



**September 21, 2022 Regular Board Meeting
09/21/2022 - 07:00 PM**

BOARD OF TRUSTEES BOARD ROOM
33122 Valle Rd., San Juan Capistrano, Ca 92675
Closed Session 4:00 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/xA9Oslshm8QuMtbNr9j3YYPXvg==>) . 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\(https://simbli.eboardsolutions.com/SU/TesYrpluspluszDt75ngsslsh0c8plusCQ==\)](https://simbli.eboardsolutions.com/SU/TesYrpluspluszDt75ngsslsh0c8plusCQ==) .

CLOSED SESSION AT 4:00 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

Attorney – Mark Bresee

(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. 20220803

2. ADR Case No. 20220811

3. ADR Case No. 20220812

4. ADR Case No. 20220824

5. ADR Case No. 20220826

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



Kirsten Vital Brulte/Clark Hampton/John Forney
Attorney – Terry Tao

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

C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Gregory Merwin/Kathy Purcell
Attorney – Justin Shinnfield
Significant Exposure to Litigation – Three Cases

1. OAH Case No. 2022040133

2. OAH Case No. 2022060547

3. OAH Case No. 2022060899

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

D. 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)

E. STUDENT READMISSIONS

Mike Beekman

Two Cases

1. Case No. 2020-040

2. Case No. 2022-001

F. PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT

Bob Presby

Principal, Elementary

(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

2022 California Interscholastic Federation (CIF) State Southern California Champions



Tesoro High School - Varsity Baseball Team
Ken Ezratty, *Principal*
Tony Nieto, *Head Coach*

Associated Student Body
Tesoro High School
Ken Ezratty, *Principal*
Petra Davis-Johnson, *Activities Director*
Jaden Allain, *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 HEARING

30

A. PUBLIC HEARING NOTICE

1. PUBLIC HEARING: RESOLUTION NO. 2223-22, DETERMINING STEPS TO ENSURE AVAILABILITY OF TEXTBOOKS AND INSTRUCTIONAL MATERIALS FOR 2022-2023

31

The Board will conduct a public hearing on Resolution No. 2223-22, Determining Steps to Ensure Availability of Textbooks and Instructional Materials for 2022-2023. Supporting documentation is located in Exhibit 14.B.17.

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.

14. CONSENT CALENDAR

36

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 37
- 1. DONATION OF FUNDS AND EQUIPMENT 38

This is a monthly item. Approval of donations of funds and equipment. A number of gifts have been donated to the District, including \$129,835.20 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 42

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 \$20,127,974.39 and the commercial warrants total \$23,515,322.88. 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 145

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 42 new agreements totaling \$10,306,213.68 and 9 amendments to existing agreements totaling \$32,643.39. 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/vzuraowEbM52b53vPzpscA==>).

Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
- 4. FIRST EXTENSION OF BID NO. 2122-06, WEED ABATEMENT – E. STEWART AND ASSOCIATES, INCORPORATED 540

This is a regular business item. Approval of the First Extension of Bid No. 2122-06, Weed Abatement with E. Stewart and Associates, Incorporated. Bid No. 2122-06 was awarded to the lowest responsive, responsible bidder on July 21, 2021, for the initial term of July 1, 2021, through June 30, 2022, with optional renewal terms. The vendor agrees to extend the proposed extension, at the same rates of the initial contract period for the renewal period of July 1, 2022, through June 30, 2023. Annual



expenditures utilizing this contract are estimated to be \$250,000 funded by the general fund and deferred maintenance. Actual expenditures during this bid term may vary depending on availability of funds and District needs.

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

5. FIRST EXTENSION OF BID NO. 2122-10, FROZEN, REFRIGERATED, PROCESSED COMMODITY, DRY FOOD AND BEVERAGE PRODUCTS AND SERVICES – GOLD STAR FOODS, INCORPORATED

550

This is a regular business item. Approval of First Extension of Bid No. 2122-10, Frozen, Refrigerated, Processed Commodity, Dry Food and Beverage Products and Services with Gold Star Foods, Incorporated. Bid No. 2122-10 was awarded to the lowest responsive, responsible bidder on August 18, 2021, for the initial term of July 1, 2021, through June 30, 2022, with optional renewal terms. The vendor agrees to extend the proposed extension, at the amended rates show in Exhibit 1-A for the proposed renewal period of July 1, 2022, through June 30, 2023. The increase in prices is due to increased costs and/or discontinuance from manufacturers. Annual expenditures utilizing this contract are estimated to be \$99,000 funded by the cafeteria fund. Actual expenditures may vary based on District needs and the availability of funds.

