as necessary.

12. Does this bargaining unit have a negotiated cap for Health and Welfare benefits Yes No

If yes, please describe the cap amount.

Effective 7/1/2021

Employee only \$6,783

Employee plus one \$13,914

Employee plus two or more \$19,749

- B. Proposed Negotiated Changes in Noncompensation Items** (i.e., class size adjustments, staff development days, teacher prep time, classified staffing ratios, etc.)

None

- C. What are the specific impacts on instructional and support programs to accommodate the settlement?**

Include the impact of changes such as staff reductions or increases, program reductions or increases, elimination or expansion of other services or programs (i.e., counselors, librarians, custodial staff, etc.)

N/A

D. What contingency language is included in the proposed agreement? Include specific areas identified reopeners, applicable fiscal years, and specific contingency language.

- (1) Funded COLA applied to the LCFF exceeds 5% for the 2022-2023 adopted state budget.
- (2) The final enacted state budget provides a declining enrollment protection formula that yields a funded ADA in 2022-2023 in excess of 1,500 ADA above the projection contained in the District's First Interim report.

E. Will this agreement create, increase or decrease deficit financing in the current or subsequent year(s)? "Deficit Financing" is defined to exist when a fund's expenditures and other financing uses exceed its revenues and other financing sources in a given year. If yes, explain the amounts and justification for doing so.

No. The additional revenue associated with part 2 of the contingency language has not been included in the multi year projection but the total compensation increase has been included.

F. Identify other major provisions that do not directly affect the district's costs, such as binding arbitrations, grievance procedures, etc.

None.

G. Source of Funding for Proposed Agreement

1. Current Year

General fund revenues.

2. If this is a single year agreement, how will the ongoing cost of the proposed agreement be funded in subsequent years (i.e., what will allow the district to afford this contract)?

The ongoing costs can be covered by current revenue and current reserves.

3. If this is a multiyear agreement, what is the source of funding, including assumptions used, to fund these obligations in subsequent years? (Remember to include compounding effects in meeting obligations.)

H. IMPACT OF PROPOSED AGREEMENT ON CURRENT YEAR OPERATING BUDGET

General Fund

Enter Bargaining Unit: **Teamsters Local 952**

| | Column 1 | Column 2 | Column 3 | Column 4 |
|--|---|--|-----------------|---|
| | Latest Board- Approved Budget Before Settlement First Interim | Adjustments as a Result of Settlement | Other Revisions | Total Current Budget (Columns 1+2+3) |
| REVENUES | | | | |
| LCFF Sources (8010-8099) | \$ 433,723,558 | \$ - | | \$ 433,723,558 |
| Remaining Revenues (8100-8799) | \$ 173,571,070 | \$ - | | \$ 173,571,070 |
| TOTAL REVENUES | \$ 607,294,628 | \$ - | \$ - | \$ 607,294,628 |
| EXPENDITURES | | | | |
| Certificated Salaries (1000-1999) | \$ 254,439,281 | \$ - | \$ 9,178,446 | \$ 263,617,727 |
| Classified Salaries (2000-2999) | \$ 79,584,463 | \$ 298,751 | \$ - | \$ 79,883,214 |
| Employee Benefits (3000-3999) | \$ 151,666,166 | \$ 145,499 | \$ 3,234,724 | \$ 155,046,389 |
| Books and Supplies (4000-4999) | \$ 40,915,810 | \$ - | | \$ 40,915,810 |
| Services, Other Operating Expenses (5000-5999) | \$ 54,825,542 | \$ - | | \$ 54,825,542 |
| Capital Outlay (6000-6599) | \$ 4,446,250 | \$ - | | \$ 4,446,250 |
| Other Outgo (7100-7299) (7400-7499) | \$ 12,959,896 | \$ - | | \$ 12,959,896 |
| Direct Support/Indirect Cost (7300-7399) | \$ (513,464) | \$ - | | \$ (513,464) |
| Other Adjustments | | | | |
| TOTAL EXPENDITURES | \$ 598,323,944 | \$ 444,249 | \$ 12,413,170 | \$ 611,181,363 |
| OPERATING SURPLUS (DEFICIT) | \$ 8,970,684 | \$ (444,249) | \$ (12,413,170) | \$ (3,886,735) |
| TRANSFERS IN & OTHER SOURCES (8910-8979) | \$ - | \$ - | \$ - | \$ - |
| TRANSFERS OUT & OTHER USES (7610-7699) | \$ - | \$ - | \$ - | \$ - |
| CONTRIBUTIONS (8980-8999) | \$ - | \$ - | | \$ - |
| CURRENT YEAR INCREASE (DECREASE) IN FUND BALANCE | \$ 8,970,684 | \$ (444,249) | \$ (12,413,170) | \$ (3,886,735) |
| | | | | |
| BEGINNING BALANCE | \$ 110,932,784 | | | \$ 110,932,784 |
| Prior-Year Adjustments/Restatements (9793/9795) | \$ - | | | \$ - |
| CURRENT-YEAR ENDING BALANCE | \$ 119,903,468 | \$ (444,249) | \$ (12,413,170) | \$ 107,046,049 |
| COMPONENTS OF ENDING BALANCE: | | | | |
| Nonspendable Reserves (9711-9719) | \$ 325,000 | \$ - | \$ - | \$ 325,000 |
| Restricted Reserves (9740) | \$ 40,910,891 | \$ - | \$ - | \$ 40,910,891 |
| Stabilization Arrangements (9750) | \$ - | \$ - | \$ - | \$ - |
| Other Commitments (9760) | \$ - | \$ - | \$ - | \$ - |
| Other Assignments (9780) | \$ 2,523,134 | \$ - | \$ - | \$ 2,523,134 |
| Reserve for Economic Uncertainties (9789) | \$ 11,900,000 | \$ - | | \$ 11,900,000 |
| Unassigned/Unappropriated (9790) | \$ 64,244,443 | \$ (444,249) | \$ (12,413,170) | \$ 51,387,024 |

* Please see question on page 7.

I. IMPACT OF PROPOSED AGREEMENT ON SUBSEQUENT YEARS

Combined General Fund

Enter Bargaining Unit:

Teamsters Local 952

| | 2021-22 | 2022-23 | 2023-24 |
|---|--|---|--|
| | Total Current Budget After Settlement | First Subsequent Year After Settlement | Second Subsequent Year After Settlement |
| REVENUES | | | |
| Revenue Limit Sources (8010-8099) | \$ 433,723,558 | \$ 413,684,952 | \$ 427,606,097 |
| Remaining Revenues (8100-8799) | \$ 173,571,070 | \$ 105,292,063 | \$ 106,685,589 |
| TOTAL REVENUES | \$ 607,294,628 | \$ 518,977,015 | \$ 534,291,686 |
| EXPENDITURES | | | |
| Certificated Salaries (1000-1999) | \$ 263,617,727 | \$ 246,211,093 | \$ 236,504,259 |
| Classified Salaries (2000-2999) | \$ 79,883,214 | \$ 81,480,674 | \$ 80,110,288 |
| Employee Benefits (3000-3999) | \$ 155,046,389 | \$ 159,421,555 | \$ 157,450,933 |
| Books and Supplies (4000-4999) | \$ 40,915,810 | \$ 29,452,488 | \$ 15,218,951 |
| Services, Other Operating Expenses (5000-5999) | \$ 54,825,542 | \$ 55,063,363 | \$ 49,848,471 |
| Capital Outlay (6000-6999) | \$ 4,446,250 | \$ 92,596 | \$ 542,596 |
| Other Outgo (7100-7299) (7400-7499) | \$ 12,959,896 | \$ 13,653,708 | \$ 13,828,842 |
| Direct Support/Indirect Cost (7300-7399) | \$ (513,464) | \$ 636,970 | \$ (426,628) |
| Other Adjustments | | \$ - | \$ - |
| TOTAL EXPENDITURES | \$ 611,181,363 | \$ 586,012,447 | \$ 553,077,712 |
| OPERATING SURPLUS (DEFICIT) | \$ (3,886,735) | \$ (67,035,432) | \$ (18,786,026) |
| TRANSFERS IN & OTHER SOURCES (8910-8979) | \$ - | \$ - | \$ - |
| TRANSFERS OUT & OTHER USES (7610-7699) | \$ - | \$ - | \$ - |
| CURRENT YEAR INCREASE (DECREASE) IN FUND BALANCE | \$ (3,886,735) | \$ (67,035,432) | \$ (18,786,026) |
| BEGINNING BALANCE | \$ 110,932,784 | \$ 107,046,049 | \$ 40,010,617 |
| CURRENT-YEAR ENDING BALANCE | \$ 107,046,049 | \$ 40,010,617 | \$ 21,224,591 |
| COMPONENTS OF ENDING BALANCE: | | | |
| Nonspendable Reserves (9711-9719) | \$ 325,000 | \$ 325,000 | \$ 325,000 |
| Restricted Reserves (9740) | \$ 40,910,891 | \$ 4,075,206 | \$ 4,075,204 |
| Stabilization Arrangements (9750) | \$ - | \$ - | \$ - |
| Other Commitments (9760) | \$ - | \$ - | \$ - |
| Other Assignments (9780) | \$ 2,523,134 | \$ 1,058,941 | \$ 847,153 |
| Reserve for Economic Uncertainties (9789) | \$ 11,900,000 | \$ 11,400,000 | \$ 10,800,000 |
| Unassigned/Unappropriated (9790) | \$ 51,387,024 | \$ 23,151,470 | \$ 5,177,234 |

J. IMPACT OF PROPOSED AGREEMENT ON UNRESTRICTED RESERVES

1. State Reserve Standard

| | | 2021-22 | 2022-23 | 2023-24 |
|----|--|----------------|----------------|----------------|
| a. | Total Expenditures, Transfers Out, and Uses (Including Cost of Proposed Agreement) | \$ 611,181,363 | \$ 586,012,447 | \$ 553,077,712 |
| b. | State Standard Minimum Reserve Percentage for this District is 2% | 2.00% | 2.00% | 2.00% |
| c. | State Standard Minimum Reserve Amount for this District (For districts with less than 1,001 ADA, this is the greater of Line a, times Line b. OR \$50,000 | \$ 12,223,627 | \$ 11,720,249 | \$ 11,061,554 |

2. Budgeted Unrestricted Reserve (After Impact of Proposed Agreement)

| | | | | |
|----|--|---------------|---------------|---------------|
| a. | General Fund Budgeted Unrestricted Reserve for Economic Uncertainties (9789) | \$ 11,900,000 | \$ 11,400,000 | \$ 10,800,000 |
| b. | General Fund Budgeted Unrestricted Unassigned/Unappropriated Amount (9790) | \$ 51,387,024 | \$ 23,151,470 | \$ 5,177,234 |
| c. | Special Reserve Fund (Fund 17) Budgeted Reserve for Economic Uncertainties (9789) | \$ | \$ | \$ |
| d. | Special Reserve Fund (Fund 17) Budgeted Unassigned/Unappropriated Amount (9790) | \$ | \$ | \$ |
| g. | Total Available Reserves | \$ 63,287,024 | \$ 34,551,470 | \$ 15,977,234 |
| h. | Reserve for Economic Uncertainties Percentage | 10.35% | 5.90% | 2.89% |

3. Do unrestricted reserves meet the state minimum reserve amount?

| | | | | |
|---------|-----|-------------------------------------|----|--------------------------|
| 2021-22 | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| 2022-23 | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| 2023-24 | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |

4. If no, how do you plan to restore your reserves?

If the total amount of the adjustment in Column 2 on Page 4 does not agree with the amount of the Total Compensation Increase in Section A, Line 5, Page 1 (i.e., increase was partially budgeted), explain the variance below:

6. Please include any additional comments and explanations of Page 4 as necessary:

K. CERTIFICATION NO. 1: CERTIFICATION OF THE DISTRICT'S ABILITY TO MEET THE COSTS OF COLLECTIVE BARGAINING AGREEMENT

The disclosure document must be signed by the District Superintendent and Chief Business Officer at the time of public disclosure.

In accordance with the requirements of Government Code Section 3547.5, the Superintendent and Chief Business Officer of Capistrano Unified School District, hereby certify that the District can meet the costs incurred under the Collective Bargaining Agreement between the District and the Teamsters Local 952, during the term of the agreement from July 01, 2021 to June 30, 2022

The budget revisions necessary to meet the costs of the agreement in each year of its term are as follows:

| <u>Budget Adjustment Categories:</u> | <u>Budget Adjustment Increase (Decrease)</u> |
|---|---|
| <u>Revenues/Other Financing Sources</u> | <u>0</u> |
| <u>Expenditures/Other Financing Uses</u> | <u>444,249.39</u> |
| <u>Ending Balance Increase (Decrease)</u> | <u><u>(444,249.39)</u></u> |

(No budget revisions necessary - included in revised budget)

| | |
|--|----------------------------------|
| _____ District Superintendent (Signature) | _____ 2-Mar-22 Date |
|--|----------------------------------|

| | |
|---|----------------------------------|
| _____ Chief Business Officer (Signature) | _____ 2-Mar-22 Date |
|---|----------------------------------|

L. CERTIFICATION NO. 2

The disclosure document must be signed by the district Superintendent or designee at the time of public disclosure and by the President or Clerk of the Governing Board at the time of formal board action on the proposed agreement.

