



**October 19, 2022 Regular Board Meeting
10/19/2022 - 07:00 PM**

BOARD OF TRUSTEES BOARD ROOM
33122 Valle Rd., San Juan Capistrano, Ca 92675
Closed Session 5:00 PM Open Session 7:00 PM

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, the use of masks is strongly recommended, but not required, when indoors at the District office. If participants choose not to 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 form by clicking [here](https://simbli.eboardsolutions.com/SU/xA9Oslsh8QuMtbNr9j3YXPvg==) (<https://simbli.eboardsolutions.com/SU/xA9Oslsh8QuMtbNr9j3YXPvg==>) . 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 within 30 minutes at the start of Open Session per Board Bylaw 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. The Board meeting discussion related to each of the items on the public agenda is on file in the Superintendent's office as a matter of the permanent record. An audio recording of the meeting is available on the District website at [capousd.org](https://simbli.eboardsolutions.com/SU/TesYrpluspluzDt75ngsslsh0c8plusCQ==) (<https://simbli.eboardsolutions.com/SU/TesYrpluspluzDt75ngsslsh0c8plusCQ==>) .

CLOSED SESSION AT 5:00 P.M.

1. CALL TO ORDER

2. CLOSED SESSION COMMENTS

3. CLOSED SESSION (as authorized by law)

A. PUBLIC EMPLOYMENT AND EVALUATION OF PERFORMANCE

Superintendent

(Pursuant to Government Code § 54957(b))

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Gregory Merwin/Kathy Purcell

Attorney – Justin Shinnfield

Significant Exposure to Litigation – Five Cases

1. ADR Case No. 20220907

2. ADR Case No. 20220909

3. ADR Case No. 20220912

4. ADR Case No. 20220913

5. ADR Case No. 20220926

(Pursuant to Government Code § 54956.9(d)(2))

Kirsten Vital Brulte/Clark Hampton/Gregory Merwin



Attorney – Marley Fox

6. Significant Exposure to Litigation – One Case
(Pursuant to Government Code § 54956.9(d)(2)(3))

C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Gregory Merwin/Kathy Purcell

Attorney – Justin Shinnfield

Significant Exposure to Litigation – Four Cases

1. OAH Case No. 2022010776
2. OAH Case No. 2022050593
3. OAH Case No. 2022050069
4. OAH Case No. 2022060268

(Pursuant to Government Code § 54956.9(d)(1))

D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

District Negotiators: Kirsten Vital Brulte/Clark Hampton

Attorney: Andreas Chialtas, AALRR

Consultant: Jon Conk

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 Education Code § 54956.8)

E. CONFERENCE WITH LABOR NEGOTIATORS

District Negotiators: Kirsten Vital Brulte/Bob Presby/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)

F. STUDENT EXPULSIONS

Mike Beekman

Three Cases

1. Case No. 2023-001
2. Case No. 2023-004
3. Case No. 2023-006

G. PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT

Bob Presby

Executive Director, Special Education, Programs and Related Services

(Pursuant to Government Code § 54957)



4. OPEN SESSION AT 7:00 P.M.
5. CALL TO ORDER - ROLL CALL
6. PLEDGE OF ALLEGIANCE
7. ADOPTION OF THE AGENDA
8. REPORT ON CLOSED SESSION ACTION

9. SPECIAL RECOGNITIONS

Extra Milers - Outstanding Action

- Dax Brown, Capistrano Valley High School
- Camdyn Whitaker, Capistrano Valley High School
- Tharuk Siriwardena, Capistrano Valley High School

2022 California Interscholastic Federation (CIF) State Champions

- Neila Fritts - CIF Girls State Wrestling Champion (235 LBS weight class), Capistrano Valley High School
- Brian Shackelford - Wrestling Coach, Capistrano Valley High School
- David Schmitt – CIF Boys State 100 Yard Butterfly Champion, San Juan Hills High School
- Rod Snyder - Swimming Coach, San Juan Hills High School
- Avery Giese - CIF Girls State 1 Meter Diving Champion, San Juan Hills High School
- Christina Santala - Diving Coach, San Juan Hills High School

Associated Student Body

Capistrano Valley High School
John Misustin, Principal
Steve Bryant, Activities Director
Hunter Miller, Associated Student Body President

10. BOARD AND SUPERINTENDENT COMMENTS

11. STUDENT BOARD MEMBER COMMENTS

12. 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.

13. PUBLIC HEARINGS



A. PUBLIC HEARING NOTICES

1. PUBLIC HEARING: PRESENTATION OF PETITION FOR CALIFORNIA REPUBLIC LEADERSHIP ACADEMY CHARTER SCHOOL 25

This is a new item. A Public Hearing is scheduled before the Board of Trustees which necessitates this Board item. California Republic Leadership Academy Charter School has presented a petition for a Charter School within the District. The Board will conduct a public hearing on the provisions of the charter to consider the level of support for the petition by teachers employed by the District, other employees of the District, parents, and the community. The complete charter school petition can be viewed in the exhibit.

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

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

Staff Recommendation

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

2. PUBLIC HEARING: CALIFORNIA REPUBLIC LEADERSHIP ACADEMY CHARTER SCHOOL ADMISSIONS PREFERENCES 28

This is a new item. The Board will conduct a public hearing on California Republic Leadership (CRLA) Academy charter school. CRLA charter school has presented a petition for a charter school within the District that includes admission preferences on page 77. Pursuant to changes made by Assembly Bill 1360, effective October 13, 2017, a charter school's petition must include admission policies and procedures. Additionally, any priority order for preferences in admission must be in a charter school's petition and have been approved by the authorizer at a public hearing per Education Code § 47605(d) (2) (B) (i). The admission preferences as outlined in Exhibit 15.A.1. The complete charter school petition can be viewed in the exhibit.