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

6. CHANGE ORDER NO. 1, BID NO. 2122-17, LAS FLORES ELEMENTARY SCHOOL PAINTING PROJECT

573

This is a regular business item. Approval of Change Order No. 1, Bid No. 2122-17 for the Las Flores Elementary School Painting Project related to the deduction of unused allowance and project cost reduction, due to incomplete scope. These changes involve adjustments to the plans and specifications captured and directed through the Division of State Architect's (DSA) Construction Change Directive (CCD) 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 \$367,000. With Change Order No. 1 in the amount of -\$41,500, the new contract sum will be \$325,500 funded by Las Flores Community Facilities District (CFD) No. 92-1. The funding is only for schools serving the CFD. With this change order, the contract with the general contractor remains under the \$392,690 budget that represents the bid award plus contingency.

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

7. CHANGE ORDER NO. 1, BID NO. 2122-18, TESORO HIGH SCHOOL PAINTING PROJECT

579

This is a regular business item. Approval of Change Order No. 1, Bid No. 2122-18 for the Tesoro High School Painting Project related to the deduction of unused allowance. These changes involve adjustments to the plans and specifications captured and directed through the Division of State Architect's (DSA) Construction Change Directive (CCD) 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 \$372,000. With Change Order No. 1 in the amount of - \$20,000, the new contract sum will be \$352,000 funded by Las Flores Community Facilities District (CFD) No. 92-1. The funding is only for schools serving the CFD. With this change order, the contract with the general contractor remains under the \$398,040 budget that represents the bid award plus contingency.

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

- 8. FINAL ACCEPTANCE AND FILING OF NOTICE OF COMPLETION FOR BID NO. 2122-16, SAN JUAN HILLS HIGH SCHOOL PAINTING PROJECT 585

This is a regular business item. Approval of the Final Acceptance and filing of the Notice of Completion for Bid No. 2122-16, San Juan Hills High School Painting Project. Work has been inspected and completed to the satisfaction of staff. The project was funded by Ladera Ranch Community Facilities District (CFD) No. 98-2. The funding is only for schools serving the CFD.

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

- 9. FINAL ACCEPTANCE AND FILING OF NOTICE OF COMPLETION FOR BID NO. 2122-17, LAS FLORES ELEMENTARY SCHOOL PAINTING PROJECT 589

This is a regular business item. Approval of the Final Acceptance and filing of the Notice of Completion for Bid No. 2122-17, Las Flores Elementary School Painting Project. Work has been inspected and completed to the satisfaction of staff. The project was funded by Las Flores Community Facilities District (CFD) No. 92-1. The funding is only for schools serving the CFD.

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

- 10. FINAL ACCEPTANCE AND FILING OF NOTICE OF COMPLETION FOR BID NO. 2122-18, TESORO HIGH SCHOOL PAINTING PROJECT 593

This is a regular business item. Approval of the Final Acceptance and filing of the Notice of Completion for Bid No. 2122-18, Tesoro High School Painting Project. Work has been inspected and completed to the satisfaction of staff. The project was funded by Las Flores Community Facilities District (CFD) No. 92-1. The funding is only for schools serving the CFD.

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


- 11. EDUCATION TECHNOLOGY JOINT POWERS AUTHORITY REQUEST FOR PROPOSALS NO. 18/19-01, NUTRITION MANAGEMENT SOLUTIONS PLATFORM – EMS LINQ INCORPORATED (FORMERLY TITAN SCHOOL SOLUTIONS, INCORPORATED) 597

This is a regular business item. Approval to utilize the Education Technology Joint Powers Authority Request for Proposals (RFP) No. 18/19-01 awarded to EMS Linq Incorporated (formerly Titan School Solutions, Incorporated), including any subsequent revisions, amendments, and extensions for the purchase of new or upgraded software, equipment, and services to support Nutrition Management Solution Platforms. 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 initial expenditures utilizing this contract are approximately \$900,000




funded by the cafeteria fund for various point-of-sales equipment and accompanying software. Actual expenditures will vary depending on District needs and availability of funds. Due to the size of the contract and award, the documentation is posted online on the District Board Agendas and Supporting Documentation page here(<https://simbli.eboardsolutions.com/SU/vzuraowEbM52b53vPzpscA==>).