The information provided in this document summarizes the financial implications of the proposed agreement and is submitted to the Governing Board for public disclosure of the major provisions of the agreement (as provided in the "Public Disclosure of Proposed Bargaining Agreement") in accordance with the requirements of AB 1200 and Government Code Section 3547.5.

| | |
|--|-----------------|
| <hr/> | <hr/> |
| District Superintendent (or Designee) | 2-Mar-22 |
| (Signature) | Date |

| | |
|--|-----------------|
| <hr/> | <hr/> |
| President or Clerk of Governing Board | 2-Mar-22 |
| (Signature) | Date |

| | |
|---|----------------------|
| <hr/> | <hr/> |
| Philippa Townsend, Assistant Superintendent, Fiscal Services | 949- 234-9316 |
| Contact Person | Phone |

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD REPORT

To: Board of Trustees

From: Rich Montgomery, Assistant Superintendent, Human Resource Services, Grades 6-12, K-8, Alternative Education

Date: March 2, 2022

Board Item: Recommendation of Tentative Agreement with California School Employees Association, Chapter 224 (CSEA), for July 1, 2021 – June 30, 2024

HISTORY

The Governor’s budget proposal and adopted budget for 2021-2022 included additional revenue. In order for the District to adopt a balanced budget for the 2021-2022 school year. Since then, the Governor’s budget proposals continue to include increases in funding.

BACKGROUND INFORMATION

In 1975, the California Legislature enacted the Education Employment Relations Act (EERA). The EERA establishes a system of labor relations for employees employed by school districts.

The purpose of the EERA is to promote the improvement of personnel management and employer-employee relations within the public school systems of the State of California by providing a uniform basis for recognizing the right of public school employees to join organizations of their own choice, to be represented by such organizations in their professional and employment relationships with public school employees, to select one employee organization as the exclusive representative of the employees in an appropriate unit, and to afford certificated employees a voice in the formulation of educational policy.

The EERA provides that a public school employer or such representatives as it may designate shall meet and negotiate with and only with representatives of employee organizations selected as exclusive representatives of appropriate units upon request with regard to matters within the scope of representation.

CURRENT CONSIDERATIONS

This agenda item presents for Board consideration the approval of the Tentative Agreement with CSEA for 2021-2024 successor negotiations along with the financial document prepared in accordance with Assembly Bill (AB) 1200 (Statute of 1991, Chapter 1213) and Government Code 3547.5 as amended by AB 2756 which was submitted to the Orange County Department of Education (OCDE) for their analysis. The response from the OCDE is included in this item.

FINANCIAL IMPLICATIONS

The total fiscal impact of this agreement is approximately \$4,430,690. This is based on a total percentage increase of 5.17% which includes 3.1% (\$2,656,700) effective in March 2022 and retroactive to July 1, 2021 and 2.07% (\$1,773,990) contingent on funded COLA exceeding 5% for 2022-2023 and 1,500 additional ADA from first interim based on the enacted state budget and retroactive to July 1, 2021.

STAFF RECOMMENDATION

It is recommended the Board of Trustees approve the Tentative Agreement with California School Employees Association (CSEA), for July 1, 2021 – June 30, 2024.

PREPARED BY: Rich Montgomery, Assistant Superintendent, Human Resource Services,
Grades 6-12, K-8, Alternative Education

2/17/22
Date

TENTATIVE AGREEMENT
BETWEEN
THE CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION
AND ITS CAPISTRANO CHAPTER 224
AND
THE CAPISTRANO UNIFIED SCHOOL DISTRICT
2021-2022
SUCCESSOR NEGOTIATIONS

Pursuant to negotiations between the California School Employees Association and its Capistrano Chapter 224 (“CSEA”) and the Capistrano Unified School District (“District”), the following Successor Agreement concludes negotiations for the 2021-2022 school year.

Article 1 – Agreement

- 1.1 This Agreement is made and entered into this ~~twenty-ninth day of June 2020~~ seventeenth day of February 2022, by and between the Capistrano Unified School District, hereinafter referred to as “District,” and the California School Employees Association and its Capistrano Chapter 224, hereinafter referred to as “Association” or “CSEA.”
- 1.3 Except as noted in Section 1.4 and 1.5, all articles of this agreement shall remain in full force and effect from July 1, ~~2018~~ 2021, until June 30, ~~2021~~ 2024, when it shall terminate.
- 1.4 Notwithstanding the provisions of Section 1.5, either party to this Agreement shall have the right to reopen two articles each year for the fiscal years ~~2020-2021~~ 2022-2023 and 2023-2024 negotiations. ~~In addition, the Association shall have the right to open articles 6 and 9 for the 2020-2021 negotiations.~~
- 1.5 Articles 11 and 12 are to be reopened each year.

Article 3 – Hours of Employment and Overtime

- 3.7 Adjustment of Work Schedules
 - 3.7.1 An employee in the bargaining unit who works 30 minutes or more per day ~~in excess of their regular part-time work schedule for a period of over 20 consecutive working days or more~~ in excess of their base assignment (excluding overtime) shall have their regular work schedule adjusted upward to reflect the longer hours for the purpose of calculating fringe benefits for the duration of the assignment. For the purpose of this article, fringe benefits shall be considered sick leave, vacation, and holidays. ~~effective with the next pay period. Said adjustment shall apply to Temporary Additional Assignments (TAA). (Consistent application of Education Code Section 45137.)~~
 - 3.7.1.1 Temporary Additional Assignment (TAA), current classification. An employee assigned to a TAA in their current classification that is 30

minutes or more per day over 20 consecutive business days in excess of their base assignment shall have their hours of employment adjusted upward to reflect the additional hours for the calculation of fringe benefits for the duration of their assignment.

3.7.1.2 Temporary Additional Assignment (TAA), higher classification. An employee assigned to a TAA in a higher classification in addition to their base assignment shall be paid at the range of the higher classification for the temporary additional hours worked in accordance with Board Policy regarding salary and wage guidelines.

3.7.1.3 If an employee or employees believe they are working hours in excess of their base assignment on a consistent ongoing basis, they may request to have their position reviewed jointly by CSEA and the District. A request shall be submitted to the immediate supervisor in writing. A meeting shall be held by CSEA, Human Resource Services and the site administrator within fifteen (15) working days to review the employee's assignment and make recommendations to adjust the position if needed. CSEA may request to review assignments on behalf of classified unit employees.

3.10 Workload

3.10.1 Unit Member(s) Workload Concerns:

Unit members are encouraged to discuss workload concerns or changes with their manager. This may be done through the use the Interest Based Approach (IBA) process in a non-disciplinary setting. If the employee has concerns about meeting workload expectations after this initial meeting has occurred, the unit member may request a follow up meeting with the manager, a CSEA representative, and a representative from Human Resource Services.

3.10.2 District and CSEA Anticipated Workload Concerns:

The District and CSEA agree to meet, as needed, to address anticipated workload concerns created by a new District initiative. The District and CSEA shall meet to discuss workload priorities and may utilize the Interest Based Approach (IBA) process to maintain reasonable workload expectations.

Article 5 – Safety

- 5.1 The District shall provide a safe working environment including conditions, facilities, training and equipment in order to fulfill all obligations under the law.

- 5.3 To ensure that exposure to unsafe working conditions is minimized; employees are encouraged to be safety conscious in their own actions. It shall be the responsibility to report any alleged unsafe working conditions to their immediate supervisor ~~on the~~ appropriate District form in writing. The immediate supervisor shall respond to the employee within five working days, except in an emergency.

Article 7 – Transfers and Promotions

7.2 Transfers

7.2.3 District Initiated Transfer

7.2.3.8 A unit member who is transferred by the District shall be informed by the appropriate supervisor or manager in writing at least ~~10~~ **15** days prior to the effective date. Notification may be less than ~~10~~ **15** days if student enrollment, potential harm to students or staff, or other extenuating circumstances exist or if the employee and supervisor mutually agree.

7.5 Working Out of Class

7.5.1 When an employee is required to perform duties ***as directed by their supervisor*** which do not reasonably relate to those fixed for the position by the District for a period of more than five working days within a 15 calendar day period, their salary will be adjusted upward for the entire period they are required to work out of classification and in such amounts as will reasonably reflect the duties being performed outside the normal assigned duties of their classification.

7.5.2 If an employee believes they are working out of classification longer than ~~15~~ **5** days ***within a 15 calendar day period***, such employee shall make a ***written*** request to their supervisor to be paid at the higher rate from the first day of such work pursuant to 7.3.7 (Temporary Promotions). ***The employee may also request a conference with their supervisor.*** The manager shall respond ***in writing*** to the employee's request within five working days. If the manager believes the employee has performed higher-level duties for the said period of time, the manager shall cause such employee to receive the higher rate of pay as outlined in 7.5.1. The manager will also ensure that the employee no longer performs the affected job duties. If the manager denies the employee's request, the employee and the Association may request a review by Human Resource Services.

7.6 Classification/Reclassification: CSEA and the District are committed to creating a process for reviewing classifications, reclassifications, and updating job descriptions in a Memorandum of Understanding (MOU) by June 30, 2022. The MOU will be developed by an equal number of representatives from CSEA and CUSD, inclusive of the assigned Labor Relations Representative.

Article 11 – Wages

11.1 The pay schedule as stipulated in Appendix A shall be increased by ~~3.210%~~ **3.10%** retroactive to July 1, 2019 ~~2021,~~ ~~and an additional 0.21% retroactive to July 1, 2020~~

The pay schedule shall be increased by an additional 1%, retroactive to July 1, 2021, contingent on the following:

- Upon CUSD Board of Trustees' adoption of the Second Interim Report in March, 2022.

The pay schedule shall be increased by an additional 0.6%, retroactive to July 1, 2021, contingent on the following:

- A 2022-2023 funded COLA greater than 5%;
- The final enacted state budget provides a declining enrollment protection formula that yields a funded ADA in 2022-2023 in excess of 1,500 ADA above the projection contained in the District's First Interim Report.

11.4 Longevity

Step 10

Effective July 1, 1994, Step 10 was added to the Classified Salary Schedule in lieu of longevity increments. Employees who complete one year on Step 6 and are commencing their tenth year of consecutive, regular service with the District shall be placed on Step 10 which shall be 5% higher than Step 6.

Step 15

In addition, effective July 1, 1997, Step 15 was added to the Classified Salary Schedule. Employees who are beginning their fifteenth year of consecutive service shall be placed on Step 15, which shall be 5% higher than Step 10 effective July 1, 2006.

Step 20

Effective July 1, 1998, Step 20 was added to the Classified Salary Schedule. Employees who are beginning their twentieth year of consecutive service shall be placed on Step 20, which shall be 5% higher than Step 15.

Step 25

Effective July 1, 2021, Step 25 will be added to the Classified Salary Schedule. Employees who are beginning their twenty-fifth year of consecutive service shall be placed on Step 25, which shall be 5% higher than Step 20, contingent on the following:

- A 2022-2023 funded COLA greater than 5%;
- The final enacted state budget provides a declining enrollment protection formula that yields a funded ADA in 2022-2023 in excess of 1,500 ADA above the projection contained in the District's First Interim Report.

Article 12 – Health and Welfare Benefits

- 12.2 As of ~~January 1, 2020~~ July 1, 2021, the District shall pay on behalf of unit members employed full-time, payments for medical, dental, vision, and life insurance benefits approved by the Board of Trustees up to a maximum as follows:

(1) Medical Coverage

The District shall pay the premiums for full-time employees and their dependents who participate in the HMO medical plans. Employees must be employed by the District at

least 20 hours per week to be eligible for health insurance benefits. The District will pay for the actual cost of insurance up to the following rates per tier:

| Hours Worked | Percent Paid by District |
|-----------------|--------------------------|
| 4 to 4.59 hours | 60% |
| 5 to 5.59 hours | 65% |
| 6 to 6.59 hours | 85% |
| 7 to 7.59 hours | 90% |
| 8 hours | 100% |

Medical Plans

The maximum contribution rate increases for all HMO and PPO health insurance plans below are contingent on the following:

- A 2022-2023 funded COLA greater than 5%;
- The final enacted state budget provides a declining enrollment protection formula that yields a funded ADA in 2022-2023 in excess of 1,500 ADA above the projection contained in the District's First Interim Report.

HMO

Effective ~~January 1, 2020~~ July 1, 2021, the parties agree the maximum contribution rate for all HMO health insurance plans are as follows:

| | |
|------------------------|--|
| Employee only | \$6,710.00 <u>\$7,063</u> |
| Employee + One | \$13,780.00 <u>\$14,486</u> |
| Employee + Two or more | \$19,530.00 <u>\$20,589</u> |

PPO

Effective ~~January 1, 2017~~ July 1, 2021, the parties agree the maximum contribution rate for all PPO health insurance plans are as follows:

| | |
|------------------------|--|
| Employee only | \$6,323.40 <u>\$7,063</u> |
| Employee + One | \$13,038.00 <u>\$14,486</u> |
| Employee + Two or more | \$18,522.70 <u>\$20,589</u> |

The classified bargaining unit shall be provided with selections set forth above based upon the California Schools Benefits Trust (MEBA) Plan options for coverage and rates.

