

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

February 16, 2022

Closed Session 5:00 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. **Masks are required for all indoor and public settings, regardless of vaccination status.** 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 5:00 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 LEGAL COUNSEL – ANTICIPATED LITIGATION

Gregory Merwin/Kathy Purcell
Attorney – Justin Shinnfield
Significant Exposure to Litigation – Two Cases
ADR Case No. 20210908
ADR Case No. 20210921
(Pursuant to Government Code § 54956.9(d)(2))

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

C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Gregory Merwin/Kathy Purcell
Attorney – Justin Shinnfield
Significant Exposure to Litigation – Four Cases
OAH Case No. 2021090322
OAH Case No. 2021090346
OAH Case No. 2021100718
OAH Case No. 2021120287
(Pursuant to Government Code § 54956.9(d)(1))

**EXHIBIT C-1
EXHIBIT C-2
EXHIBIT C-3
EXHIBIT C-4**

D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

District Negotiators: Kirsten Vital Brulte/Clark Hampton
Attorney: Andreas Chialtas, AALRR

Property: Pacifica San Juan property, a 7.292 acre property located at the north east corner of Camino Las Ramblas and Avenida California **EXHIBIT D-1**

Negotiating Parties: 1) Pulte Home Company, LLC (may purchase the District’s option to purchase the Property from Pacific Point Development Partners/Taylor Morrison of California LLC through the District’s prior request for proposals process); and 2) Pacific Point Development Partners/Taylor Morrison of California LLC (may amend its existing agreement with the District)

Property: South Transportation and Groundskeeping Facility; 5.51 acre property located at 26126 Victoria Blvd, Dana Point, CA 92624
Negotiating Party: Toll Brothers, Inc.

Property: Paseo de Colinas property. 2.47 acre property located on Paseo de Colinas adjacent to Niguel Hills Middle School
Negotiating Party: One or more potential buyers for the Property who may purchase the Property through a surplus property bid auction process

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

E. 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)

EXHIBIT E-1

F. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

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

EXHIBIT F-1
EXHIBIT F-2
EXHIBIT F-3

G. PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT

Rich Montgomery
Assistant Superintendent, SELPA, Special Education Services
Assistant Superintendent, HRS, Preschool – Grade 5
(Pursuant to Government Code § 54957)

EXHIBIT G-1
EXHIBIT G-2

H. STUDENT EXPULSION

Mike Beekman
One Case
Case No. 2022-011

EXHIBIT H-1

RECORDING OF SCHOOL BOARD MEETINGS

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

OPEN SESSION AT 7:00 P.M.

CALL TO ORDER – ROLL CALL

PLEDGE OF ALLEGIANCE

ADOPTION OF THE AGENDA

REPORT ON CLOSED SESSION ACTION

SPECIAL RECOGNITIONS

Associated Student Body

San Juan Hills High School

Manoj Mahindrakar, *Principal*

Brooke Valderrama, *Activities Director*

Kate Jarvis, *Associated Student Body President*

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.

BUSINESS AND SUPPORT SERVICES

1. DONATION OF FUNDS AND EQUIPMENT:

This is a monthly item. Approval of donations of funds and equipment. A number of gifts have been donated to the District, including \$305,857.01 in cash. These funds will be deposited in the appropriate school accounts. Items other than cash have no financial impact on the budget. The District does not guarantee maintenance of items or the expenditure of any District funds for continued use.

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

Page 1

EXHIBIT 1

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

This is a monthly item. Approval of purchase orders (Attachment 1) and commercial warrants (Attachment 2). The expenditures related to the listed purchase orders and commercial warrants included in this item were previously authorized as part of the District's budget approval process. The purchase orders total \$5,759,401.94 and the commercial warrants total \$17,075,685.98. Attachment 3 is a list of previously Board-approved bids and contracts to assist in the review of the purchase order and commercial warrant listings. Attachment 4 is a list of previously Board-approved warrants, by vendor, exceeding \$250,000.

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

Page 4

EXHIBIT 2

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

This is a monthly item. Approval of the District standardized Independent Contractor, Professional Services, Field Service and Master Contract agreements. The expenditures related to the listed agreements were previously authorized as part of the District's budget approval process.