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

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

Staff Recommendation

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

3. PUBLIC HEARING: RESOLUTION NO. 2223-24, CONVEYANCE OF AN EASEMENT TO THE CITY OF SAN JUAN CAPISTRANO FOR THE PURPOSES OF PROVIDING A PERMANENT EASEMENT FOR AN AMERICANS WITH DISABILITIES ACT RAMP NEAR SAN JUAN ELEMENTARY SCHOOL 31

This is a subsequent item. The Board will conduct a public hearing on adopting Resolution No. 2223-24, Resolution of the Capistrano Unified School District to



Authorize the Conveyance of an Easement to the City of San Juan Capistrano for the Purposes of Providing a Permanent Easement for an Americans with Disabilities Act Ramp Near San Juan Elementary School. Supporting documentation can be viewed in Exhibit 15.A.6.

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

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

Staff Recommendation

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

14. CONSENT CALENDAR

44

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.

A. BUSINESS AND SUPPORT SERVICES

1. DONATION OF FUNDS AND EQUIPMENT

45

This is a monthly item. Approval of donations of funds and equipment. A number of gifts have been donated to the District, including \$274,738.44 in cash. These funds will be deposited in the appropriate school accounts. Items other than cash have no financial impact on the budget. The District does not guarantee maintenance of items or the expenditure of any District funds for continued use.

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

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

49

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 \$15,567,973.57 and the commercial warrants total \$17,573,199.56. Attachment 3 is a list of previously Board-approved bids and contracts to assist in the review of the purchase order and commercial warrant listings. Attachment 4 is a list of previously Board-approved warrants, by vendor, exceeding \$250,000.

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


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

154




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. The exhibit shows 19 new agreements totaling \$273,432 and 6 amendments to existing agreements totaling \$38,045. 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(<https://simbli.eboardsolutions.com/SU/BKo42CalG59G24G1MmaPSw==>) .

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

- 4. AMENDMENT NO. 1 SOFTWARE LICENSE AGREEMENT FOR PREMIUM CLOUD HOSTING - EDUPOINT  317


This is a subsequent item. Approval of Amendment No. 1 to Software License Agreement with Edupoint for the Synergy Cloud Premium Hosting subscription. Synergy assists Special Education teachers generate Individualized Education Programs (IEPs) more efficiently and track the progress of every IEP by student and school. Currently, Technology and Information Services supports and maintains on-premises Synergy servers located in the District Data Center. With this subscription, the District will be able to move the existing Synergy servers to a cloud-hosted solution giving enhanced security, greater reliability, and data loss prevention. The subscription is for five years at a total cost of \$92,226. This expenditure contains a first year cost of \$19,976 which includes a one-time \$3,000 professional services fee. Each subsequent year has a price escalation of 2.5 percent. The term of this agreement is October 21, 2022, through October 20, 2027. The cost will be funded by special education.

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

- 5. VOTE CENTER ENTRY PERMIT (LICENSE) FOR NOVEMBER 2022 STATEWIDE GENERAL ELECTION - COUNTY OF ORANGE  338

This is a new item. Approval of Vote Center Entry Permit (License) for November 2022 Statewide General Election - County of Orange (County). California Election Code § 12283 and § 12284 authorizes an Election Official to request the use of a public building to be used as a polling place or voting center as needed, and to provide in-person voting sites for voters free of charge. The County is requesting the use of District office training room three for specific days, when staff may, or may not, be present. The County agrees to reimburse/pay overtime custodial staffing fees associated with Vote Center weekend hours of operation in an amount not-to-exceed \$1,288. The License is effective October 27, 2022, through November 15, 2022. There is no significant financial impact to the District.

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

- 6. QUOTATION FOR FEEDBACK STUDIO ENTERPRISE LICENSE TO ADD MIDDLE SCHOOLS - TURNITIN, LLC  348

This is a subsequent item. Approval of the Quotation for Feedback Studio Enterprise License to add middle schools to the Services Pricing Agreement No. 00129209 with Turnitin, LLC to purchase anti-plagiarism and writing instruction support. The District has purchased the Turnitin.com instructional online program since 2010 for all the high



schools. This program has recently been requested by middle schools. The additional license provides the service for all District middle school teachers and students. School boards have the authority to purchase instructional computer software packages in any amount needed for the operation of the schools of the district without taking estimates or advertising for bids per Public Contract Code § 20118.3, when it is in the best interest of a district. The term of this agreement is October 21, 2022, through August 20, 2023. The cost is \$21,850 funded by the general fund.

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

7. STATE OF CALIFORNIA MULTIPLE AWARD SCHEDULE CONTRACT NO. 4-22-03-1024, 1GOVERNMENT PROCUREMENT ALLIANCE BASE CONTRACT NO. 18-04P-02, PURCHASE, WARRANTY, INSTALLATION, MAINTENANCE, AND REPAIR OF PLAYGROUND SOLUTIONS – DAVE BANG ASSOCIATES, INCORPORATED OF CALIFORNIA

364

This is a regular business item. Approval to utilize the State of California Multiple Award Schedule Contract (CMAS) No. 4-22-03-1024, 1Government Procurement Alliance (1GPA) Base Contract No. 18-04P-02, and any subsequent revisions, amendments, and extension awarded to Dave Bang Associates, Incorporated of California. The contract provides set pricing for the purchase, warranty, installation, maintenance and repair of playground solutions and related services as needed by the District. School boards have the authority to “piggyback” on another public agency’s bid, per Public Contract Code § 20118, when it is in the best interest of a district. The prices offered by the vendor have been assessed by staff to be fair, reasonable, and competitive. Anticipated annual expenditures utilizing this contract are approximately \$500,000 funded by the routine repair and general maintenance. Actual expenditures will vary depending on District needs and availability of funds.