Article 21 – Meet and Negotiate/Employer-Employee Relations

- 21.3 The District and the Association are committed to Interest-Based Bargaining (IBB). These techniques have proven to be beneficial in opening lines of communication, sharing information, and building trust. Both sides believe the IBB process has improved our relationship and produces a better collective bargaining agreement.

The District and the Association agree to maintain a joint Classified Employer-Employee Relations Council (CEERC). This council will meet bimonthly and will review contract interpretation issues and work together to solve problems of mutual concern. The District and the Association will appoint a joint sub-committee to review membership, frequency of meetings, and other governance issues to use in this process.

21.3.1 In the use of IBB, the bargaining teams agree to the use of the consensus process. Consensus is achieved when the will of the group has been made evident.

21.4 This agreement shall be effective July 1, ~~2018~~ 2021, and shall remain in full force and effect through June 30, ~~2021~~ 2024.

There are no other language changes or omissions to the remainder of the current Collective Bargaining Agreement.

This tentative agreement is subject to CSEA Policy 610 requirements and approval by the Capistrano Unified School District Board of Education.

California School Employees Association
and its Capistrano Chapter 224

Capistrano Unified School District

Ronda Walen 2/17/22
Ronda Walen Date
Chapter President for CSEA Chapter 224

Rich Montgomery 2/17/22
Rich Montgomery Date
Assistant Superintendent,
Human Resource Services

KC Bohac 2/17/22
KC Bohac Date
Labor Relations Representative

Clark Hampton 2/17/22
Clark Hampton Date
Deputy Superintendent

Kirsty Braun 2/17/22
Kirsty Braun Date
Negotiating Team for CSEA Chapter 224

Robert Miller 2/17/2022
Robert Miller Date
Assistant Superintendent, Human Resource Services

Sandra Clark 2/17/22
Sandra Clark Date
Negotiating Team for CSEA Chapter 224

Dr. Manoj Mahindrakar 2-17-22
Dr. Manoj Mahindrakar Date
Principal, San Juan Hills High School

Jacquelyn Crummett 2/17/22
Jacquelyn Crummett Date
Negotiating Team for CSEA Chapter 224

Jenna Dagley 2/17/22
Jenna Dagley Date
Principal, Canyon Vista

Tracy Johannes 2/17/22
Tracy Johannes Date
Negotiating Team for CSEA Chapter 224

Matt Krause 2.17.22
Matt Krause Date
Executive Director, Fiscal Services

Salvador Gonzalez 2/17/22
Salvador Gonzalez Date
Negotiating Team for CSEA Chapter 224

**Orange County Department of Education
District Fiscal Services**

**PUBLIC DISCLOSURE OF COLLECTIVE BARGAINING AGREEMENT
in Accordance with AB 1200 (Chapter 1213/1991), GC 3547.5, and CCR, Title V, Section 15449**

Capistrano Unified School District - California School Employees Association,
School District - Bargaining Unit: Chapter 224 (CSEA)

Certificated, Classified, Other: Classified

The proposed agreement covers the period beginning: July 1, 2021 and ending: June 30, 2022
(date) (date)

The Governing Board will act upon this agreement on: March 2nd 2022
(date)

A. Proposed Change in Compensation

| Compensation | Annual Cost Prior to Proposed Agreement FY 2021-22 | Fiscal Impact of Proposed Agreement | | |
|---|---|---|---|---|
| | | Year 1 Increase/(Decrease) FY 2021-22 | Year 2 Increase/(Decrease) FY 2022-23 | Year 3 Increase/(Decrease) FY 2023-24 |
| 1 Salary Schedule 4.4% starting 7/1/2021 with 2.07% of this contingent upon revenues in Governor's Budget | \$ 62,517,157 | \$ 2,805,770 | \$ - | |
| | | 4.40% | 0.00% | 0.00% |
| 2 Step and Column | \$ 1,250,342 | | \$ - | |
| | | 0.00% | 0.00% | 0.00% |
| 3 Other Compensation - | | | \$ - | |
| | | 0.00% | 0.00% | 0.00% |
| 4 Statutory Benefits - STRS, PERS, FICA, WC, UI, Medicare etc. | \$ 21,932,500 | \$ 965,030 | \$ - | |
| | | 4.40% | 0.00% | 0.00% |
| 5 Health/Welfare Plans Increase in cap equivalent to 0.77%. | \$ 14,210,036 | \$ 659,890 | \$ - | \$ - |
| | | 0.77% | 0.00% | 0.00% |
| 6 Total Compensation - Increase (Decrease) (Total Lines 1-5) | \$ 99,910,035 | \$ 4,430,690 | \$ - | \$ - |
| 7 Total Number of Represented Employees (Use FTEs if appropriate) | 1,780.00 | 0 | 0 | 0 |
| 8 Total Compensation Average Cost per Employee | \$ 56,129 | \$ - | \$ - | \$ - |
| | | 5.17 | 0.00 | 0.00 |

9. What was the negotiated percentage increase approved? For example, if the increase in "Year 1" was for less than a full year, what is the annualized percentage of that increase for "Year 1"?

Effective July 1 2021 an increase in the salary schedule of 3.1% with 1.0% contingent on second interim adoption. An additional 0.6% in salary, 0.7% for an added step 25 and 0.77% in increased health and welfare caps is contingent upon gaining an additional 1,500 ADA for the LCFF calculation as a result of the Governor's budget proposal for declining enrollment protection (three prior year ADA average). This salary increase will be retroactive starting 7/1/21.

10. Were any additional steps, columns, or ranges added to the schedules? (If yes, please explain.)

Yes, a step 25 was added at a percentage equivalent of 0.7%

11. Please include comments and explanations as necessary.

12. Does this bargaining unit have a negotiated cap for Health and Welfare benefits Yes No

If yes, please describe the cap amount.

Effective 7/1/2021

Employee only \$7,063

Employee plus one \$14,486

Employee plus two or more \$20,589

- B. Proposed Negotiated Changes in Noncompensation Items** (i.e., class size adjustments, staff development days, teacher prep time, classified staffing ratios, etc.)

None

- C. What are the specific impacts on instructional and support programs to accommodate the settlement?**

Include the impact of changes such as staff reductions or increases, program reductions or increases, elimination or expansion of other services or programs (i.e., counselors, librarians, custodial staff, etc.)

N/A

D. What contingency language is included in the proposed agreement? Include specific areas identified reopeners, applicable fiscal years, and specific contingency language.

- (1) Funded COLA applied to the LCFF exceeds 5% for the 2022-2023 adopted state budget.
- (2) The final enacted state budget provides a declining enrollment protection formula that yields a funded ADA in 2022-2023 in excess of 1,500 ADA above the projection contained in the District's First Interim report.

E. Will this agreement create, increase or decrease deficit financing in the current or subsequent year(s)? "Deficit Financing" is defined to exist when a fund's expenditures and other financing uses exceed its revenues and other financing sources in a given year. If yes, explain the amounts and justification for doing so.

No. The additional revenue associated with part 2 of the contingency language has not been included in the multi year projection but the total compensation increase has been included.

F. Identify other major provisions that do not directly affect the district's costs, such as binding arbitrations, grievance procedures, etc.

None.

G. Source of Funding for Proposed Agreement

1. Current Year

General fund revenues.

2. If this is a single year agreement, how will the ongoing cost of the proposed agreement be funded in subsequent years (i.e., what will allow the district to afford this contract)?

The ongoing costs can be covered by current revenue and current reserves.

3. If this is a multiyear agreement, what is the source of funding, including assumptions used, to fund these obligations in subsequent years? (Remember to include compounding effects in meeting obligations.)

H. IMPACT OF PROPOSED AGREEMENT ON CURRENT YEAR OPERATING BUDGET

General Fund

Enter Bargaining Unit: **California School Employees Association, Chapter 224 (CSEA)**

| | Column 1 | Column 2 | Column 3 | Column 4 |
|--|--|--|--|---|
| | Latest Board- Approved Budget Before Settlement First Interim | Adjustments as a Result of Settlement | Other Revisions (CUEA & Teamsters) | Total Current Budget (Columns 1+2+3) |
| REVENUES | | | | |
| LCFF Sources (8010-8099) | \$ 433,723,558 | \$ - | | \$ 433,723,558 |
| Remaining Revenues (8100-8799) | \$ 173,571,070 | \$ - | | \$ 173,571,070 |
| TOTAL REVENUES | \$ 607,294,628 | \$ - | \$ - | \$ 607,294,628 |
| EXPENDITURES | | | | |
| Certificated Salaries (1000-1999) | \$ 254,439,281 | \$ - | \$ 9,178,446 | \$ 263,617,727 |
| Classified Salaries (2000-2999) | \$ 79,584,463 | \$ 2,805,770 | \$ 298,751 | \$ 82,688,984 |
| Employee Benefits (3000-3999) | \$ 151,666,166 | \$ 1,624,920 | \$ 3,380,223 | \$ 156,671,309 |
| Books and Supplies (4000-4999) | \$ 40,915,810 | \$ - | | \$ 40,915,810 |
| Services, Other Operating Expenses (5000-5999) | \$ 54,825,542 | \$ - | | \$ 54,825,542 |
| Capital Outlay (6000-6599) | \$ 4,446,250 | \$ - | | \$ 4,446,250 |
| Other Outgo (7100-7299) (7400-7499) | \$ 12,959,896 | \$ - | | \$ 12,959,896 |
| Direct Support/Indirect Cost (7300-7399) | \$ (513,464) | \$ - | | \$ (513,464) |
| Other Adjustments | | | | |
| TOTAL EXPENDITURES | \$ 598,323,944 | \$ 4,430,690 | \$ 12,857,420 | \$ 615,612,054 |
| OPERATING SURPLUS (DEFICIT) | \$ 8,970,684 | \$ (4,430,690) | \$ (12,857,420) | \$ (8,317,426) |
| TRANSFERS IN & OTHER SOURCES (8910-8979) | \$ - | \$ - | \$ - | \$ - |
| TRANSFERS OUT & OTHER USES (7610-7699) | \$ - | \$ - | \$ - | \$ - |
| CONTRIBUTIONS (8980-8999) | \$ - | \$ - | | \$ - |
| CURRENT YEAR INCREASE (DECREASE) IN FUND BALANCE | \$ 8,970,684 | \$ (4,430,690) | \$ (12,857,420) | \$ (8,317,426) |
| | | | | |
| BEGINNING BALANCE | \$ 110,932,784 | | | \$ 110,932,784 |
| Prior-Year Adjustments/Restatements (9793/9795) | \$ - | | | \$ - |
| CURRENT-YEAR ENDING BALANCE | \$ 119,903,468 | \$ (4,430,690) | \$ (12,857,420) | \$ 102,615,358 |
| COMPONENTS OF ENDING BALANCE: | | | | |
| Nonspendable Reserves (9711-9719) | \$ 325,000 | \$ - | \$ - | \$ 325,000 |
| Restricted Reserves (9740) | \$ 40,910,891 | \$ - | \$ - | \$ 40,910,891 |
| Stabilization Arrangements (9750) | \$ - | \$ - | \$ - | \$ - |
| Other Commitments (9760) | \$ - | \$ - | \$ - | \$ - |
| Other Assignments (9780) | \$ 2,523,134 | \$ - | \$ - | \$ 2,523,134 |
| Reserve for Economic Uncertainties (9789) | \$ 11,900,000 | \$ - | | \$ 11,900,000 |
| Unassigned/Unappropriated (9790) | \$ 64,244,443 | \$ (4,430,690) | \$ (12,857,420) | \$ 46,956,333 |

* Please see question on page 7.