Page 91

EXHIBIT 3

The exhibit shows 6 new agreements totaling \$209,641.05 and 22 amendments to existing agreements totaling \$1,996,048. Due to the size of the contract documents, the General Conditions for each type of agreement are posted online on the District's Board Agendas and Supporting Documentation page [here](#).

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

4. AGREEMENT FOR PROFESSIONAL SERVICES BOND COUNSEL – DANNIS WOLIVER KELLEY: Page 409
EXHIBIT 4

This is a new item. Approval of Agreement for Professional Services with Dannis Woliver Kelley. The agreement outlines the bond counsel services associated with the planned issuance of its School Facility Improvement District No. 1 2022 General Obligation Refunding Bonds (1999 Measure A). The District appoints legal counsel to provide bond counsel services for issuance and delivery of the refinancing transaction. The District agrees to pay the legal firm \$30,000 in connection with the bond counsel services rendered for the financing, which includes all out-of-pocket expenses. The firm will be paid in conjunction with the closing of the transaction. The agreement is effective on the date of execution and will expire upon closing the transaction. Expenditures under this agreement will be funded by bond proceeds.

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

5. AWARD OF REQUEST FOR PROPOSALS NO. 4-2122, E-RATE CATEGORY 2 – CDW GOVERNMENT LLC: Page 413
EXHIBIT 5

This is a regular business item. Approval of the Award of Request for Proposals No. 4-2122, E-Rate Category 2 to CDW Government LLC (CDWG). The awarded vendor was selected based on criteria specified in the Request for Proposals No. 4-2122 (RFP) documents. The District is seeking to procure new Hewlett Packard Enterprise (HPE) Aruba switches, and Vertiv-Liebert uninterruptible power supplies (UPSs). Five proposals were timely received from CDW Government LLC, Development Group Incorporated (DGI), GigaKOM, Integration Partners, and SHI, International Corp. CDWG was determined to be the lowest priced and thus highest scoring proposal. The total estimated fiscal impact for category 2 before any E-Rate discounts is \$932,926.56, of which the District is anticipated to fund 49 percent or an estimated \$457,000. The projects will be funded by a combination of permitted CFD funds and the general fund. The proposals are available in the Purchasing department for review.

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

6. MEMORANDUM OF UNDERSTANDING WITH COLLEGE AND CAREER ADVANTAGE: Page 430
EXHIBIT 6

This is a new item. Approval of the Memorandum of Understanding with College and Career Advantage (CCA) to reduce the annual amount of funding the District provides to CCA. As a result of temporary funding being received by CCA over a two-year period from the State of California, the annual funding from the District to CCA would decrease from \$1,272,000 to \$425,000 effective July 1, 2022 through June 30, 2024. The purpose of the funding is for providing in-person career and technical education CTE courses and programs to students in the Joint Powers Authority (JPA) Regional Occupational Program (ROP) region. In addition, CCA will increase its reserves over the next two years and maintain a minimum amount of \$2,300,000 for future economic uncertainties. The District continues to value the services CCA provides to students and supports its increased financial independence.

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

7. **CORONA-NORCO UNIFIED SCHOOL DISTRICT BID NO. 2021/22-093R, JUST-IN-TIME POOL CHEMICAL SUPPLY – WATERLINE TECHNOLOGIES, INCORPORATED:** Page 432
EXHIBIT 7

This is a regular business item. Approval to utilize the Corona-Norco Unified School District Bid No. 2021/22-093R awarded to Waterline Technologies, Incorporated and any subsequent revisions, amendments, and extensions for the purchase of Just-In-Time pool chemical supplies. School boards have the authority to “piggyback” on another public agency’s bid, per Public Contract Code § 20118, when it is in the best interest of a district. The prices offered by the contractor have been assessed by staff to be fair, reasonable, and competitive. Anticipated annual expenditures utilizing this contract are approximately \$150,000 funded by the general fund. Actual expenditures will vary depending on District needs and availability of funds.

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

8. **REQUEST FOR WAIVER OF SCHOOL FACILITIES FEES – CITY OF SAN CLEMENTE:** Page 453
EXHIBIT 8

This is a new item. Approval of the request for waiver of school facilities fees from the City of San Clemente. The GAP program is an elementary student recreational after-school program operated and funded by the City of San Clemente (City). Historically, the City submitted a Civic Center Act facilities request through the District reservation system for the GAP program, and all facilities use fees were waived due to its classification as a government entity.