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

8. CHANGE ORDER NO. 12, BID NO. 1920-04, ALISO NIGUEL HIGH SCHOOL STEM BUILDING PROJECT

389

This is a regular business item. Approval of Change Order No. 12, Bid No. 1920-04 for the Aliso Niguel High School STEM Building related to remaining Division of State Architect (DSA) closeout items involving the completion of additional fire alarm work and elevator inspections. This change order consists of additions, deletions, or other revisions now being presented to the Board for approval. All such changes in the work are performed under applicable conditions of the change in contract documents. The original contract sum was \$10,954,576. With Change Order No. 12 in the amount of \$19,101.78, the new contract sum will be \$11,531,439.14 funded by Community Facilities District (CFD) 87-1 and if necessary, 2015 2 Liberty in Aliso Viejo land sale revenue and interest earnings. With this change order, the contract with the general contractor remains under the \$12,050,033.60 budget that represents the bid award plus contingency.

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


9. FINAL ACCEPTANCE AND FILING OF NOTICE OF COMPLETION FOR BID NO. 1920-04 FOR THE ALISO NIGUEL HIGH SCHOOL STEM BUILDING PROJECT


448




This is a regular business item. Approval of the Final Acceptance and filing of the Notice of Completion for Bid No. 1920-04 for the Aliso Niguel High School STEM Building Project. In order to obtain Division of State Architect (DSA) closeout with certification, Notice of Completion is required. All work has been inspected and completed to the satisfaction of staff. The project was funded by Community Facilities District (CFD) 87-1 and 2015 2 Liberty in Aliso Viejo land sale revenue and interest earnings.

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

10. CHANGE ORDER NO. 1, BID NO. 2122-15, UNDERGROUND STORAGE TANKS REMOVAL PROJECT  454
This is a regular business item. Approval of Change Order No. 1, Bid No. 2122-15 for the Underground Storage Tanks Removal Project related to the additional cost to remove concrete from the site. This change order consists of additions, deletions, or other revisions now being presented to the Board for approval. All such changes in the work are performed under applicable conditions of the change in contract documents. The original contract sum was \$147,000. With Change Order No. 1 in the amount of \$13,304, the new contract sum will be \$160,304 funded by South Bus Yard proceeds. With this change order, the contract with the general contractor remains under the \$161,700 budget that represents the bid award plus contingency.
Contact: *Clark Hampton, Deputy Superintendent, Business and Support Services*

11. FINAL ACCEPTANCE AND FILING OF NOTICE OF COMPLETION FOR BID NO. 2122-15, UNDERGROUND STORAGE TANKS REMOVAL PROJECT  461
This is a regular business item. Approval of the Final Acceptance and filing of the Notice of Completion for Bid No. 2122-15, Underground Storage Tanks Removal Project. Work has been inspected and completed to the satisfaction of staff. The project was funded by South Bus Yard proceeds.
Contact: *Clark Hampton, Deputy Superintendent, Business and Support Services*

12. CHANGE ORDER NO. 1, BID NO. 2122-21, SAN JUAN HILLS HIGH SCHOOL TURF REPLACEMENT PROJECT  465
This is a regular business item. Approval of Change Order No. 1, Bid No. 2122-21, San Juan Hills High School Turf Replacement Project related to the unused allowance for the project. These changes involve adjustments to the plans and specifications captured and directed through the Division of State Architect (DSA) Construction Change Directive process. This change order consists of additions, deletions, or other revisions now being presented to the Board for approval. All such changes in the work are performed under applicable conditions of the change in contract documents. The original contract sum was \$668,535. With Change Order No. 1 resulting in a reduction of \$7,783.90, the new contract sum will be reduced to \$660,751.10 funded by Rancho Madrina Community Facilities District (CFD) No. 2004-1. The funding is only for schools serving the CFD. With this change order, the contract with the general contractor remains under the \$715,332.45 budget that represents the bid award plus contingency.
Contact: *Clark Hampton, Deputy Superintendent, Business and Support Services*



- 13. FINAL ACCEPTANCE AND FILING OF NOTICE OF COMPLETION FOR BID NO. 2122-21, SAN JUAN HILLS HIGH SCHOOL TURF REPLACEMENT PROJECT 472
This is a regular business item. Approval of the Final Acceptance and filing of the Notice of Completion for Bid No. 2122-21, San Juan Hills High School Turf Replacement Project. In order to obtain Division of State Architect (DSA) with certification, Notice of Completion is required. Work has been inspected and completed to the satisfaction of staff. The project was funded by Rancho Madrina Community Facilities District (CFD) No. 2004-1.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

- 14. SECOND READING – BOARD POLICY 3314.2, REVOLVING FUNDS 476
This is a subsequent item. Approval of the Second Reading of Board Policy 3314.2, *Revolving Funds*. The revisions bring the policy current by aligning with the California School Boards Association policy recommendations. The revised language provides more specificity regarding the purpose of the revolving fund along with detailed guidance regarding appropriate usage. Changes are underlined; deletions are struck through.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

- 15. SECOND READING – BOARD POLICY 3400, MANAGEMENT OF DISTRICT ASSETS/ACCOUNTS 480
This is a subsequent item. Approval of the Second Reading of Board Policy 3400, *Management of District Assets/Accounts*. The revisions bring the policy current by aligning with the California School Boards Association policy recommendations. The revised language provides more specificity regarding the asset management program along with guidance regarding procedures. Changes are underlined; deletions are struck through.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