I. IMPACT OF PROPOSED AGREEMENT ON SUBSEQUENT YEARS

Combined General Fund

Enter Bargaining Unit: **California School Employees Association, Chapter 224 (CSEA)**

| | 2021-22 | 2022-23 | 2023-24 |
|---|--|---|--|
| | Total Current Budget After Settlement | First Subsequent Year After Settlement | Second Subsequent Year After Settlement |
| REVENUES | | | |
| Revenue Limit Sources (8010-8099) | \$ 433,723,558 | \$ 413,684,952 | \$ 427,606,097 |
| Remaining Revenues (8100-8799) | \$ 173,571,070 | \$ 105,292,063 | \$ 106,685,589 |
| TOTAL REVENUES | \$ 607,294,628 | \$ 518,977,015 | \$ 534,291,686 |
| EXPENDITURES | | | |
| Certificated Salaries (1000-1999) | \$ 263,617,727 | \$ 246,211,093 | \$ 236,504,259 |
| Classified Salaries (2000-2999) | \$ 82,688,984 | \$ 84,342,560 | \$ 83,029,411 |
| Employee Benefits (3000-3999) | \$ 156,671,309 | \$ 160,703,904 | \$ 158,790,852 |
| Books and Supplies (4000-4999) | \$ 40,915,810 | \$ 29,452,488 | \$ 15,218,951 |
| Services, Other Operating Expenses (5000-5999) | \$ 54,825,542 | \$ 55,063,363 | \$ 49,848,471 |
| Capital Outlay (6000-6999) | \$ 4,446,250 | \$ 92,596 | \$ 542,596 |
| Other Outgo (7100-7299) (7400-7499) | \$ 12,959,896 | \$ 13,653,708 | \$ 13,828,842 |
| Direct Support/Indirect Cost (7300-7399) | \$ (513,464) | \$ 636,970 | \$ (426,628) |
| Other Adjustments | | \$ - | \$ - |
| TOTAL EXPENDITURES | \$ 615,612,054 | \$ 590,156,682 | \$ 557,336,754 |
| OPERATING SURPLUS (DEFICIT) | \$ (8,317,426) | \$ (71,179,667) | \$ (23,045,068) |
| TRANSFERS IN & OTHER SOURCES (8910-8979) | \$ - | \$ - | \$ - |
| TRANSFERS OUT & OTHER USES (7610-7699) | \$ - | \$ - | \$ - |
| CURRENT YEAR INCREASE (DECREASE) IN FUND BALANCE | \$ (8,317,426) | \$ (71,179,667) | \$ (23,045,068) |
| BEGINNING BALANCE | \$ 110,932,784 | \$ 102,615,358 | \$ 31,435,691 |
| CURRENT-YEAR ENDING BALANCE | \$ 102,615,358 | \$ 31,435,691 | \$ 8,390,623 |
| COMPONENTS OF ENDING BALANCE: | | | |
| Nonspendable Reserves (9711-9719) | \$ 325,000 | \$ 325,000 | \$ 325,000 |
| Restricted Reserves (9740) | \$ 40,910,891 | \$ 4,075,206 | \$ 4,075,204 |
| Stabilization Arrangements (9750) | \$ - | \$ - | \$ - |
| Other Commitments (9760) | \$ - | \$ - | \$ - |
| Other Assignments (9780) | \$ 2,523,134 | \$ 1,058,941 | \$ 847,153 |
| Reserve for Economic Uncertainties (9789) | \$ 11,900,000 | \$ 11,400,000 | \$ 10,800,000 |
| Unassigned/Unappropriated (9790) | \$ 46,956,333 | \$ 14,576,544 | \$ (7,656,734) |

J. IMPACT OF PROPOSED AGREEMENT ON UNRESTRICTED RESERVES

1. State Reserve Standard

| | | 2021-22 | 2022-23 | 2023-24 |
|----|---|----------------|----------------|----------------|
| a. | Total Expenditures, Transfers Out, and Uses (Including Cost of Proposed Agreement) | \$ 615,612,054 | \$ 590,156,682 | \$ 557,336,754 |
| b. | State Standard Minimum Reserve Percentage for this District is 2% | 2.00% | 2.00% | 2.00% |
| c. | State Standard Minimum Reserve Amount for this District (For districts with less than 1,001 ADA, this is the greater of Line a, times Line b. OR \$50,000 | \$ 12,312,241 | \$ 11,803,134 | \$ 11,146,735 |

2. Budgeted Unrestricted Reserve (After Impact of Proposed Agreement)

| | | | | |
|----|---|---------------|---------------|----------------|
| a. | General Fund Budgeted Unrestricted Reserve for Economic Uncertainties (9789) | \$ 11,900,000 | \$ 11,400,000 | \$ 10,800,000 |
| b. | General Fund Budgeted Unrestricted Unassigned/Unappropriated Amount (9790) | \$ 46,956,333 | \$ 14,576,544 | \$ (7,656,734) |
| c. | Special Reserve Fund (Fund 17) Budgeted Reserve for Economic Uncertainties (9789) | \$ | \$ | \$ |
| d. | Special Reserve Fund (Fund 17) Budgeted Unassigned/Unappropriated Amount (9790) | \$ | \$ | \$ |
| g. | Total Available Reserves | \$ 58,856,333 | \$ 25,976,544 | \$ 3,143,266 |
| h. | Reserve for Economic Uncertainties Percentage | 9.56% | 4.40% | 0.56% |

3. Do unrestricted reserves meet the state minimum reserve amount?

| | | | | |
|---------|-----|-------------------------------------|----|-------------------------------------|
| 2021-22 | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| 2022-23 | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| 2023-24 | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |

4. If no, how do you plan to restore your reserves?

2.07% of the agreement or \$7.5 million for all three bargaining units is contingent upon other revenues being received by the District which are proposed in the Governor's 2022-23 budget. These revenues are not included here but if received as noted in the tentative agreement, the District's reserve amount will be met in all three years.

If the total amount of the adjustment in Column 2 on Page 4 does not agree with the amount of the Total Compensation Increase in Section A, Line 5, Page 1 (i.e., increase was partially budgeted), explain the variance below:

6. Please include any additional comments and explanations of Page 4 as necessary:

K. CERTIFICATION NO. 1: CERTIFICATION OF THE DISTRICT'S ABILITY TO MEET THE COSTS OF COLLECTIVE BARGAINING AGREEMENT

The disclosure document must be signed by the District Superintendent and Chief Business Officer at the time of public disclosure.

In accordance with the requirements of Government Code Section 3547.5, the Superintendent and Chief Business Officer of Capistrano Unified School District, hereby certify that the District can meet the costs incurred under the Collective Bargaining Agreement between the District and the California School Employees Association, Chapter 224, during the term of the agreement from July 01, 2021 to June 30, 2022

The budget revisions necessary to meet the costs of the agreement in each year of its term are as follows:

| <u>Budget Adjustment Categories:</u> | <u>Budget Adjustment Increase (Decrease)</u> |
|---|--|
| <u>Revenues/Other Financing Sources</u> | <u>0</u> |
| <u>Expenditures/Other Financing Uses</u> | <u>4,430,690</u> |
| <u>Ending Balance Increase (Decrease)</u> | <u><u>(4,430,690)</u></u> |

(No budget revisions necessary - included in revised budget)

| | |
|--|-------------------------------|
| <hr/> District Superintendent (Signature) | <hr/> 2-Mar-22 Date |
|--|-------------------------------|

| | |
|---|-------------------------------|
| <hr/> Chief Business Officer (Signature) | <hr/> 2-Mar-22 Date |
|---|-------------------------------|

L. CERTIFICATION NO. 2

The disclosure document must be signed by the district Superintendent or designee at the time of public disclosure and by the President or Clerk of the Governing Board at the time of formal board action on the proposed agreement.

The information provided in this document summarizes the financial implications of the proposed agreement and is submitted to the Governing Board for public disclosure of the major provisions of the agreement (as provided in the "Public Disclosure of Proposed Bargaining Agreement") in accordance with the requirements of AB 1200 and Government Code Section 3547.5.

| | |
|--|-------------|
| _____ | 2-Mar-22 |
| District Superintendent (or Designee) | Date |
| (Signature) | |

| | |
|--|-------------|
| _____ | 2-Mar-22 |
| President or Clerk of Governing Board | Date |
| (Signature) | |

| | |
|---|---------------|
| <u>Philippa Townsend, Assistant Superintendent, Fiscal Services</u> | 949- 234-9316 |
| Contact Person | Phone |

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD REPORT

To: Board of Trustees

From: Rich Montgomery, Assistant Superintendent, Human Resource Services, Grades 6-12, K-8, Alternative Education

Date: March 2, 2022

Board Item: Recommendation of Revised Employment Agreement with Capistrano Unified Management Association. July 1, 2021-June 30, 2022

HISTORY

This is a standing item that is presented to the Board of Trustees on an as needed basis.

BACKGROUND INFORMATION

After the District finalized an agreement with the Capistrano Unified Education Association (CUEA), discussions began with management representatives from the Capistrano Unified Management Association (CUMA) to develop an agreement representing an equivalent share to the agreement reached with the Certificated bargaining unit.

CURRENT CONSIDERATIONS

The purpose of this agenda item is to seek approval of revising the 2021-2022 employment agreement between the Capistrano Unified Management Association (CUMA) and the District. The employment agreement would provide management employees a 5.17% salary increase which includes 3.1% (\$973,400) effective upon CUSD Board of Trustees' adoption of the Second Interim Report in March 2022 and retroactive to July 1, 2021 and 2.07% (\$649,980) contingent on funded COLA exceeding 5% for 2022-2023 and 1,500 additional ADA from First Interim based on the enacted state budget and retroactive to July 1, 2021.

FINANCIAL IMPLICATIONS

Costs have been included within the 2021-2022 budget and multi-year projections. The total fiscal impact of this salary adjustment is \$1,623,380.

STAFF RECOMMENDATION

It is recommended the Board of Trustees approve the revised employment agreement for CUMA for July 1, 2021 – June 30, 2022.

PREPARED BY: Rich Montgomery, Assistant Superintendent, Human Resource Services,
Grades 6-12, K-8, Alternative Education

**CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD REPORT**

To: Board of Trustees

From: Rich Montgomery, Assistant Superintendent, Human Resource Services, Grades 6-12, K-8, Alternative Education

Date: March 3, 2022

Board Item: Resolution No. 2122-51, Preliminary Resolution Layoff of Classified Management Employees for Lack of Work and/or Lack of Funds

BACKGROUND INFORMATION

Based on the Governor's Budget, the District anticipates necessary layoffs due to lack of work and/or lack of funds.

CURRENT CONSIDERATIONS

The Resolution, attached, clarifies the proposed positions for elimination. It authorizes providing notice to impacted employees. Under the layoff statutes, classified employees who receive a preliminary layoff notice have the right to request a hearing before an administrative law judge provided by the California Office of Administrative Hearings, who acts as a factfinder on behalf of the Board.

Staff has met with the affected management employees.

FINANCIAL IMPLICATIONS

The layoff, as proposed, would result in the reassignment of duties due to lack of work.

STAFF RECOMMENDATION

It is recommended the Board of Trustees adopt Resolution No. 2122-51, Preliminary Resolution Layoff of Classified Management Employees for Lack of Work and/or Lack of Funds.

APPROVED BY: Rich Montgomery, Assistant Superintendent, Human Resource Services,
Grades 6-12, K-8, Alternative Education

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

RESOLUTION NO. 2122-51

**PRELIMINARY RESOLUTION
LAYOFF OF CLASSIFIED MANAGEMENT EMPLOYEES FOR
LACK OF WORK AND/OR LACK OF FUNDS
(Education Code §§ 45117 and 45308)**

WHEREAS, Education Code sections 45117 and 45308 require action by the Board of Trustees to reduce or eliminate services and permit the layoff of classified employees; and

WHEREAS, the Superintendent of the Capistrano Unified School District has recommended to the Board of Trustees that a lack of work and/or lack of funds require the layoff of classified employees no later than the end of the 2021-2022 school year; and

WHEREAS, the Board of Trustees has determined that a layoff for lack of work and/or lack of funds is needed no later than the end of the 2021-2022 school year; and

WHEREAS, the Board of Trustees has considered all positively assured attrition which has occurred to date, that is, all probationary releases, deaths, resignations, retirements, and other permanent vacancies, in reducing these services and, in addition to the attrition already assured, finds it necessary to conduct a layoff; and

WHEREAS, any additional attrition will be taken into account by Administration to determine whether the number of permanent and probationary employees affected by the layoff may be mitigated.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Capistrano Unified School District:

1. That all of the foregoing recitals are true and correct.

Classified Positions to Be Reduced or Eliminated

2. That the Board of Trustees determines to reduce or eliminate the positions set forth in Exhibit A, attached hereto, by job classification, months per year, days per week and hours per day (full-time equivalent), no later than the end of the 2021-2022 school year.
3. That in identifying the particular job classifications listed in Exhibit A and referenced above for reduction or elimination, the Board of Trustees confirms that all programs and services performed by classified employees of the District that are not so identified shall be maintained and staffed with individuals who are both qualified to perform such

services. The Board of Trustees reserves the right to identify additional positions for reduction or elimination.

Seniority of Probationary and Permanent Classified Employees

4. That seniority shall be determined by the first date of paid service in a classification, plus higher classifications.

Preliminary Notices of Layoff to Probationary and Permanent Employees

5. That, no later than March 15, 2022, the Superintendent or designee will send appropriate notices to all probationary and permanent employees possibly affected by the layoff. The notices shall state it has been recommended that each of their services will not be required for the 2022-2023 school year, pursuant to Education Code sections 45117 and 45308.
6. That said notice shall notify affected employees of their displacement rights, if any.

Miscellaneous

7. That nothing in this Resolution affects the District's ability to conduct additional layoffs when classified positions must be eliminated as a result of the expiration of a specially funded program pursuant to Education Code section 45117(g).
8. That the Superintendent or designee is delegated authority to take all actions necessary and appropriate to the accomplishment of the purposes of this Resolution.

Exhibit A

| Job Classification | # of Positions | Months per Year | Days per Week | Hours per Day |
|-----------------------------------|----------------|-----------------|---------------|---------------|
| Autism Specialist (Management) | 3 | 12 | 5 | 8 |

The foregoing Resolution was **PASSED** and **ADOPTED** at a regular meeting of the Governing Board of the Capistrano Unified School District on the 2nd day of March, 2022 by the following vote:

| | | |
|----------|-------|-------|
| AYES: | _____ | _____ |
| | _____ | _____ |
| | _____ | _____ |
| | _____ | _____ |
| NOES: | _____ | _____ |
| ABSENT: | _____ | _____ |
| ABSTAIN: | _____ | _____ |

Dated: _____, 2022

 President, Board of Trustees
 Capistrano Unified School District
 County of Orange, State of California

STATE OF CALIFORNIA]
]
 COUNTY OF ORANGE]

I, _____, Clerk of the Board of Trustees of the Capistrano Unified School District of San Juan Capistrano, California, hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by said Board at a regular meeting thereof held at its regular place of meeting at the time and by the vote above stated, which resolution is on file in the office of said Board.