On August 5, 2020, the Board of Trustees adopted revised Board Policy 1330, *Use of School Facilities*, to ensure the District conforms to the legal requirements of the Civic Center Act and fee regulations for use of the District’s school facilities and grounds by the public. The City was notified of these changes and informed that Board Policy 1330 identifies the City as a Group B community user (a youth-serving public entity that charges less than \$60 per month [i.e., \$720 annually]) and imposes regulatory derived operational direct costs for its program’s use of District property, which includes the lunch tables and restrooms. Based on prior use, the City would be charged approximately \$2,500 in facilities use fees annually for the continued use of two District elementary schools. The City is requesting the Board to waive the school facilities fees for the GAP program beginning in the 2021-2022 school year.

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

CURRICULUM AND INSTRUCTION

9. **2021-2022 TITLE I AND II EVERY STUDENT SUCCEEDS ACT LOCAL CONTROL ACCOUNTABILITY PLAN FEDERAL ADDENDUM:** Page 456
EXHIBIT 9

This is an annual item. Approval of the 2021-2022 Title I and II Every Student Succeeds Act (ESSA) Local Control Accountability Plan (LCAP) Federal Addendum. Districts applying for ESSA funding must review and revise the Title I and II LCAP Federal Addendum as necessary as part of meeting the requirements for the ESSA Local Educational Agency (LEA) Plan. The LCAP Federal Addendum is meant to supplement the LCAP to ensure that eligible districts have the opportunity to meet the LEA Plan provisions of the ESSA. Completing the 2021-2022 Title I and II ESSA LCAP Federal Addendum will enable the District to receive an estimated \$6.6 million in Title I and II ESSA federal funding for 2021-2022. This funding is restrictive. Title I funding can only be spent on programs and services to support students at Title I schools, identified homeless students districtwide, and other Title I programs and services. Title II can only be spent on programs and services to support increasing the academic achievement of students by improving teacher and principal quality through professional development and other activities and access to effective teachers, principals, and other school leaders.

Examples of Title I expenditures for 2021-2022 include additional counselors at Title I schools, instructional coaches for curriculum, instruction, assessment, intervention, and professional learning support at Title I elementary schools and homeless supports such as bus passes, school supplies, clothing, and tutoring. Examples of Title II expenditures for 2021-2022 include Professional Learning Communities, English-language arts, Math, Science, History Social Science, social emotional learning supports, cultural proficiency, and Achieving via Individual Determination (AVID) training.

Contact: *Gregory Merwin, Associate Superintendent, Education and Support Services*

10. SCHOOL ACCOUNTABILITY REPORT CARDS 2020-2021:

Page 467

EXHIBIT 10

This is an annual item. Approval of the ratification of School Accountability Report Cards (SARC) 2020-2021. Education Code § 35256 states that the governing board of each school district with an elementary or secondary school shall annually issue a SARC for each school in the school district and post them by February 1 of that school year. The SARCs contain information about the condition and performance of each school and includes required state and local data utilizing the California Department of Education SARC template. Staff has also completed the additional requirements that include posting and publicizing the reports, and notifying parents or guardians of pupils that a hard copy is available upon request. There is no financial impact.

Contact: *Gregory Merwin, Associate Superintendent, Education and Support Services*

11. PROPOSED SCHOOL CALENDAR FOR THE 2024-2025 SCHOOL YEAR:

Page 470

EXHIBIT 11

This is a regular business item. Approval of the 2024-2025 School Calendar. Staff is committed to always providing the community with three school calendar years that are Board approved and readily available to the public. Based on the previously approved school calendars of 2021-2022, 2022-2023, and 2023-2024 at the May 19, 2019, Board meeting, staff developed the proposed calendar of 2024-2025 following similar Board and community priorities. Staff is providing a new format of the calendar to provide both visual and narrative representations of important dates. The District Calendar Committee, which includes representatives from all employee groups, the community, and parents, met and provided feedback on the 2024-2025 calendar. Pending approval of the proposed 2024-2025 calendar, staff will post and communicate to all stakeholders. There is no financial impact.