- 16. SECOND READING – BOARD POLICY 3530, RISK MANAGEMENT/ INSURANCE 485
This is a subsequent item. Approval of the Second Reading to Board Policy 3530, *Risk Management/Insurance*. The revisions bring the policy current by aligning with the California School Boards Association policy recommendations. The revised language and title change provide more specificity regarding the purpose of the risk management program along with guidance regarding procedures. Changes are underlined; deletions are struck through.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

B. CURRICULUM AND INSTRUCTION

- 1. ART MASTERS LEGACY INSTRUCTIONAL ART PROGRAM AGREEMENTS 2022-2023 490
This is an annual item. Approval of the Art Masters Legacy (AML) Instructional Art Program Agreements at Truman Benedict Elementary School, Moulton Elementary School, and Carl Hankey K-8 School. Trustees approved the original agreement at the August 17, 2022, Board meeting for six schools to participate in the AML Instructional Art Program for 2022-2023. Three additional schools have requested additional



participation and supplies. AML provides services that include art assemblies and hands-on studio art activities for students. AML teacher-lecturers conduct and present multimedia presentation assemblies using art visuals, images and stories covering each artist and/or art subject. Later, students get an opportunity to engage in art activities to create their own individual works of art in the manner of the master artist or art subject, using the same styles, techniques, media, and disciplines. The additional expenditure included in these agreements is \$20,601 funded by site gift funds.

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

2. ADDENDUM TO THE AGREEMENT FOR ADDITIONAL SCHOOLS PARTICIPATING IN THE INSIDE THE OUTDOORS SCHOOL PROGRAM, AGREEMENT NUMBER 15001, ADDENDUM NO. 1, NO. 2, NO. 3, NO. 4, NO. 5 AND NO. 6

501

This is a returning item. Approval and ratification of Addendums to the Agreement for Additional Schools Participating in the Inside the Outdoors School Program, Agreement Number 15001, Addendum No. 1, No. 2, No. 3, No. 4, No. 5 and No. 6. District schools routinely participate in the Orange County Department of Education's outdoor science school/field trip programs and "Traveling Scientist" programs and assemblies. Castille Elementary School, Hidden Hills Elementary School, John S. Malcom Elementary School, R. H. Dana Elementary School, and Truman Benedict Elementary School have expressed interest in adding additional sessions in the "Traveling Scientist" Program for the 2022-2023 school year, which provides school assemblies with traveling naturalists on various science topics. Vista Del Mar Elementary School has expressed interest in adding the "Shingley Native American" field trip program for the 2022-2023 school year which provides outdoor school field trips to Shingley Nature Center or Mt. San Antonio College. Programs and assemblies will be held in-person. Estimated expenditures under the contract addendums are \$9,193 funded by site and/or grant funds.

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

3. LOCAL CONTROL ACCOUNTABILITY PLAN PARENT ADVISORY COMMITTEE FOR 2022-2023

518

This is an annual item. Approval of the Local Control Accountability Plan (LCAP) Parent Advisory Committee (PAC) members. The Local Control Funding Formula, California's school funding model, requires the development of an LCAP that explicitly connects expenditures to specific District goals for student achievement. Districts are held accountable to the specific ways in which money is spent and how those decisions are improving student outcomes. A key aspect of the LCAP process is the engagement of, and consultation with, specific parent/guardian groups, including representation of students who are English learners, foster-youth, and low socio-economic status. One way this is facilitated is through the formation of a PAC. The LCAP PAC will meet regularly to review the sections of the LCAP and provide ongoing input into the monitoring and revision of the LCAP. Members serve a two-year term. There is no financial impact.

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

4. PURCHASE CONTRACT WITH AVANT ASSESSMENT

521



This is a new item. Approval of the purchase contract with AVANT Assessment to be used as the language proficiency test for bilingual employees for the 2022-2023 school year. The assessment would support the District's recruitment process by ensuring accurate evaluation of applicants' language skills. The estimated cost of \$3995 for 50 test licenses will be funded by Local Control Funding Formula Supplemental funds.

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

5. PURCHASE CONTRACT WITH IMAGINE LEARNING 

525

This is an annual item. Approval of the Purchase Contract with Imagine Learning for the 2022-2023 school year, to support improved student outcomes for newly enrolled and level one English learner (EL) students, grades one through six, through online English language development activities. Imagine Learning supports the academic component of the District's Multi-tiered System of Support by providing support to ensure ELs have the foundational literacy skills to access core instruction. Specifically, Imagine Language and Literacy supports newcomers (ELs who have been in the country for less than two years) with explicit instruction in English phonemes, vocabulary through extensive direct instruction, multimedia examples and connected text. The total cost for 400 licenses is \$62,366.50. A discount of \$12,000 is applied and the total cost is \$50,366.50 funded by Title III.

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

6. SECOND READING – BOARD POLICY 5111.1 DISTRICT RESIDENCY 

531

This is a subsequent item. Approval of Board Policy 5111.1, *District Residency*. Staff is proposing a change to Board Policy 5111.1, *District Residency*, in order to begin the process of establishing a nonimmigrant foreign student program in the District. This policy was reviewed by Trustees at the September 21, 2022, Board meeting and was approved to be placed on Consent without additional revisions.

This program is different from the international exchange program in which high school students from other countries are allowed into the United States to study at a sister or partner California school under the sponsorship of a government-approved agency. This program will not replace or prevent current international exchange programs from continuing; rather, it will provide another form of access for international students. Staff has interest in beginning a program to enroll nonimmigrant students from China at Capistrano Valley High School to enhance the Mandarin Immersion Program as well as augment enrollment. Preference would be given to District resident students, so there would be no impact to currently enrolled students. Admission of nonimmigrant foreign students would be contingent upon availability of space after all resident and currently enrolled students are placed.