Dated: _____, 2022

 Clerk of the Board of Trustees
 Capistrano Unified School District
 County of Orange, State of California

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD REPORT

To: Board of Trustees

From: Martha McNicholas, Board of Trustees
Judy Bullockus, Board of Trustees

Date: March 2, 2022

Board Item: **2022 BALLOT FOR CALIFORNIA SCHOOL BOARDS ASSOCIATION
DELEGATE ASSEMBLY REGION 15**

HISTORY

Each year The California School Boards Association (CSBA) accepts nominations for their Delegate Assembly and calls upon each school district to take action to cast a vote. Ballots for the 2022 election were sent to districts and county offices of education and are due to CSBA by March 15, 2022.

BACKGROUND INFORMATION

CSBA’s Delegate Assembly is a vital link in the association’s governance structure. Working with local districts, county offices, the Board of Directors and Executive Committee, Delegates ensure that the association reflects the interest of school districts and county offices of education throughout the state. The Delegate Assembly provides policy direction for the association, elects officers and directors. There are two required Delegate Assembly meetings each year.

CURRENT CONSIDERATIONS

The Board may vote for up to the number of vacancies in Region 15 as indicated on the ballot whereby there are seven openings for this year’s delegation. Elected CSBA Delegates will serve a two-year term beginning April 1, 2022 – March 31, 2024.

Trustees McNicholas and Bullockus are the current Delegates representing the District. Together they are requesting the Board take action and recommend voting for the following seven candidates listed below, incumbents are denoted with an asterisk:

- Marilyn Anderson (Placentia-Yorba Linda USD)
- Lauren Brooks (Irvine USD)*
- Carrie Buck (Placentia-Yorba Linda USD)*
- Lynn Davis (Tustin USD)*
- Candice (Candi) Kern (Cypress ESD)*
- Barbara Schulman (Saddleback Valley USD)
- Michael Simons (Huntington Beach Union HSD)*

FINANCIAL IMPLICATIONS

There are no financial implications.

TRUSTEE RECOMMENDATION

It is recommended the Board of Trustees cast the Board's vote for seven of the candidates on the 2022 Ballot for CSBA Delegate Assembly Region 15.

PREPARED BY: Susie Schmidt, Administrative Assistant, Board Operations

APPROVED BY: Martha McNicholas and Judy Bullockus, Board of Trustees

Delegate Assembly Biographical Sketch Form for 2022 Election



Deadline: Friday, January 7, 2022 | No late submissions accepted

This form is required. An optional, one-page, single-sided, résumé may also be submitted. Do not state “see résumé.” Do not re-type this form. It is the candidate’s responsibility to confirm that CSBA has received nomination materials prior to the deadline. Please submit completed form via e-mail to nominations@csba.org by no later than 11:59 p.m. on January 7, 2022. Forms may also be submitted via mail, to CSBA's Executive Office, at 3251 Beacon Blvd., West Sacramento, CA 95691, with a postmark of no later than January 7, 2022.

Your signature indicates your consent to have your name placed on the ballot and to serve as a Delegate, if elected.

Signature: Marilyn Anderson Date: 1/4/2022

Name: Marilyn Anderson CSBA Region & subregion #: 15

District or COE: Placentia-Yorba Linda Unified School District Years on board: 1

Profession: Volunteer Contact Number (Cell Home Bus.): 714.225.1047

Primary E-mail: maanderson@pylusd.org

Are you an incumbent Delegate? Yes No If yes, year you became Delegate: _____

Why are you interested in becoming a Delegate? Please describe the skills and experiences you would bring to the Delegate Assembly.

I have lived in my community for 44 years, 18 as a youth and 26 as an adult. I have raised my three children here, who have all graduated from local schools. My personal experiences and my broad array of community activities, as described below, have given me a sound understanding of local needs, struggles, and concerns among our wide variety of residents. Service has always been a priority for me. I believe that serving in the delegate assembly would allow me to share my community’s voice in Sacramento and to influence educational policies to better serve their unique needs and challenges.

Please describe your activities and involvement on your local board, community, and/or CSBA.

As a new board member on my local board, I have served the last year as Clerk and currently serve as Vice President. Although I am new to life as a trustee, I have been serving my community for the last 26 years. My service has included PTA President and other PTA offices, School Site Council, booster clubs, Boy Scouts of America, and youth leader. The last seven years I have been the assistant leader of a local non-profit, Love Placentia, where we promote volunteerism and host a large service day that reaches across the city. Love Placentia’s 1,200 volunteers serve the community annually by completing around 40 different service projects. In my position I fundraise, organize, recruit volunteers, and execute. I also initiated and now supervise the volunteers for the four Blessing Boxes (self-service food pantries) located throughout Placentia and make sure the boxes are maintained and stocked for community members to take what they need. Lastly, I am moving forward to complete my Master in Governance courses, with only two remaining classes to finish.

What do you see as the biggest challenge facing governing boards and how can CSBA help address it?

The biggest challenge facing governing boards today is returning local control to the local boards, so that these boards can address the educational losses and the widening educational gap among poor and minority students that have occurred since the pandemic began. Over the the past nearly two years, local boards have been subjugated to state mandates and control with no account for local conditions and for the local community. This “one size fits all” approach by the state, though well-intended, has led to multiple problems. Many students have not been served effectively because local boards had no authority to address their unique challenges due to state control. CSBA represents local school board members throughout California and has an influence on state policies. By CSBA lobbying for greater local control so that local boards can make the best decisions for their communities regarding COVID and other issues facing education, much of the conflict now happening in the school community could be reduced.

Delegate Assembly

Biographical Sketch Form for 2022 Election



Deadline: Friday, January 7, 2022 | No late submissions accepted

This form is required. An optional, one-page, single-sided, résumé may also be submitted. Do not state “see résumé.” Do not re-type this form. It is the candidate’s responsibility to confirm that CSBA has received nomination materials prior to the deadline. Please submit completed form via e-mail to nominations@csba.org by no later than 11:59 p.m. on January 7, 2022. Forms may also be submitted via mail, to CSBA’s Executive Office, at 3251 Beacon Blvd., West Sacramento, CA 95691, with a postmark of no later than January 7, 2022.

Your signature indicates your consent to have your name placed on the ballot and to serve as a Delegate, if elected.

Signature: Michelle Barto Date: 12/10/21

Name: Michelle Barto CSBA Region & subregion #: 15

District or COE: Newport-Mesa Unified School District Years on board: 3

Profession: Business owner and coach - marketing and web development business Contact Number (Cell Home Bus.): 949-697-0821

Primary E-mail: mbarto@nmusd.us

Are you an incumbent Delegate? Yes No If yes, year you became Delegate: _____

Why are you interested in becoming a Delegate? Please describe the skills and experiences you would bring to the Delegate Assembly.

When I was in high school, I worked as a volunteer tutor at a non-profit learning center for low-income English Language Learners. Through working with those students for several years, I witnessed the importance of a good education in transforming the trajectory of one’s life. Though in the end I chose a technology and business pathway for my career, I have maintained involvement in building educational opportunities in STEM, literacy, and early childhood development through my volunteer work and non-profit service over the past 25 years. I am a parent of four young children, which over the past eighteen months has helped me to provide relevant insight to our board as to how best help educate children throughout a pandemic. Finally, as a student who myself followed a non-traditional path to educational success, I bring a passion for CTE and understanding of technological innovation to the work that I do with the students of Orange County.

Please describe your activities and involvement on your local board, community, and/or CSBA.

In addition to serving as the Vice President of Newport-Mesa Unified School District Board of Education, I also serve on the board of Orange County School Board’s Association. I also serve as the Clerk on the Coastline ROP board. In my community, I serve on the board of Pretend City Children’s Museum, the board of National Charity League of Newport-Mesa, and Harbor Council PTA. I am an active member of the Assistance League of Newport-Mesa and the Newport Beach Chamber of Commerce. My current projects for our community include building early literacy through book drives and creating a coalition for bike safety education and awareness with fellow board members and community members.

What do you see as the biggest challenge facing governing boards and how can CSBA help address it?

Engaging parents, teachers, and staff in ways to work together as our communities work to educate children in the time of pandemic, social upheaval, and technological change will be increasingly important in the coming year. The economic challenges faced by families need to be better recognized and addressed. As parents have become more of a part of their children’s education through hybrid and virtual learning, they have become more engaged in ways that often show up as confusion and frustration with districts and staff. Involving parents, taking lessons learned from virtual learning, and efficiently using the technological resources which are now available due to the pandemic to move forward in education will be our greatest challenges.

MICHELLE BARTO

FOUNDER, LAUNCH CREATIVE, LLC
NMUSD TRUSTEE



PERSONAL SUMMARY

I am a small business owner and Trustee for the Newport Mesa Unified School District Board of Education. I am focused on building communities through improved Preschool-12th grade education, greater opportunities for women and minorities, and access to technology.

AREAS OF STUDY

- Computer Science
- Business Administration
- Marketing & User Experience
- Psychology of User Behavior and Learning

CURRENT VOLUNTEER WORK

Harbor Council PTA 3rd VP, Legislation
Pretend City Children's Museum Board Member, Education Committee
Cadette Girl Scout Leader
Church Youth Group Leader
Southwest Community Center, Volunteer

CONTACT DETAILS

Address: 1048 Irvine Ave, #974,
Newport Beach, CA, 92660
Phone: (949) 697-0821
Email: mbarto@letsgetlaunch.com,
mbarto@nmusd.us

WORK SUMMARY

President & Founder

Launch Creative, LLC | March 2008 - present

- Creates digital marketing strategy for B2B and B2C companies
- Recommends and develops web technology solutions
- Helps brands develop and grow additional revenue streams

Trustee

NMUSD Board of Education | December 2018 - present

- Worked with other trustees to guide vision of NMUSD
- Legislative Committee Liaison

Senior Consultant

Profit Recovery Partners | July 2003 - January 2008

- Analyzed purchasing data for Fortune 100 companies
- Recommended and presented cost-saving solutions
- Recommended technology solutions for greater internal efficiency

EDUCATION BACKGROUND

Franciscan University of Steubenville

BS in Business Administration (Marketing) | Graduated June 2003

BS in Computer Information Science | Graduated June 2003

- Undergraduate Thesis: Mobile Technology & User Behavior

Delegate Assembly Biographical Sketch Form for 2022 Election



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Signature: _____ Date: 7 January 2022

Name: John Briscoe CSBA Region & subregion #: 1 5

District or COE: Ocean View School District of Orange County Years on board: 1 6

Profession: Broker Contact Number (Cell Home Bus.): 714 658 2245

Primary E-mail: John@crestwave.org

Are you an incumbent Delegate? Yes No If yes, year you became Delegate: _____

Why are you interested in becoming a Delegate? Please describe the skills and experiences you would bring to the Delegate Assembly.

I have extensive experience in school district legal compliance with CA State Health and safety codes to benefit our students. I have worked to help many Districts with their compliance.

Please describe your activities and involvement on your local board, community, and/or CSBA.

- Rotary International LA5 El Rodeo Club, Member
- Huntington Beach Optimist Club, Member
- Boy Scouts of America, Assistant Scoutmaster & Merit Badge Counselor
- Toastmasters International, Member
- Adjunct Professor CSULB California State University Long Beach, Instructor

What do you see as the biggest challenge facing governing boards and how can CSBA help address it?

1. MONEY There is NO more money.....for several COVID recovery years at the CA State level. We will have to learn to do more with less. And the “more” we do must be evidenced by test scores.
2. PUBLIC SCHOOL PARTICIPATION School districts across the OC are losing students to alternatives including public charter schools with home school programs in contiguous counties (LA, San Bernardino, Riverside, San Diego and the OC). These far and away public ADA sucking schools are violating CA State Law by refusing to notify the district they stole students from of their home school enrollment. All OC public school districts must (a) ensure universal school enrollment for ALL children in their boundaries, (b) SEARCH and SEEK ALL children for special education needs, (c) give notice of out-of-district enrollment to the giving district. My district alone has lost almost 500 students to charter school home school programs without a single notice to us. This MUST stop.

Delegate Assembly Biographical Sketch Form for 2022 Election



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Signature: Lauren S. Brooks Date: 1/4/2022

Name: Lauren Brooks CSBA Region & subregion #: 15

District or COE: Irvine Unified School District Years on board: 9

Profession: N/A Contact Number (Cell Home Bus.): (714) 292-2033

Primary E-mail: LaurenBrooks@iusd.org

Are you an incumbent Delegate? Yes No If yes, year you became Delegate: 2014

Why are you interested in becoming a Delegate? Please describe the skills and experiences you would bring to the Delegate Assembly.

As a School Board Trustee for the Irvine Unified School district, an active Orange County delegate and as a parent/community volunteer, I am a strong proponent of legislative advocacy. I advocated in Sacramento as a parent and PTA member for 20 years and have the distinct pleasure of facilitating the Irvine High School Advocacy Trip to Sacramento for the past 14 years. I have seen first hand the significant impact of student-led conversations with legislators and grassroots advocacy with legislators. There are numerous critical challenges facing our schools starting with funding issues. I'm excited about the opportunity to continue my involvement in policy, political leadership, governance and to continue advocacy through CSBA and Delegate Assembly for the best educational experience for each student in California. I would be honored to be reelected as a CSBA Delegate Assembly member for Region 15.