Contact: *Gregory Merwin, Associate Superintendent, Education and Support Services*

12. SUPPLEMENT TO THE ANNUAL UPDATE TO THE 2021-2022 LOCAL CONTROL ACCOUNTABILITY PLAN:

Page 473

EXHIBIT 12

This is a regular business item. Approval of the Supplement to the Annual Update to the 2021-2022 Local Control Accountability Plan (LCAP). Assembly Bill (AB) 130 (Chapter 44/2021) § 124 (e) requires Local Educational Agencies (LEAs) to present “an update on the annual update to the 2021-2022 LCAP and budget overview for parents on or before February 28, 2022, at a regularly scheduled meeting of the governing board or body of the local educational agency. The update includes a State Board of Education (SBE) approved Supplement template that has five prompts describing educational partner engagement, implementation of American Rescue Plan, and Elementary and Secondary School Emergency Relief (ESSER) II funding and alignment with the LCAP. It also includes mid-year LCAP metric outcome and expenditure data. There is no financial impact.

Contact: *Gregory Merwin, Associate Superintendent, Education and Support Services*

13. TITLE I SCHOOLWIDE PROGRAM WAIVERS – CARL HANKEY ELEMENTARY SCHOOL, LAS PALMAS ELEMENTARY SCHOOL, CLARENCE LOBO ELEMENTARY SCHOOL, MARBLEHEAD ELEMENTARY SCHOOL, AND WOOD CANYON ELEMENTARY SCHOOL 2021-2022:

Page 489

EXHIBIT 13

This is an annual item. Approval of Title I Schoolwide Program Waivers for Carl Hankey Elementary School, Las Palmas Elementary School, Clarence Lobo Elementary School, Marblehead Elementary School, and Wood Canyon Elementary School 2021-2022.

The purpose of a Title I schoolwide program is to improve the academic achievement throughout a school so that all students, particularly the lowest-achieving students, demonstrate proficiency on the state's academic standards. The improved achievement outcome is based on improving the entire educational program of the school. Title I schools are eligible to operate a schoolwide program if 40 percent or more of the students are from low-income families. Las Palmas Elementary School, Marblehead Elementary School, and Wood Canyon Elementary School have been operating Title I schoolwide programs because the low-income percentages have been above 40 percent. Carl Hankey Elementary School and Clarence Lobo Elementary School dropped below 40 percent in 2020-2021 and a Title I schoolwide waiver was approved. In October 2021, the official enrollment count was taken and certified in the California Longitudinal Pupil Achievement Data System in December 2021. The low-income school percentages are as follows: Marblehead Elementary School 39.85 percent, Las Palmas Elementary School 39.21 percent, Wood Canyon Elementary School 38.62 percent, Clarence Lobo Elementary School 38.39 percent, and Carl Hankey Elementary School 38.11 percent. To continue to operate a schoolwide program, a waiver request may be submitted to the California Department of Education through the Consolidated Application and Reporting System. This item seeks approval of a Title I schoolwide program waiver for Carl Hankey Elementary School, Las Palmas Elementary School, Clarence Lobo Elementary School, Marblehead Elementary School, and Wood Canyon Elementary School. The School Plan for Student Achievement (SPSA) with the schoolwide program components that was Board approved at the June 16, 2021, meeting is a required component of the schoolwide program waiver and are included in the exhibits for re-approval with the waivers. The financial impact is in how the funding is allowed to be spent. If the waiver is approved, the funding is allowed to be spent on whole class, grade level, and schoolwide purchases. Without the waiver, expenditures would need to be spent on specific students identified as eligible to participate, based on academic needs.

Contact: *Gregory Merwin, Associate Superintendent, Education and Support Services*

HUMAN RESOURCE SERVICES

14. BIENNIAL AUTHORIZATION OF COACHES TO PROVIDE SECOND SEMESTER PHYSICAL EDUCATION CREDIT:

Page 817
EXHIBIT 14

This is a biennial item. Approval of teachers who are credentialed in subjects other than Physical Education (PE) to provide PE credit to students in that respective sport. Districts may assign a teacher with a credential in a subject area other than PE to coach a competitive sport and award PE credit to students. State law requires that such teachers be full-time employees of a district who have completed a minimum of 20 hours of first-aid instruction, and have been approved by the Board of Trustees. It has been determined all teachers who do not hold a PE credential, but are assigned coaching activities for which such credit is given, are full-time employees of the District, and have completed cardiopulmonary resuscitation, first-aid instruction, and concussion training. There is no financial impact.