Federal and California Education Code permits districts that maintain grades 9-12 to enroll a nonimmigrant foreign student who is in the United States on an F-1 visa.

Pursuant to 8 USC 1184, an F-1 visa may be granted to enable a nonimmigrant student to attend public school in grades 9-12 for a maximum of 1 year. Pursuant to 8 CFR 214.3, any district that desires to enroll such students is required to file a petition



for certification with the United States Department of Homeland Security's Student and Exchange Visitor Program (SEVP), using the Student Exchange Visitor Information System (SEVIS). The certification is renewable every 2 years.

Nonimmigrant students who are in the United States with an F-1 visa are, by definition, nonresidents. Pursuant to 8 USC 1184, such individuals are required to pay tuition in an amount equal to the unsubsidized per-student cost of providing education at the school for the period of the student's attendance. This requirement for payment of tuition may not be waived by the district and, according to the United States Department of State's publication, Foreign Students (F-1) in Public Schools, is applicable notwithstanding the fact that the student resides with a relative who is a United States citizen. Proposed revisions align with California School Boards Association sample policy. All changes have been reviewed by legal counsel. Changes are underlined; deletions are struck through.

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

7. SECOND READING – BOARD POLICY 6020, PARENT/GUARDIAN INVOLVEMENT

539

This is a subsequent item. Approval of Board Policy 6020, *Parent/Guardian Involvement*. Board Policy 6020 was last revised and approved by the Board on December 11, 2006. This policy is being revised to align with the California School Boards Association model policy as well as the California Department of Education Title I Guidance and California Education Code. The revision of this policy adds updated language regarding the Local Control and Accountability Plan, the Title I reservation for parent/guardian and family engagement activities, distribution of policies, and notification languages. All changes have been reviewed by legal counsel. At the September 21, 2022, Board meeting, Trustees recommended the following statement be reinstated: “The positive link between student achievement and the support of parents of the teaching and learning process is indisputable.” Changes are underlined; deletions are struck through.

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

C. HUMAN RESOURCE SERVICES

1. CONSIDER AND APPROVE JOB DESCRIPTION – SCHOOL BUS DRIVER TRAINEE

547

This is a new item. Approval of the job description for the position of School Bus Driver Trainee. The Transportation department is proposing a new Substitute School Bus Driver Trainee program. This program will improve the recruiting efforts and increase the numbers of Substitute School Bus Drivers. This includes changing the order of the hiring process and providing paid training as a Substitute School Bus Driver Trainee. Trainees would also be paid approximately \$805 for completing the 50-hour training process, in lieu of the current \$200 stipend.

Contact: Bob Presby, Associate Superintendent, Human Resource Services

2. CONSIDER AND APPROVE JOB DESCRIPTION - BILINGUAL SENIOR STAFF SECRETARY

552



This is a new item. Approval of the job description for the position of Bilingual Senior Staff Secretary. On August 29, 2022, Cabinet approved moving forward with a recommendation to restructure the Maintenance and Operations Department. The Executive Director completed an assessment by measuring the current positions/roles against current operational needs of the department. The goal was to identify inefficiencies or any other necessary modifications to the clerical organizational structure, to achieve the highest return of departmental productivity and to provide crossover support for both departments. The recommendations from the assessment aligned with the restructure of the department and led to the recruitment of three positions: Bilingual Staff Secretary, Bilingual Senior Staff Secretary, and Use of Facilities and Operations Specialist. Current clerical employees within the department not selected for the new positions will be transferred to vacant positions of the same classification per California School Employees Association (CSEA) contract language. This reorganization results in ongoing savings for the District of nearly \$21,000. These recommendations have the support of CSEA President, Ronda Walen. The Bilingual Senior Staff Secretary position will support departments by engaging with the many Spanish-speaking members of the community, and public communication as it relates to department matters, including preparing documents in both English and Spanish. Human Resources Services collaborated with staff and CSEA to develop a job description for a Bilingual Senior Staff Secretary to be paid at Range 38. The difference in total annual expense between a Senior Staff Secretary and a Bilingual Senior Staff Secretary is \$1,948.

Contact: Bob Presby, Associate Superintendent, Human Resource Services

3. EMPLOYEE REFERRAL PROGRAM 

556

This is a new item. Approval of the Employee Referral Program. Paraprofessional, Food Service, Licensed Vocational Nurse (LVN), Campus Supervision, Preschool positions, Heavy Duty Mechanics, and School Bus Driver positions have been difficult to fill for many years. These difficulties were heightened with the recent pandemic and current job market. Human Resource Services (HRS) is proposing a new recruiting tool. This recruitment tool is an employee referral program. This program would be a stipend to our current non-management classified, non-management certificated, and confidential employees (excluding all employees in HRS) who refer the applicant and are further listed on the prospective employee's original application. For the employee to qualify for the stipend, the applicant would need to be a new employee to the District and would need to successfully complete the probationary period (6 months) before the stipend would be issued. HRS is proposing a \$500 stipend for each successful new hire. The Employee Referral Program would remain in place until these hard-to-fill positions are no longer vacant or the Executive Leadership Team recommends stopping this program. The District currently has approximately 300 hard to fill vacancies. If all of these were filled through the Employee Referral Program, the fiscal implication would be approximately \$150,000 funded by the general fund.