Please describe your activities and involvement on your local board, community, and/or CSBA.

I have served the Irvine and Orange County communities for more than 20 years.
My experience includes:
Irvine Unified School District Board of Education Trustee for 9 yrs,
Current Orange County School Board Association Vice President,
Recipient of the 2019 Marian Bergeson Award,
Member on the Irvine Mayor's Advisory Committee,
Liaison to Coalition for Legislative Action,
Coastline ROP Board President,
Delegate Assembly Region 15 Member for 8 years,
Emergency Prep Inter-agency and medical Advisory Committee,

Irvine Child Care Project Board President,
Irvine Prevention Coalition,
Irvine Public School Foundation Executive Board,
Irvine Unified PTA Council Executive Board for 10 yrs,
Irvine Chamber Business and Workforce Development Committee,
Co-founder of the annual HS Student Advocacy trip to Sacramento,
Region 15 Delegate Assembly member for 8 yrs,
In addition, I further support my community through my continued contributions to Families Forward, Mercy House, Muscular Dystrophy Association, Costa Mesa and the HIS Homeless Shelters, and many other organizations.

What do you see as the biggest challenge facing governing boards and how can CSBA help address it?

The primary challenge facing governing board is to secure adequate funding at both the state and federal levels and to secure local control to ensure a quality education for every child. CSBA must remain steadfast in its efforts to inform and influence state leadership regarding the impacts of state funding including unfunded legislation to ensure fair and equitable funding for every student and provide local boards the flexibility and authority to allocate resources specific to their students' needs. CSBA and the Delegate Assembly's influence and reach is instrumental in both harnessing the resources to support effective implementation and ultimately, in preparing every student for their future possibilities.

Delegate Assembly Biographical Sketch Form for 2022 Election



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Signature: *Carrie Buck* Date: 12-2-21

Name: Carrie Buck CSBA Region & subregion #: 15
 District or COE: Placentia-Yorba Linda Unified School District Years on board: 11
 Profession: Executive Director-Nonprofit Contact Number (Cell Home Bus.): 714-348-5951
 Primary E-mail: CBuck@pylUSD.org

Are you an incumbent Delegate? Yes No If yes, year you became Delegate: 2015

Why are you interested in becoming a Delegate? Please describe the skills and experiences you would bring to the Delegate Assembly.

I want to continue to serve on the Delegate Assembly to represent Orange County Region 15. As the largest region in the state, it is imperative that we are actively engaged and participate in decisions made by the Delegate Assembly and CSBA Policies.

I have served in leadership roles as a PYLUSD school board member, on the OCSBA Board of Directors, and in my profession as a shelter and service provider in North Orange County serving homeless families and youth. I advocate at the local, county and state level for public education. I worked with other school board members in OC to secure MHSA funding for public schools, prior to the pandemic.

Please describe your activities and involvement on your local board, community, and/or CSBA.

- PYLUSD Board- 11 years, served as President 2 times
- CSBA Delegate Assembly- 6 years
- OCSBA Board of Directors- 8 years as President, VP Programs, and Secretary
- California Nutrition Advisory Council- School Board Representative, Term 2020-2023
- Placentia Collaborative Director- 8 years
- Family Solutions Collaborative- Past Chair and Executive Committee Member
- Providence St. Joseph Community Advisory Board Member
- Placentia Navigation Center Emergency Shelter, Advisory Board Member
- Bridges at Kraemer Place Emergency Shelter, Advisory Board Member
- Giving Children Hope- Past Board Member

What do you see as the biggest challenge facing governing boards and how can CSBA help address it?

The biggest challenges we face are coming out of the COVID pandemic. The learning loss, increased need for mental health services, and burnout, by staff and students will impact us for the next few years. It is important that we continue to advocate for funding that will help us support each and every student. Additionally, we are facing a staffing shortage and many of us in Orange County will see a reduction in funding due to declining enrollment. We need to advocate together with CSBA for full and fair funding, as well as share best practices and innovative ideas that will continue to drive our programs forward and ensure EVERY student is college or career ready when they graduate.

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Signature: Lynn Davis Date: December 1, 2021

Name: Lynn Davis CSBA Region & subregion #: 15
District or COE: Tustin Unified School District Years on board: 19
Profession: Ret. Public Engagement Contact Number (Cell Home Bus.): 714.665.9591
Primary E-mail: lynndavis@lynndavis.org
Are you an incumbent Delegate? Yes No If yes, year you became Delegate: 2016

Why are you interested in becoming a Delegate? Please describe the skills and experiences you would bring to the Delegate Assembly.

I have helped our district and other districts engage effectively with their community over several years in my role as a public engagement specialist. Building an ongoing capacity for both listening and providing accurate information to the community is more essential than ever given the effort to turn not only COVID but more parts of education than ever before into divisive and even partisan issues. Working continually to build large majorities of support for public education is essential in today's environment.

Please describe your activities and involvement on your local board, community, and/or CSBA.

19-year Board member, 4 time Board president, attended every CSBA annual conference since my election in 2002. Key leader in passing school bonds for facilities (2008) and educational technology (2012) attaining over 60% YES vote. I am active in my local Lions Club, chairing the Vision Screening events for years and international youth exchange, both sending local students abroad for amazing summer experiences and hosting students from Europe. 10-year member, League of Women Voters. MBA from Harvard Bus School and former CFO for high tech start-up.

What do you see as the biggest challenge facing governing boards and how can CSBA help address it?

Public education is under attack more than ever before. Many have been given false impressions that public education is failing, or that our teachings weaken America instead of in reality strengthening America. Universal public education free for all is an AMERICAN ideal that has contributed to our nation's greatness, economic success and social cohesion. Together we must articulate and communicate effectively a TRUTHFUL view of the great returns attained from prudent public investment in quality PUBLIC education.

Delegate Assembly Biographical Sketch Form for 2022 Election



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Signature:  Date: 1/3/2022

Name: Candi Kern CSBA Region & subregion #: 15
District or COE: Cypress Elementary Years on board: 9 1/2
Profession: Former Educator Contact Number (Cell Home Bus.): 714.272.3053
Primary E-mail: ckern@cypsd.org
Are you an incumbent Delegate? Yes No If yes, year you became Delegate: 2016

Why are you interested in becoming a Delegate? Please describe the skills and experiences you would bring to the Delegate Assembly.

I am deeply honored to have had the privilege of serving as a Delegate. I have seen the vital link that Delegates provide between our statewide organization and the “boots on the ground” work we do in our respective districts. This model has continued to improve by increasing engagement of Delegates not only at our regular Delegate Assembly meetings, but also with increased opportunities to engage throughout the year. This has been most evident with the arrival of our PACER. In particular, he has afforded us opportunities to connect more regularly with Delegates in our own county. I have cherished these opportunities to collaborate with colleagues to share successes and struggles alike. I know that my work as a board member is better as a direct result of this collaboration with fellow Orange County Delegates. As a former bilingual educator, I am exceedingly passionate about meeting the unique needs of each child and continuing to address increasing achievement and opportunity gaps. I believe that my participation in the Delegate Assembly and resulting collaboration can help to achieve those goals in not only my own district, but throughout the county as we join together to serve OC kids.

Please describe your activities and involvement on your local board, community, and/or CSBA.

I rarely miss an opportunity to participate. I engage in most of CSBA’s offerings, including webinars, Annual Education Conference, advocacy blasts, Delegate Assembly meetings, and the Masters in Governance program. I was recently selected to serve on the planning committee for next year’s Annual Education Conference. During this recent DA term, I also served my second term as my local board president. I am extraordinarily proud of the work our district did during the early part of the pandemic to offer a unique education choice program for families and staff alike. We had a high rate of satisfaction among all stakeholders, and the collaboration between our board, district staff, and community deserves much credit. Beyond CSBA, I also regularly participate in all OCSBA events, including virtual ones, joint dinners, and budget seminars, to name a few. I recently concluded my term as Fourth District PTA President. This is the board that oversees and supports over 400 PTAs throughout our county. I continue to serve on that board as I find it keeps me closely connected to the families and enables to me to see the challenges and successes happening on a daily basis in our schools countywide.

What do you see as the biggest challenge facing governing boards and how can CSBA help address it?

Though one hates to dwell on it, the biggest challenges of our organization will likely be issues related to recovering from the pandemic. Meeting the educational and social-emotional needs of our students and staffs will continue to be of utmost importance. Data is increasingly showing the toll the pandemic has taken on children and adults alike. CSBA can help to address this by continuing to offer workshops to keep board members informed of these issues so that we can be great partners with our district teams as we tackle these huge issues. Additionally, declining enrollment and the resulting decrease in funding will need to be addressed. CSBA can help by flexing its mighty advocacy arm with legislators in Sacramento to seek out ways to soften the fall from the looming financial cliff.

Delegate Assembly Biographical Sketch Form for 2022 Election



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Signature: Annemarie Randle-Trejo Digitally signed by Annemarie Randle-Trejo
Date: 2022.01.03 15:04:58 -08'00' Date: 1/3/2022

Name: Annemarie Randle-Trejo CSBA Region & subregion #: 15
District or COE: Anaheim Union High School District Years on board: 9
Profession: Behavior Interventionalist Contact Number (Cell Home Bus.): 714-999-3503
Primary E-mail: randletrejo_a@auhsd.us
Are you an incumbent Delegate? Yes No If yes, year you became Delegate: 2013

Why are you interested in becoming a Delegate? Please describe the skills and experiences you would bring to the Delegate Assembly.

I have been a delegate for the entire time I have served on the board and as I am approaching my 10th year anniversary my time as a delegate is now more crucial than ever. The CSBA organization needs dedicated delegates who are actively involved and regularly participate in the robust dialogue and advocacy for public education. As an advocate for the students in my district, region and the state I’d like the chance to continue. I am a strong active member as I have served on the by-laws committee and last year, I became a MIG graduate. We all have been experiencing challenging times and will continue to navigate through these uncharted waters. I am more determined than ever to be a vigilant and supportive delegate with CSBA. I humbly ask for your support to continue the work of CSBA.

Please describe your activities and involvement on your local board, community, and/or CSBA.
As mentioned above I am a recent MIG graduate and have served on the bylaws committee for CSBA. I have served on my board for over nine years and in a few short months will celebrate my tenth year in service to the Anaheim Union High School Board of Trustees. I was first appointed to the board in 2012 and then elected three times to the board. I serve on our AUHSD Foundation and on the liaison committee for the city of Anaheim. I also serve on two boards; North Orange County Regional Occupational Program (NOCROP) and the Greater Anaheim Special Education Local Education Plan Area (GASELPA). As an active board member, I have served on two recent formed task forces, our Ethnic Studies and our Opening Schools Task Forces. These committees allow me to listen and most important hear our staff, and students! (Yes, we in AUHSD must have students on our committees.) I am a liaison to several elected officials and will continue to advocate for our students, CSBA and public education. I came to the board from a parent and classified employee perspective and have been able to bring those contributions to our collective board.

What do you see as the biggest challenge facing governing boards and how can CSBA help address it?

It is obvious school districts have been in this continuous battle for funding, and are presently having to face this COVID-19 crisis. I believe because of the advocacy of the CSBA, districts all across this state have been heard. We will manage this crisis and emerge stronger. However, the greatest threat I think school districts are facing is the threat of our democracy. The increasing attempts to shut down the work of our districts by disrupters are bringing forth untruths and false claims. Claims that Ethnic studies is teaching Critical Race Theory and demands that we go against the CDC recommendations that put our staff and students at risk and most trustees have been threatened or been in recall efforts. These claims confuse parents and the general public. Everyone has a right to question, the right to speak, and as a public entity we should be transparent in our work but we know that this is another attempt in a consorted organized effort to tear down public schools. We as school board members need to unify together and fight against these real attempts to disrupt the good work, and progress we have made. CSBA can help guide us through this locally and statewide. It would be an honor to continue my service with CSBA as a delegate stand alongside you to help face these current challenges ahead.

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Signature: Barbara Schulman Date: 1-6-2022

Name: Barbara Schulman CSBA Region & subregion #: 15
District or COE: Saddleback Valley USD Years on board: 3
Profession: Retired Special Education Teacher Contact Number (Cell Home Bus.): 949-586-9880
Primary E-mail: barbara.schulman@svusd.org
Are you an incumbent Delegate? Yes No If yes, year you became Delegate: _____

Why are you interested in becoming a Delegate? Please describe the skills and experiences you would bring to the Delegate Assembly.

I am interested in becoming a Delegate so I can get more involved in CSBA. I have taken Masters in Governance, am the Vice President of my Board, served on the Coastline ROP Board and am on the Board of the OCSBA. I believe I might have some knowledge as a former special education teacher to help in that area when discussing funding and other issues. I sat on the State Advisory Commission on Special Education (ACSE) for 9+ years and know how to work with others collaboratively.

Please describe your activities and involvement on your local board, community, and/or CSBA.

- Vice President – SVUSD
- Board Member on Coastline ROP
- Sit on SVUSD Community Advisory Committee for special education
- CSBA Nominating Committee Member
- Member of Mission Viejo Kiwanis Club
- Help feed families from a local food bank.

What do you see as the biggest challenge facing governing boards and how can CSBA help address it?