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

15. SECOND QUARTER REPORT – WILLIAMS SETTLEMENT LEGISLATION UNIFORM COMPLAINT:

Page 819
EXHIBIT 15

This is a quarterly item. Acceptance of Williams Settlement Legislation Uniform Complaint Second Quarter Report. As a result of the Williams Settlement, Education Code § 35186 mandates school districts establish policies and procedures to resolve deficiencies related to textbooks and instructional materials, teacher vacancies or misassignments, and facility conditions posing a threat to student/staff health or safety. Furthermore, Education Code § 35186 requires any deficiencies or complaints be reported to the Board of Trustees at a regularly scheduled public meeting each quarter.

During the second quarter, the inspection of the facility conditions revealed one minor deficiency at Kinoshita Elementary School and four minor deficiencies at Viejo Elementary School. These have been resolved.

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

16. ANNUAL REPORT – EMPLOYMENT OF RELATIVES:

This is an annual item. Approval of Annual Report – Employment of Relatives 2021-2022 School Year. Board Policy 4112.8, 4212.8, 4312.8, *Employment of Relatives*, requires the Board of Trustees be provided the names, positions and work locations of close relatives employed within the same department or work location. The purpose of this policy is to ensure that assignments do not interfere with the orderly supervision, security or morale of the school, department or work location. For purposes of this policy, relative includes the individual’s spouse, domestic partner, parents, grandparents, great-grandparents, children, stepchildren, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual’s spouse or domestic partner. District department administrators and principals were asked to provide information regarding the names and positions of close relatives employed within their work location. The information provided confirms that the assignment of close relatives at the identified work locations is not interfering with the orderly supervision, security or morale of those work locations.

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

Page 822

EXHIBIT 16

17. TEMPORARY ADDITIONAL SUBSTITUTE RATE OF PAY INCREASE:

This is a subsequent item. Ratification of the ongoing extension and increase of the temporary substitute rate of pay. This increase allows the District to continue to be competitive with neighboring districts in hiring new substitutes and securing substitutes for assignments. Over the last two years, the Board has approved substitute daily rate of pay increases on:

- March 25, 2020 – rate increase from \$105 to \$125 per day
- October 21, 2020 – emergency rate increase from \$125 to \$175 per day, effective September 29, 2020, through December 31, 2020
- December 16, 2020 – extension of rate increase through June 4, 2021
- July 21, 2021 – extension of rate increase through June 30, 2022

Staff is recommending the following increases in substitute daily rate of pay, effective January 20, 2022, through June 30, 2022:

- Days 1-10 in a single assignment will be paid at a rate of \$185/day (“the Daily Rate”);
- Days 11-30 in a single assignment will be paid at a rate \$195/day; and
- Days 31+ in a single assignment will be paid at a rate of \$210/day.

The total cost increase will depend on the need for subs, but is estimated to be up to \$315,000 with the cost being funded by the general fund.

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

Page 825

EXHIBIT 17

18. RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CERTIFICATED EMPLOYEES:

This is a monthly item. Approval of the activity list for employment, separation, and additional assignments of certificated employees. These positions will be charged to the appropriate fund and are included in the adopted budget.

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

Page 827

EXHIBIT 18

19. **RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CLASSIFIED** Page 849
EMPLOYEES: EXHIBIT 19
This is a monthly item. Approval of the activity list for employment, separation, and additional assignments of classified employees. These positions will be charged to the appropriate fund and are included in the adopted budget.
Contact: Rich Montgomery, Assistant Superintendent, Human Resource Services, Grades 6-12, K-8, Alternative Education

GENERAL FUNCTIONS

20. **SCHOOL BOARD MINUTES:** Page 864
Approval of the January 19, 2022, Regular Board meeting minutes. EXHIBIT 20
Contact: Colleen Hayes, Manager II, Board Operations/Superintendent's Office
21. **SCHOOL BOARD MINUTES:** Page 874
Approval of the January 25, 2022, Special Board meeting minutes. EXHIBIT 21
Contact: Colleen Hayes, Manager II, Board Operations/Superintendent's Office
22. **RESOLUTION NO. 2122-36, CONTINUING AUTHORITY TO HOLD VIRTUAL MEETINGS PURSUANT TO ASSEMBLY BILL 361:** Page 876
This is a legally mandated monthly item. At the November 3, 2021, Board meeting, the Board adopted Resolution No. 2122-22, Continuing Authority to Hold Virtual Meetings, Pursuant to Assembly Bill 361. It was adopted again at the December 15, 2021, Board meeting the Board adopted Resolution No. 2122-26, and again on January 19, 2022, the Board adopted Resolution No. 2122-33, Continuing Authority to Hold Virtual Meetings, Pursuant to Assembly Bill 361. Per Government Code § 54953(e), the Board must adopt a subsequent resolution to continue this practice. EXHIBIT 22