Contact: Bob Presby, Associate Superintendent, Human Resource Services

4. AFFILIATION AGREEMENT WITH EASTERN NEW MEXICO UNIVERSITY 

561

This is an annual item. Approval of the Affiliation Agreement with Eastern New Mexico



University, effective on the date of the last signature and continuing for a five-year term. University students enrolled in the Speech Rehabilitation Program will be paired with a veteran District school speech language pathologist as they complete practicum/fieldwork hours required to earn their degree and certification. There is no financial impact.

Contact: *Bob Presby, Associate Superintendent, Human Resource Services*

5. AFFILIATION AGREEMENT WITH PIMA MEDICAL INSTITUTE FOR OCCUPATIONAL THERAPY ASSISTANT FIELDWORK HOURS 570

This is an annual item. Approval of the Affiliation Agreement with PIMA Medical Institute for Occupational Therapy Assistant Fieldwork Hours, effective on the date of the last signature and renewing annually unless terminated. During the school year, PIMA students enrolled in the program to earn certification as an Occupational Therapy Assistant will work with District Occupational Therapists to fulfill practicum/fieldwork requirements to earn their certification. There is no financial impact.

Contact: *Bob Presby, Associate Superintendent, Human Resource Services*

6. ANNUAL REPORT – WILLIAMS SETTLEMENT LEGISLATION, 2021-2022 SCHOOL YEAR 575

This is an annual item. Approval of Annual Report – Williams Settlement Legislation, 2021-2022 School Year. As a result of the Williams Settlement, Education Code § 35186 mandates school districts establish policies and procedures to resolve deficiencies related to textbooks and instructional materials, teacher vacancies or misassignments, and facility conditions posing a threat to student/staff health or safety. Furthermore, the law requires any deficiencies or complaints be reported to the Board of Trustees at a regularly scheduled public meeting. Both quarterly and annually the Orange County Department of Education (OCDE) conducts a review to determine if deficiencies exist. The annual report for the District, conducted by OCDE, was found to be in compliance. The inspection of Kinoshita and Viejo Elementary Schools revealed the schools have sufficient instructional materials. The inspection of the facility conditions revealed one minor deficiency at Kinoshita and four minor deficiencies Viejo Elementary School. These have been resolved. Data reported on School Accountability Report Cards (SARC) was found to be accurately reported. Teacher assignments were reviewed at both schools and found to be in compliance. The schools are considered to have met all expectations established under the Williams Settlement Legislation.

Contact: *Bob Presby, Associate Superintendent, Human Resource Services*

7. BIENNIAL AUTHORIZATION OF COACHES TO PROVIDE FIRST SEMESTER PHYSICAL EDUCATION CREDIT 582

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 physical education 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: *Bob Presby, Associate Superintendent, Human Resource Services*

8. MEMORANDUM OF AGREEMENT WITH PACIFIC OAKS COLLEGE FOR INTERN TEACHING 586

This is an annual item. Approval of the Memorandum of Agreement with Pacific Oaks College for Intern Teaching, effective on the date of the last signature and continuing for a five-year term. University students enrolled in teacher credentialing programs at Pacific Oaks College who have been determined to be Intern Ready can be hired by the District on an Intern Credential in the event the District does not have a fully credentialed and qualified applicant in that hiring pool. The Intern teacher will be paired with a veteran District teacher with a like credential to support the Intern Teacher as they complete their job responsibilities as well as practicum requirements to earn their credential. There is no financial impact.

Contact: *Bob Presby, Associate Superintendent, Human Resource Services*

9. RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CERTIFICATED EMPLOYEES 594

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: *Bob Presby, Associate Superintendent, Human Resource Services*

10. RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CLASSIFIED EMPLOYEES 641

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: *Bob Presby, Associate Superintendent, Human Resource Services*

D. GENERAL FUNCTIONS

1. SCHOOL BOARD MINUTES - SEPTEMBER 15, 2022 700

This is a monthly item. Approval of the September 15, 2022, Special Board meeting minutes.

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

2. SCHOOL BOARD MINUTES - SEPTEMBER 21, 2022 704

This is a monthly item. Approval of the September 21, 2022, Regular Board meeting minutes.

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

3. RESOLUTION 2223-23, CONTINUING AUTHORITY TO HOLD VIRTUAL MEETINGS PURSUANT TO ASSEMBLY BILL 361 718

This is a legally mandated subsequent item. 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. 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. The Board continued to adopt a resolution for each meeting thereafter, pursuant to Assembly Bill 361. For adoption on October 19, 2022, is Resolution No. 2223-23, 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.

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

15. DISCUSSION ACTION ITEMS

723

A. DISCUSSION/INFORMATION ITEMS

1. CALIFORNIA REPUBLIC LEADERSHIP ACADEMY CHARTER SCHOOL ADMISSIONS PREFERENCES

724

This is a new action item. California Republic Leadership Academy (CRLA) charter school's petition seeks approval of admissions preferences in the following priority order:

1. Children and grandchildren of employees of CRLA Capistrano.
2. Children and grandchildren of board members.
3. Siblings of scholars enrolled in or admitted to CRLA Capistrano.
4. If CRLA operates a campus that is physically located in the attendance area of a



District operated public elementary school in which at least 55 percent of the enrollment is eligible for free and reduced price lunch, then students currently enrolled in that school and students who reside in that elementary school attendance area will be given preference to attend such campus operated by CRLA in accordance with Education Code § 47614.5(c)(2) (for purposes of Senate Bill 740 Charter School Facility Grant Program).

5. Students who reside in the District.

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

Staff recommends that Preferences 1 and 2 be combined and edited to state: "Children of California Republic Leadership Academy Capistrano staff and board members, not to exceed 10 percent of total enrollment." Staff further recommends that Preferences 3, 4, and 5 be re-numbered 2, 3, and 4, respectively.