I believe our biggest challenges facing us right now is keeping control of meetings, getting our business completed while allowing people's voices to be heard. I believe full and equal funding is important across the state. I believe we need more information and guidance in the area of Social/Emotional Learning. I also feel we have to be aware of the changes that might occur in Special Education, what is being discussed, and how it will affect all districts. We also must always be aware of teacher shortages which are occurring and will continue.

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Signature: 

Date: 12-14-21

Name: Dr. Michael Simons

CSBA Region & subregion #: 15

District or COE: Huntington Beach Union High School District

Years on board: 30

Profession: Podiatrist Contact Number (Cell Home Bus.): 714-745-6892

Primary E-mail: msimons@hbuhd.edu

Are you an incumbent Delegate? Yes No If yes, year you became Delegate: 2012

Why are you interested in becoming a Delegate? Please describe the skills and experiences you would bring to the Delegate Assembly.

Legislative advocacy has been an interest beginning with my 1977 gubernatorial appointment to the state Board of Podiatric Medicine and serving since 1991 to the present as an HBUHSD Board of Trustee member. I’ve established relationships with local, State legislators and many members of the business and education communities. I’ve been a Delegate Assembly member for nine years and understand the relationship and importance of the Delegates interfacing with the Board of Directors, the role we play in the election of Board officers and the formation and adoption of educational policies and priorities.

Please describe your activities and involvement on your local board, community, and/or CSBA.

I’ve served nine terms as Board President and multiple terms as other officers of the Board. I’ve been a member on many HBUHSD committees such as Strategic Planning, Citizens Oversight Committee Co-chair for local school bond, District Representative to the Orange County Committee on Reorganization, Superintendent/PTSA Roundtable and Certificated and Classified Employee Relationship Committees. I attend OC School Board Assoc. meetings, the OC Dept. of Ed programs and served two terms as President of the Coastline Regional Occupational Program Board of Trustees.

What do you see as the biggest challenge facing governing boards and how can CSBA help address it?

The Legislature’s inability to fully fund public education continues to plague our schools. The decision not to pursue the Full and Fair Funding initiative has been regrettable. The LCFF has created funding inequities resulting in “have not” school districts. CSBA needs to exert its influence for improved funding legislation, help promulgate regulations that level the field between public and charter schools and seek increased Federal funding for special education. Another challenge is from litigious attorneys using the CVRA to force voting boundaries, thus dividing small districts into multiple areas. Remediation of learning loss due to COVID is a challenge facing governing boards.

Michael Simons
Resumé

Education:

Michigan State University, B.S. Zoology
California College of Podiatric Medicine, DPM
California College of Podiatric Medicine, M.S. Medical Education

School District Activities:

Appointed Member, Board of Trustees, Huntington Beach Union High School District – 1991
Elected Member, Board of Trustees, Huntington Beach Union High School District – 1992
Re-elected Member, Board of Trustees, Huntington Beach Union High School District –
1996, 2000, 2004, 2008, 2012, 2016, 2020
President, Board of Trustees, Huntington Beach Union High School District – Served nine times
Member, Board of Trustees Coastline Regional Occupation Program – 2000-2002, 2008-2010
President, Coastline Regional Occupation Program Board of Trustees – two times
Member, Orange County Department of Education Committee on Reorganization –
2005 to present
CSBA Masters of Boardsmanship
CSBA Delegate Assembly – 2012 to present
CSBA AEC attendance – 1991-2021

Professional Activities:

Member, Board of Podiatric Medicine, California Department of Consumer Affairs
Chief Medical Consultant, Board of Podiatric Medicine
Member, Medical Executive Committee, Fountain Valley Regional Hospital
Chair, Credentials Committee, Fountain Valley Regional Hospital
Director, Podiatric Residency Training Program, Fountain Valley Regional Hospital
Director, Podiatric Residency Training Program, Orange Coast Memorial Hospital
Vice-Chair, Institutional Review Board, Memorial Health Systems
President, Orange County Podiatric Medical Association

Civic Activities:

Member, Community Services Committee, City of Huntington Beach
Member, Infrastructure Advisory Committee, City of Huntington Beach
Administrative Vice-President, Robinwood Little League
Certified Little League Umpire

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD REPORT

To: Board of Trustees

From: Krista Castellanos, Trustee Area 5

Date: March 2, 2022

Board Item: Trustee Request to Consider Revising Board Policy 9323, Meeting Conduct

HISTORY

Per Board Bylaw 9322, *Agenda/Meeting Materials*, Board members may place any item on the agenda no later than ten days before the scheduled meeting date. If the Board decides to agendaize the agenda topic, it shall do so at a future regular Board meeting.

BACKGROUND INFORMATION

This Board policy was last updated on August 23, 2017.

CURRENT CONSIDERATIONS

A Trustee requested revising Board Policy 9323, *Meeting Conduct*, to better meet the needs of the community by adopting a transparent, standardized, non-biased policy that allows for greater public participation and respects the necessity of conducting orderly efficient proceedings.

FINANCIAL IMPLICATIONS

There is no financial impact.

TRUSTEE RECOMMENDATION

It is recommended the Board President recognize Krista Castellanos, Trustee Area 5, to present the item. Following discussion, it is recommended by Trustee Castellanos that the Board hear her request to revise Board Policy 9323, *Meeting Conduct*, and bring it back for discussion action at the March 16, 2022, regular Board meeting.

PREPARED BY: Krista Castellanos, Trustee Area 5

MEETING CONDUCT

The Board of Trustees desires to conduct its meetings effectively and efficiently. All Board meetings shall begin on time and shall be guided by an agenda prepared and delivered in advance to all Board members and other designated persons.

Per Board Policy 1313, *Civility Policy*, members of CUSD staff will treat parents and other members of the public with respect and expect the same in return.

Parliamentary Procedure

Board meetings shall be conducted by the president in a manner consistent with adopted Board bylaws and generally accepted parliamentary procedures.

Robert's Rules of Order, Newly Revised shall be used as a guide to enable the orderly conduct of meetings. Any member may raise a point of order under these rules, which action shall take precedence over all other business before the Board.

Quorum

A majority of the number of filled positions on the Board shall constitute a quorum. (Education Code 5095, 35165)

Unless otherwise provided by law, affirmative votes by a majority of the Board's membership shall be required to approve any action under consideration, regardless of the number of members present. (Education Code 35164)

Voice Vote

Voting on motions shall be by voice vote. The minutes shall record the names of the persons making and seconding the motion, and if the motion carried, carried unanimously, or was defeated. Each member's vote shall be recorded as an aye or nay if the vote was not unanimous. The Board shall comply with the Education Code and the Brown Act provisions for roll call votes on motions or resolutions.

Polling

Voting on resolutions shall be by polling the members. The minutes shall record the person making the motion, the person seconding it, and the names of the Board members voting for and against the motion, as well as Board members who are absent or abstaining.

ADDRESSING THE BOARD OF TRUSTEES

Members of the public are encouraged to attend Board meetings and to address the Board concerning any item on the agenda or within the Board's jurisdiction. In governing the District, the Board has pledged to consider the will and needs of the community. Any member wishing to address the Board, under time constraints, may request to do so immediately following Oral Communications (Non-Agenda Items). So as not to inhibit public participation, persons attending Board meetings shall not be requested to sign in, complete a questionnaire, or otherwise provide their name or other information as a condition of attending the meeting. (Government Code 54953.3). However, persons choosing to speak may be asked to give their name and city or area of residence.

MEETING CONDUCT (continued)

Because the Board has a responsibility to conduct District business in an orderly and efficient way, the following procedures shall regulate public presentations to the Board.

Oral Communications (Non-Agenda Items)

Regular, scheduled meetings of the Board shall have a portion of each meeting devoted to Oral Communications. A person wishing to address the Board on a non-agenda item may do so under the Oral Communications portion of the Board agenda. Oral Communications will take place at the beginning of the meeting and immediately following the Special Recognitions portion of the Board meeting. With Board consent, the Board President may modify the time allowed for public presentation.

1. The total time for the Oral Communications (Non-Agenda Items) portion of regular meetings shall be twenty (20) minutes. Individual presentations are limited to a maximum of three (3) minutes per individual but could be less if there are a large number of Oral Communication speakers.
2. A person wishing to be heard by the Board on a non-agenda item during Oral Communications, after having submitted a "Request to Address the Board of Trustees" card prior to the commencement of the Oral Communications portion of the meeting, shall first be recognized by the Board President. The speaker may identify himself/herself by providing the Board with his/her name and city/community of residence.
3. No additional "Request to Address the Board of Trustees" cards will be accepted once the Oral Communications portion of the meeting has begun unless otherwise approved by the Board.
4. There shall be no transfer of a person's time, or a portion of a person's time, to another speaker.
5. 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. (Education Code 35145.5, Government Code 54954.3)

Oral Communications (Agenda Items)

1. Members of the public shall have an opportunity to address the Board prior to the Board's consideration of each agenda item. (Education Code 35145.5, Government Code 54954.3)
2. Persons seeking to address the Board on an agenda item shall complete a "Request to Address the Board of Trustees" card and give it to the Board Secretary or other designated staff member.
 - a. A speaker wishing to address the Board, after having submitted a "Request to Address

MEETING CONDUCT (continued)

the Board of Trustees" card in a timely manner, shall first be recognized by the Board President. The speaker may identify himself/herself by providing the Board with

his/her name and city/community of residence. All presentations shall be heard by the Board after any staff comments but prior to the formal discussion by Board Members of the agenda topic under consideration. Upon completion of his/her remarks, the speaker shall leave the podium unless requested to remain by the Board President.

- b. The Board shall limit the total time for presentations from the audience to twenty (20) minutes during agenda sections Closed Session and Consent Calendar. With Board consent, the Board President may modify the individual time allowed and/or the total time allowed for public presentations.
- c. Prior to the Closed Session, each speaker shall be provided a total of up to three (3) minutes to address the board regarding the items on the Closed Session agenda.
- d. Each speaker shall be provided a total of up to five (5) minutes to address the Board regarding the items on the Consent Calendar section of the agenda.
- e. Each speaker shall be provided up to three (3) minutes to address the Board regarding any Discussion/Action item on the agenda. The Board shall limit the total time for presentations from the audience to twenty (20) minutes per topic on Discussion/Action items. With Board consent, the Board President may modify the individual time allowed and/or the total time allowed for public presentations.
- f. There shall be no transfer of a person's time, or a portion of a person's time, to another speaker.
- g. 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.

Public Hearings

Anytime the Board schedules a separate public hearing on any given topic, it shall not hear speakers on the same 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 policy or recommended actions, which are directed at the time of the hearing.

The Board recognizes that under the Brown Act, Government Code § 54954.3, the Board is not permitted to prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Case law also states that the Board may not require members of the public to state their complaints about employees in closed session.

No disturbance or willful interruption of any Board meeting shall be permitted. Persistence in the interruption of a Board meeting, by an individual or group, shall be grounds for the chair to terminate the privilege of addressing the meeting. The Board may remove disruptive individuals

MEETING CONDUCT (continued)

and order the room cleared if necessary; in this case, members of the media not participating in the disturbance may be allowed to remain, and individual(s) not participating in such disturbances may be allowed to remain at the discretion of the Board. When the room is ordered cleared due to a disturbance, further Board proceedings shall concern only matters appearing on the agenda. (Government Code 54957.9)

In the interest of safety and the maintenance of proper meeting decorum, and to permit members of the audience to observe the Board meeting without artificial barriers blocking their view, no signs will be permitted in the Board meeting room. Meeting attendees who bring signs are welcome to display them outside the building where the Board meeting is taking place.

All cellular phones or other such electronic communication devices must be silenced in the Board room by members of the audience during Board meetings.

Furthermore, in order to insure the safety of all present, no signs carried by attendees shall be permitted in the Board meeting room itself.

Adjournment

Regular Board meetings shall be adjourned by 11:00 p.m. unless extended to a time certain by a majority of the Board.

Legal Reference:

EDUCATION CODE

- 5095 Powers of remaining board members and new appointees*
- 32210 Willful disturbance of public school or meeting a misdemeanor*
- 35145.5 Agenda; public participation; regulations*
- 35163 Official actions, minutes and journal*
- 35164 Vote requirements*
- 35165 Effect of vacancies upon majority and unanimous votes by seven member board*

GOVERNMENT CODE

- 54954.3 Opportunity for public to address legislative body; regulations*
- 54957.9 Disorderly conduct of general public during meeting; clearing of room*
- 61 OPS. CAL. ATT. GEN. 243, 253 - 1978*
- 66 OPS. CAL. ATT. GEN. 336, 337 - 1983*
- 75 OPS. CAL. ATT. GEN. 89 (1992)*
- Baca v. Moreno Valley Unified School District (1996) 936 F. Supp. 719, 734*
- Perry Educ. Ass'n. v. Perry Local Educators' Ass'n, (1983) 460 U.S. 37, 45*

Bylaw

CAPISTRANO UNIFIED SCHOOL DISTRICT

- adopted: February 27, 1995
- revised: February 12, 1998
- revised: October 2, 2000
- revised: August 13, 2001
- revised: March 10, 2003
- revised: September 15, 2003
- revised: February 7, 2005

San Juan Capistrano, California

revised: May 25, 2007
revised: September 22, 2008
revised: May 22, 2013
revised: August 23, 2017

CAPISTRANO UNIFED SCHOOL DISTRICT
BOARD REPORT

To: Board of Trustees

From: Judy Bullockus, Trustee Area 7
Gila Jones, Trustee Area 6

Date: March 2, 2022

Board Item: Trustee Request – Resolution No. 2122-43, Request for All CUSD Families to Receive Impartial, Informational Email or Text About California Senate Bills 871 And 866

HISTORY

This is a new item. Per Board Bylaw 9322, *Agenda Meeting Materials*, Board members may place any item on the agenda no later than ten days before the scheduled meeting date.