On September 16, 2021, Governor Newsom signed Assembly Bill (AB 361), which immediately amended the Brown Act allowing governing boards to continue holding virtual meetings outside the teleconferencing requirements of Government Code § 54953(b), if the Board makes a finding that there is a proclaimed State of Emergency, and either (1) state or local officials have imposed or recommended social distancing measures, or (2) meeting in person would present imminent risks to the health or safety of attendees due to the emergency. The Board is committed to open and transparent governance in compliance with the Brown Act, and continues to conduct virtual meetings by way of telephonic and/or internet-based services as to allow members of the public to fully participate in meetings and offer public comment. The Board authorizes the use of teleconferencing for all meetings in accordance with Government Code § 54953(e) and all other applicable provisions of the Brown Act, for a period of 30 days from the adoption of this resolution, or such a time that the governing board adopts a subsequent resolution in accordance with Government Code § 54953(e)(3).

Based on the findings made above, the Board of Trustees of the Capistrano Unified School District will continue holding its meetings in a safe and efficient manner, with a priority of having members of the public participate in-person from the location of the Board meeting.

In the event a Trustee must participate in a meeting through a virtual platform (such as Zoom or an equivalent program), she/he will follow all the requirements of AB 361. The Trustee's participation in public session shall be visible to all meeting participants in the same manner as if the Trustee were present. The Trustee may also participate in executive/closed session meetings of the Board.

Contact: Kirsten M. Vital Brulte, Superintendent

23. BOARD MEETING SCHEDULE 2021-2022 REVISED:

Approval of the 2021-2022 Board meeting schedule as revised.

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

Page 881

EXHIBIT 23

DISCUSSION/ACTION ITEMS

24. COMMITTEE FOR NAMING NEWHART MIDDLE SCHOOL STEAM BUILDING:

This is a subsequent item. As described in Board Policy 7511, *Naming of Facilities*, the Board of Trustees may form a committee of the Board when a school, grounds, facility, or school building is to be named or renamed. The committee can bring a recommendation forward to the full Board for final approval. The committee included parents, teachers, staff, students, site principal, and the Chief Facilities Officer. This item presents for Board approval, the naming of the Newhart Middle School STEAM building to be named *Newhart STEAM Building*. In addition, the committee recommends the common areas be named after the notable candidates listed below. There is no financial implication to naming this building; however, the designated area plaques are estimated to cost up to \$5,500. The project is funded by Redevelopment Agency Mission Viejo.

- The Auditorium will be named after Michael Lopez-Alegria
- The Terrace (second floor) will be named after Leonardo da Vinci
- The Courtyard will be named after Mae C. Jemison

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

Contact: Judy Bullockus, Trustee Area 7

Staff Recommendation

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

Following discussion, it is recommended the Board of Trustees approve the committee recommendation for the naming of Newhart Middle School STEAM building to be named *Newhart STEAM Building* and the three common areas; Michael Lopez-Alegria, Leonardo da Vinci, and Mae C. Jemison.

Motion by _____ Seconded by _____

25. CULTURAL PROFICIENCY QUARTERLY REPORT:

This is a quarterly item. This item provides an update on the progress of the implementation of actions within the Cultural Proficiency Plan, which was Board approved on December 16, 2020. The mission of the Cultural Proficiency Plan is “to facilitate measurable systemic change that increases learning outcomes for all students by engaging in on-going reflection to ensure an inclusive environment where students, staff and the community value diversity.”

The February 16, 2022, update is the third of four quarterly reports for the 2021-2022 school year. It provides information on actions and goals that are completed and in progress. Staff will again clarify that Critical Race Theory is not part of the Cultural Proficiency Plan and is not included in any curriculum. The report provides updates on the following:

- Translation
- Counseling
- Professional Learning
- Cultural Proficiency Task Force
- Cultural Proficiency Team Resources
- College and Career Centers
- Staff Recruitment

**DISCUSSION/
ACTION**

Page 883

EXHIBIT 24

**INFORMATION/
DISCUSSION**

Page 886

EXHIBIT 25

- Student Data

There is no financial impact.