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

Following discussion, it is recommended that the Board of Trustees approve California Republic Leadership Academy's admissions preferences as amended.

Motion by _____ Seconded by _____

2. FIRST READING – BOARD POLICY 1220, CITIZEN ADVISORY COMMITTEE 730

This is a new action item. The proposed revisions to Board Policy 1220, *Citizen Advisory Committee*, bring language in alignment to suggestions from California School Boards Association, other California districts, and federal and state requirement updates. Changes are underlined; deletions are struck through.

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

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

Staff Recommendation

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

Following discussion, it is recommended the Board of Trustees approve the First Reading – Board Policy 1220, *Citizen Advisory Committee*.

Motion by _____ Seconded by _____

3. ESTABLISHING A DISTRICT ADVISORY COMMITTEE FOR SCHOOL CAPACITY ANALYSIS 735

This is a new action item. As described in Board Policy 1220, *Citizen Advisory*



Committee, the Board of Trustees may establish citizen advisory committees to strengthen the effectiveness of District and school operations, or to enhance student learning. The purpose of any such committee will be clearly defined and aligned to the District's vision, mission, and goals. The committee can bring a recommendation forward to the Board for final approval. A District Advisory Committee would review challenges and needs specifically surrounding school facilities and capacity. Based on the California Department of Education Best Practices, the District Advisory Committee would include members of the community and District staff. This committee would be independent of the Board of Trustees and the Superintendent.


CUSD WIG 3: Facilities – Optimize facilities and learning environments for all students.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

Staff Recommendation

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

Following discussion, it is recommended the Board of Trustees establish a District Advisory Committee for School Capacity Analysis.

Motion by _____ Seconded by _____

4. SECOND READING, BOARD POLICY 9150, STUDENT ADVISER TO BOARD 

742

This is a subsequent action item. Pursuant to Education Code 35160, the Board of Trustees may include one or more student members on the Board. The current policy states that the Board of Trustees believes it is important to seek out and consider students' ideas, viewpoints, and reactions to the educational program. In order to provide for student input, the Board shall include one student member to the Board selected in accordance with procedures approved by the Board. Board Policy 9150, *Student Adviser to Board*, was first adopted February 27, 1995, and has not been revised or updated since that date. Revisions to the policy will further clarify the current roles and responsibilities of the student Board member. Changes are underlined; deletions are struck through.

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

Contact: Gila Jones, Trustee Area 6


Staff Recommendation

It is recommended the Board President recognize Trustee Jones, Trustee Area 6, to present the item.

Following discussion, it is recommended the Board of Trustees approve Board Policy 9150, *Student Adviser to Board*.



Motion by _____ Seconded by _____

5. SECOND READING – BOARD POLICY 6145.6, INTERNATIONAL EXCHANGE 

746

This is a subsequent action item. Staff is proposing a change to Board Policy 6145.6, *International Exchange*, in order to begin the process of establishing a nonimmigrant foreign student program in the District.

This program is different from the international exchange program in which high school students from other countries are allowed into the United States to study at a sister or partner California school under the sponsorship of a government-approved agency. This program will not replace or prevent current international exchange programs from continuing, rather provide another form of access for international students. Staff has interest in beginning a program to enroll nonimmigrant students from China at Capistrano Valley High School to enhance the Mandarin Immersion Program as well as augment enrollment. Preference would be given to District resident students, so there would be no impact to currently enrolled students. Admission of nonimmigrant foreign students would be contingent upon availability of space after all resident and currently enrolled students are placed.

Federal and California Education Code permits districts that maintain grades 9-12 to enroll a nonimmigrant foreign student who is in the United States on an F-1 visa.

Pursuant to 8 USC 1184, an F-1 visa may be granted to enable a nonimmigrant student to attend public school in grades 9-12 for a maximum of 1 year. Pursuant to 8 CFR 214.3, any district that desires to enroll such students is required to file a petition for certification with the United States Department of Homeland Security's Student and Exchange Visitor Program (SEVP), using the Student Exchange Visitor Information System (SEVIS). The certification is renewable every 2 years.

Nonimmigrant students who are in the United States with an F-1 visa are, by definition, nonresidents. Pursuant to 8 USC 1184, such individuals are required to pay tuition in an amount equal to the unsubsidized per-student cost of providing education at the school for the period of the student's attendance. This requirement for payment of tuition may not be waived by the District and, according to the United States Department of State's publication, *Foreign Students (F-1) in Public Schools*, is applicable notwithstanding the fact that the student resides with a relative who is a United States citizen. Proposed revisions align with California School Boards Association sample policy. All changes have been reviewed by legal counsel. At the September 21, 2022, Board meeting, Trustees recommended additional language be added regarding differentiation between F1 and J1 visas. The revised Board Policy was reviewed by legal counsel. Changes are underlined; deletions are struck through.

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.

Following discussion, it is recommended the Board of Trustees approve Board Policy 6145.6, *International Exchange*.

Motion by _____ Seconded by _____

- 6. RESOLUTION NO. 2223-24, RESOLUTION OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT TO AUTHORIZE CONVEYANCE OF AN EASEMENT TO AUTHORIZE THE CONVEYANCE OF AN EASEMENT TO THE CITY OF SAN JUAN CAPISTRANO FOR THE PURPOSES OF PROVIDING A PERMANENT EASEMENT FOR AN AMERICANS WITH DISABILITIES ACT RAMP

752

This is a subsequent action item. Resolution No. 2223-24 authorizes the conveyance of an easement to the City of San Juan Capistrano (city) for public use of an Americans with Disabilities (ADA) ramp constructed by the city, located adjacent to San Juan Elementary School. This permanent easement would permit public use of the ADA-compliant ramp from the crosswalks to neighboring sidewalks, allowing for improved access to San Juan Elementary School. The permanent easement will not interfere with the District’s ability to run and operate its education program at San Juan Elementary School. The District has the authority to grant easements pursuant to Education Code § 17556 et seq. The Board adopted the related Resolution of Intent on September 21, 2022, for this easement.