BACKGROUND INFORMATION

If signed into law, two current California Senate Bills - SB 866, authored by Senators Richard Pan and Scott Wiener; and SB 871, authored by Senator Richard Pan - will have impacts for school-aged children in California.

CURRENT CONSIDERATIONS

CUSD parents and other District residents represent a variety of points of view, and it is recognized that some will be in favor of one or both of these bills, while others will oppose one or both. It is the desire of the Board to provide District parents with unbiased information about these bills.

FINANCIAL IMPLICATIONS

There is no financial impact.

TRUSTEE RECOMMENDATION

It is recommended by Trustees Bullockus and Jones that the Board hear their request to adopt Resolution No. 2122-43, Request for All CUSD Families to Receive Impartial, Informational Email or Text about California Senate Bills 871 and 866.

PREPARED BY: Judy Bullockus, Trustee Area 7
Gila Jones, Trustee Area 6

RESOLUTION NO. 2122-43

RESOLUTION NO. 2122-43, REQUEST FOR ALL CUSD FAMILIES TO RECEIVE IMPARTIAL, INFORMATIONAL EMAIL OR TEXT ABOUT CALIFORNIA SENATE BILLS 871 AND 866

WHEREAS, It is a stated goal of the Capistrano Unified School District to “Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions; and

WHEREAS, California Senate Bills SB 866 and SB 871 will have impacts for school-aged children throughout the state; and

WHEREAS, It is within the purview of a public school district to provide timely information to parents about potential legislation affecting children; and

THEREFORE BE IT RESOLVED, that the Superintendent of the Capistrano Unified School District is directed to provide impartial, informational email or text messages to District parents about SB 871 and SB 866 in both English and Spanish, along with contact information for local legislators and relevant Senate and Assembly committee members.

PASSED AND ADOPTED by the Board of Trustees of the Capistrano Unified School District on March 2, 2022, by the following vote:

| | | |
|---------|---|---|
| AYES | (|) |
| NOES | (|) |
| ABSTAIN | (|) |
| ABSENT | (|) |

I, Kirsten M. Vital Brulte, Secretary of the Capistrano Unified School District Board of Trustees, hereby certify that the above and forgoing Resolution was duly and regularly adopted by the said Board and the meeting on March 2, 2022, by a roll call vote.

Gila Jones
Clerk of the Board of Trustees

Kirsten M. Vital Brulte, Superintendent
Secretary of the Board of Trustees

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD REPORT

To: Board of Trustees

From: Judy Bullockus, Trustee Area 7
Gila Jones, Trustee Area 6

Date: March 2, 2022

Board Item: Trustee Request – Resolution No. 2122-50, Directing the Capistrano Unified School District Superintendent to Exercise Local Responsibility in Enforcement of Classroom Mask Wearing

HISTORY

This is a new item. Per Board Bylaw 9322, *Agenda Meeting Materials*, Board members may place any item on the agenda no later than ten days before the scheduled meeting date.

BACKGROUND INFORMATION

On Tuesday, July 13, 2021, California Governor Gavin Newsom stated that enforcement of mask-wearing in schools and school programs has “always been a local responsibility.”

CURRENT CONSIDERATIONS

Because suspending and excluding students from school when they refuse to wear masks in classrooms is in direct conflict with our mission to educate and prepare our students and our commitment to their success, it is proposed that the District exercise our permitted local responsibility, as explained by Governor Newsom, and modify the current policy of enforcement of mask-wearing in Capistrano Unified School District classrooms.

FINANCIAL IMPLICATIONS

There is no financial impact.

TRUSTEE RECOMMENDATION

It is recommended by Trustees Bullockus and Jones that the Board hear their request to adopt Resolution No. 2122-50, Directing the Capistrano Unified School District Superintendent to Exercise Local Responsibility in Enforcement of Classroom Mask Wearing.

PREPARED BY: Judy Bullockus, Trustee Area 7
Gila Jones, Trustee Area 6

RESOLUTION NO. 2122-50

RESOLUTION NO. 2122-50, DIRECTING THE CAPISTRANO UNIFIED SCHOOL DISTRICT SUPERINTENDENT TO EXERCISE LOCAL RESPONSIBILITY IN ENFORCEMENT OF CLASSROOM MASK WEARING

WHEREAS, the Board of Trustees acknowledges the District's obligation to comply with California Department of Public Health guidelines and mandates; and

WHEREAS, COVID-19 vaccination rates are high in Orange County, and case and hospitalization rates have fallen rapidly since the first of the year; and

WHEREAS, our staff are neither public health experts nor law enforcement personnel, though they have been inappropriately required to act as public health officials and law enforcement to implement the state's guidelines; and

WHEREAS, suspending and excluding students from school when they refuse to wear masks in classrooms is in direct conflict with our mission to educate and prepare our students, and with our commitment to their success; and

WHEREAS, on July 13, 2021, California Governor Gavin Newsom stated that enforcement of mask-wearing in schools and school programs has “always been a local responsibility;¹” and

THEREFORE BE IT RESOLVED, that Board of Trustees directs the Superintendent to enforce student masking in Capistrano Unified School District schools by educating students and requesting them to wear masks, without excluding them from class; and

BE IT FINALLY RESOLVED, that this direction, and the Governor's statement, applies only to students and staff in Capistrano Unified School District classrooms and specifically excludes all other individuals and non-classroom spaces, which remain under CDPH guidance.

PASSED AND ADOPTED by the Board of Trustees of the Capistrano Unified School District on March 2, 2022, by the following vote:

| | | |
|---------|---|---|
| AYES | (|) |
| NOES | (|) |
| ABSTAIN | (|) |
| ABSENT | (|) |

1 <https://apnews.com/article/health-government-and-politics-education-california-coronavirus-pandemic-a57890a933fd4a7ed3e207a353329a>

I, Kirsten M. Vital Brulte, Secretary of the Capistrano Unified School District Board of Trustees, hereby certify that the above and forgoing Resolution was duly and regularly adopted by the said Board and the meeting on March 2, 2022, by a roll call vote.

Gila Jones
Clerk of the Board of Trustees

Kirsten M. Vital Brulte, Superintendent
Secretary of the Board of Trustees

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD REPORT

To: Board of Trustees

From: Lisa Davis, Trustee Area 3

Date: March 2, 2022

Board Item: Resolution No. 2122-42, Resolution of the Capistrano Unified School District, Board of Trustees, Regarding Mask Mandates for Students

HISTORY

Per Board Bylaw 9322, *Agenda/Meeting Materials*, Board members may place any item on the agenda no later than ten days before the scheduled meeting date. If the Board decides to agendize the agenda topic, it shall do so at a future regular Board meeting.

BACKGROUND INFORMATION

Throughout the COVID-19 pandemic the District has lead the way. When California shut down schools, the District did not. We recognized early on that in person education is critical for student success and the District worked hard to keep schools open. The enforcement of student masking is dampening our ability to provide the excellent education for which we are known.

The District, along with districts across the state, have been caught in the middle of a very difficult and progressively escalating situation where we acknowledge our obligation to comply with state and CDPH guidelines and effectively enforce them. The District acknowledges its obligation to comply with state law and executive orders; however, strict adherence to those requirements has caused significant disruption to the educational learning environment and enforcement is unsustainable. The District continues to make appropriate attempts to comply with state law.

This continues to be a very challenging time for public education. In order to move forward with successfully educating children, it is recommended the District adopt a policy of non-enforcement. As a district, we will continue to post all recommendations from the CDPH stating their suggestion of wearing of masks to mitigate the spread of COVID-19. A policy of non-enforcement allows staff, teachers and families a choice in the wearing of masks and allows education to move back to a more normal environment.

All staff have had the opportunity to receive a vaccination and booster if they choose. All children ages 5 and older have also been afforded the same opportunity.

A policy of non-enforcement allows staff, teachers and families a choice in the wearing of masks.

CURRENT CONSIDERATIONS

The Board is being asked to consider adopting a resolution regarding a policy of non-enforcement for mask wearing in schools and on District property. The District has the duty to adopt policies necessary and proper for the efficient administration of the affairs of the District. CUSD strongly values preserving student safety, and strives to balance that safety with the needs of students to engage in an in-person

learning environment. CUSD was the leader in getting students back to school and staying open with in person learning during these past two years. It is our responsibility to offer equal access to the educational programs of the District for all students.

The District acknowledges the growing mental health crisis among children and, will in all decisions, weigh the need for normalcy. We acknowledge it is our responsibility to protect, not only the physical health of our students, but also the social, emotional, and mental health.

FINANCIAL IMPLICATIONS

There is no financial impact.

TRUSTEE RECOMMENDATION

It is recommended by Trustee Davis that the Board hear her recommendation to adopt Resolution No. 2122-42, Resolution of the Capistrano Unified School District, Board of Trustees, Regarding Mask Mandates for Students.

PREPARED BY: Lisa Davis, Trustee Area 3

RESOLUTION NO. 2122-42, RESOLUTION OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT, BOARD OF TRUSTEES, REGARDING MASK MANDATES FOR STUDENTS

WHEREAS, the Capistrano Unified School District, Board of Trustees, has the duty to adopt policies necessary and proper for the efficient administration of the affairs of the District; and

WHEREAS, the District strongly values preserving student safety, and also strives to balance that safety with the needs of students to engage in an in person learning environment; and

WHEREAS, the District acknowledges its responsibility to all students to offer equal access to the educational programs of the District; and

WHEREAS, the District acknowledges the growing mental health crisis among children and, will in all decisions, weigh the need for normalcy, acknowledging the District's responsibility to protect not only the physical health of our students, but also the social, emotional, and mental health of the students; and

WHEREAS, the District members are strong proponents of individual responsibility and personal choice, such that students, their families, and staff members can generally make their own decisions about their personal health outcomes; and

WHEREAS, COVID-19 vaccines are now widely available for any and all students five years of age and older. In addition, COVID-19 vaccines have been available to District employees, many of which have elected to get vaccinated; and

WHEREAS, testing for COVID-19 and other mitigation measures are readily available at numerous locations throughout the District; and

WHEREAS, the District has implemented numerous safety mitigation efforts to decrease transmission of COVID-19, including MERV-13 filters in all HVAC systems in all schools since September 2020 and that school maintenance has opened up air exchange systems so classrooms are receiving as much outside air as possible; and

WHEREAS, the Centers for Disease control and prevention (CDC), states that cloth masks "provide the least protection," the California Department of public health (CDPH), no longer recommends cloth masks, and the Los Angeles County Unified School District banned the use of cloth masks; and

WHEREAS, the slogan, "your mask protects you and my mask protects me," is obsolete given the new information regarding cloth and surgical mask efficacy, and may lead to students, teachers and staff falsely relying upon masks for protection from infection; and

WHEREAS, Hawaii is the only state with an indoor mask mandate; and

WHEREAS, mask policies have shown no positive outcome on our campuses, resulting in constant disruption, division and behavior problems in the classroom. There have been no long term safety studies, and masks are to be used as Emergency Use Authorization (EUA) only, and there have been numerous medical conditions reported by parents, causing decreased attendance and lack of daily education in the classroom due to illness; and

WHEREAS, CDPH and Governor Newsom have not responded to any of our past attempts at communication on this topic. As such, the District is taking the initiative to do what is best for the well-being of our students and community; and

WHEREAS, the burden of proof regarding mask efficacy and forcing school-age children to continue to wear masks, lies with the State of California, and the State has failed to establish the effectiveness of continued student masking with any recent peer- reviewed studies; and

THEREFORE, LET IT BE RESOLVED that the District will continue to post, at all schools and District facilities, all recommendations from CDPH stating their suggestion of wearing of masks to mitigate the spread of COVID-19. The District will continue to provide optional masks to their teachers, staff and students on a daily basis and will promote the availability and advocacy of masking.

BE IT FURTHER RESOLVED that the District will not adopt or implement mandatory COVID-19 testing for asymptomatic students or staff, regardless of vaccination status, as a replacement for adopting a mask optional policy.

BE IT FURTHER RESOLVED that the District implements, regardless of vaccination status, personal and parental choice with respect to, whether or not, children should wear face coverings while at school, effective immediately.

BE IT FURTHER RESOLVED that while the District understands the goal of the Governor and CDPH to stop the spread of COVID-19, we believe that the Governor's K through 12 student mask mandate is ill advised and in opposition to the educational, mental, and social emotional goals of this State and the District.

PASSED AND ADOPTED by the Board of Trustees of the Capistrano Unified School District on March 2, 2022 by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

I, Kirsten M. Vital Brulte, Secretary of the Capistrano Unified Schools District Board of Trustees hereby certify that the above and foregoing Resolution was duly and regularly adopted by the said Board at the meeting on March 2, 2022, by a roll call vote.

Gila Jones
Clerk of the Board of Trustees

Kirsten M. Vital Brulte, Superintendent
Secretary of the Board of Trustees