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

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

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

Contact: Gregory Merwin, Associate Superintendent, Education and Support Services

Staff Recommendation

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

26. MID-YEAR REVIEW PRESENTATION REGARDING 2021-2022 DISTRICT GOALS: INFORMATION/ DISCUSSION

This is a subsequent item. Staff presents a mid-year review of 2021-2022 Board approved District goals. These goals align with the District’s mission to prepare our students to meet the challenges of a rapidly changing world, and the District’s vision of an unwavering commitment to student success.

Page 895
EXHIBIT 26

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

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

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

Contact: Kirsten M. Vital Brulte, Superintendent

Staff Recommendation

It is recommended the Board President recognize Kirsten M. Vital Brulte, Superintendent, to present this item and answer any questions Trustees may have. This is an information only item and no Board action is necessary.

27. A-G COMPLETION IMPROVEMENT GRANT: INFORMATION/ DISCUSSION

This is a new item. The A–G Completion Improvement Grant Program was established by Assembly Bill 167/130 for the purpose of providing additional supports to Local Educational Agencies (LEA) to help increase the number of California high school pupils, particularly unduplicated pupils, who graduate from high school with A–G eligibility. By increasing the number of students who are A-G eligible, the grant supports the development of the student’s 5 competencies as described in the District’s Vision of the CUSD Graduate, and it aligns to the Multi-tiered System of Supports (MTSS) Plan by providing additional outreach and support to targeted students not yet completing A-G. Finally, the grant supports the District’s Cultural Proficiency Plan by including specific new supports for underrepresented student populations. These services and supports include increased summer programs, targeted parent outreach, staff development for counselors and teachers, and wrap-around services to support families and students with A-G requirements.

Page 897
EXHIBIT 27

The A-G College Entrance Requirements are a sequence of high school courses that students must complete (with a grade of C or better) to be minimally eligible for admission to the University of California and California State University.

The District will receive \$1,629,296 in one-time state funding to be used over 4 years to improve A-G completion rates. As of 2019-2020, 64.3 percent of District graduates completed A-G coursework. In order to improve completion rates, the funding will be used to expand professional development, advisement, support, access, and course availability for A-G coursework. In order to qualify for the grant, which has a deadline of April 1, 2022, the Board will review the proposed grant materials at the February 16, 2022, Board meeting. Following Board direction, staff will bring the A-G Improvement Grant for approval at the March 16, 2022, Board meeting.

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

Contact: Gregory Merwin, Associate Superintendent, Education and Support Services

Staff Recommendation

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

28. TRUSTEE AREA BOUNDARY REDISTRICTING:

This item is required by Education Code § 5019.5 and occurs every ten years. The District's demographer has been working on refining Plan Echo which was selected at the January 19, 2022, Board meeting. The presentation will provide the detail to the map adjustments for the final approval by the Board.

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

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

Staff Recommendation

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

Following discussion, it is recommended the Board approve the final version of Plan Echo for Trustee area boundary redistricting.

Motion by _____ Seconded by _____

**DISCUSSION/
ACTION
Page 903
EXHIBIT 28**

29. RESOLUTION NO. 2122-38, ADJUSTING TRUSTEE AREA BOUNDARIES FROM WHICH DISTRICT BOARD OF TRUSTEES MEMBERS WILL BE ELECTED:

This item is required by Education Code § 5019.5 and occurs every ten years. Adoption of Resolution No. 2122-38, Adjusting Trustee Area Boundaries from which District Board of Trustees Members will be Elected, is the last step in the approval process of the official Trustee area map for elections to the Board of Trustees. The redistricting is required to be established prior to March 1, 2022.

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

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

Staff Recommendation

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

**DISCUSSION/
ACTION
Page 925
EXHIBIT 29**

Following discussion, it is recommended the Board adopt Resolution No. 2122-38, Adjusting Trustee Area Boundaries from which District Board of Trustees Members will be Elected.

Motion by _____ Seconded by _____

ADJOURNMENT

Motion by _____ Seconded by _____

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS
WEDNESDAY, MARCH 2, 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.