CUSD WIG 3: Facilities – Optimize facilities and learning environments for all students.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

Staff Recommendation

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

Following discussion, it is recommended the Board of Trustees adopt Resolution No. 2223-24, Resolution of the Capistrano Unified School District to Authorize the Conveyance of an Easement to the city of San Juan Capistrano for the Purposes of Providing a Permanent Easement for an Americans with Disabilities Act Ramp.

Motion by _____ Seconded by _____

- 7. RESOLUTION NO. 2223-25, DESIGNATING CERTAIN AVAILABLE STATE REIMBURSEMENT FUNDS DERIVATIVE OF PRIOR COMMUNITY FACILITIES DISTRICT 87-1 OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT TO CAPISTRANO VALLEY HIGH SCHOOL STADIUM REPLACEMENT PROJECT

766

This is a new action item. Resolution No. 2223-25 would authorize the District to utilize State Reimbursement Funds and pass-through and related funds received in connection with the Mission Viejo Redevelopment Agency (RDA) for the Capistrano Valley High School Stadium Replacement/Renovation Project (CVHS Stadium Project). The estimated amount of the State Reimbursement Funds is approximately \$7.1 million, received in connection with eligible reimbursements from STEM and STEAM



projects at the Aliso Niguel High School and Newhart Middle School. All contractual obligations, bonds, and securities of Community Facilities District (CFD) No. 87-1 have matured, fully redeemed and defeased and are no longer outstanding. This Resolution will only make funds available for the CVHS Stadium Project and is not a formal approval of the physical construction of the project, which approval shall only take place following the District's compliance with the California Environmental Quality Act (CEQA).


CUSD WIG 3: Facilities – Optimize facilities and learning environments for all students.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

Staff Recommendation

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

Following discussion, it is recommended the Board adopt Resolution No. 2223-25, Designating Certain Available State Reimbursement Funds Derivative of Prior Community Facilities District 87-1 of the Capistrano Unified School District to Capistrano Valley High School Stadium Replacement Project.

Motion by _____ Seconded by _____

8. RESOLUTION NO. 2223-26, RESOLUTION OF THE BOARD OF TRUSTEES OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT APPROVING THE USE OF ANTICIPATED FUTURE PROPERTY SALE PROCEEDS (PASEO DE COLINAS PROPERTY) 

772

This is a new action item. The Board previously declared 2.47 acres of property located at 29070 Shark Bay, Laguna Niguel, Ca 92677, on Paseo de Colinas, adjacent to Niguel Hills Middle School (Property) to be surplus property, and offered it for sale through public bid auctions on two occasions. The Board then elected to seek entitlements for this Property. It is anticipated the entitlements being sought for the Property will be obtained relatively soon, and the District may then schedule a third bid hearing where the District seeks to determine the highest bidder. At this time, Resolution No. 2223-26 only approves the use of the anticipated future property sale proceeds for the Property to include facilities improvements authorized by Education Code § 17462, and which shall occur at Niguel Hills Middle School.

CUSD WIG 3: Facilities – Optimize facilities and learning environments for all students.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

Staff Recommendation

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

Following discussion, it is recommended the Board of Trustees adopt Resolution No. 2223-26, Resolution of the Board of Trustees of the Capistrano Unified School District Approving the Use of Anticipated Future Property Sale Proceeds (Paseo de Colinas Property).



Motion by _____ Seconded by _____

16. ADJOURNMENT

Motion by _____ Seconded by _____

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS
WEDNESDAY, NOVEMBER 9, 2022 7:00 P.M.
AT THE CAPISTRANO UNIFIED SCHOOL DISTRICT OFFICE BOARD ROOM
33122 VALLE ROAD, SAN JUAN CAPISTRANO, CALIFORNIA**

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

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

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

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

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

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

CLOSED SESSION: In accordance with Education Code § 35146 and Government Code § 54957, the Board may recess to Closed Session to discuss personnel matters which they consider inadvisable to take up in a public meeting. Members of the public shall have an opportunity to address the Board regarding items on the agenda to be considered during Closed Session prior to the Board adjourning the meeting to Closed Session. Individual presentations are limited to a maximum of three minutes; however, the time assigned for individual presentations could be fewer than three minutes depending upon the total number of speakers who wish to address a specific agenda topic.

ORAL COMMUNICATIONS (Non-Agenda Items): Regular, scheduled meetings of the Board shall have a portion of each meeting devoted to Oral Communications. Oral Communications, will take place following Special Recognitions. The total time for the Oral Communications portion of regular meetings shall be twenty minutes. Individual presentations are limited to a maximum of three minutes per individual but could be less if there are a



large number of Oral Communication speakers. Legally, the Board may not take action on items raised by speakers under Oral Communications. The Board may, however, at its discretion, refer items to the administration for follow-up or place topics on a future Board agenda.

ORAL COMMUNICATIONS (Agenda Items): Members of the public shall also have an opportunity to address the Board on Open Session agenda items before their consideration by the Board. Individual presentations for the Consent Calendar are limited to a maximum of three 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.

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. "Request to Address the Board of Trustees" will be accepted only until 30 minutes after the start of Open Session.

Special Board meetings or separately scheduled Board public hearings shall not have Oral Communications time scheduled.

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.