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

- 12. IRVINE UNIFIED SCHOOL DISTRICT BID NO. 2021/22-3FA, FURNITURE AND EQUIPMENT - OFFICE AND ERGONOMIC SOLUTIONS, INCORPORATED  601
This is a regular business item. Approval to utilize the Irvine Unified School District Bid No. 2021/22-3FA Furniture and Equipment awarded to Office and Ergonomic Solutions, Incorporated, including any subsequent revisions, amendments, and extensions for the purchase of furniture, equipment, and incidental services. This contract provides competitive set pricing for furniture, equipment, and incidental 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. Annual expenditures utilizing this contract are estimated to be \$150,000 funded by various departments, sites, and projects requesting product. Actual expenditures may vary depending on District needs and availability of funding. Due to the size of the contracts and award, the documentation is posted online on the District Board Agendas and Supporting Documentation page here(<https://simbli.eboardsolutions.com/SU/vzuraowEbM52b53vPzpscA==>).

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

- 13. ORANGE COUNTY PUBLIC WORKS CONTRACT MA-080-22010918, HEATING, VENTILATION, AIR CONDITIONING, AND REFRIGERATION PARTS AND EQUIPMENT - PRITCHARD SUPPLY, INCORPORATED dba JOHNSTONE SUPPLY  605
This is a regular business item. Approval to utilize the Orange County Public Works Contract MA-080-22010918, Heating, Ventilation, Air Conditioning, and Refrigeration (HVACR) Parts and Equipment awarded to Pritchard Supply, Incorporated dba Johnstone Supply, including any subsequent revisions, amendments, and extensions for the purchase of HVACR parts and equipment. The contract provides set pricing for HVACR parts and equipment for all District needs. 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, \$125,000 funded by the routine repair and general maintenance fund.

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

- 14. ORANGE COUNTY PUBLIC WORKS CONTRACT MA-080-22011132, AIR FILTERS AND RELATED SUPPLIES - PRITCHARD SUPPLY, INCORPORATED dba JOHNSTONE SUPPLY  642
This is a regular business item. Approval to utilize the Orange County Public Works



Contract MA-080-22011132, Air Filters and Related Supplies awarded to Pritchard Supply, Incorporated dba Johnstone Supply, including any subsequent revisions, amendments, and extensions for the purchase of air filters and related supplies. The contract provides set pricing for air filters and related supplies for all District needs. 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 \$125,000 funded by the routine repair and general maintenance fund.

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

15. ORANGE COUNTY PUBLIC WORKS CONTRACT MA-080-22011713,
MISCELLANEOUS BUILDING SUPPLIES AND MATERIALS – GANAHL LUMBER
COMPANY

676

This is a regular business item. Approval to utilize the Orange County Public Works Contract MA-080-22011713, Miscellaneous Building Supplies and Materials awarded to Ganahl Lumber Company, including any subsequent revisions, amendments, and extensions for the purchase of building supplies and materials. The contract provides a firm-fixed fee discount and pricing structure for the purchase of building supplies and materials for all District needs. 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 \$150,000 funded by the routine repair and general maintenance fund.

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

16. SAN BERNARDINO UNIFIED SCHOOL DISTRICT BID NO. 19/20-1273, FURNITURE:
SYSTEMS AND STAND ALONE – OFFICE AND ERGONOMIC SOLUTIONS,
INCORPORATED

703

This is a regular business item. Approval to utilize the San Bernardino Unified School District Bid No. 19/20-1273, Furniture: Systems and Stand Alone awarded to Office and Ergonomic Solutions, Incorporated, including any subsequent revisions, amendments, and extensions for the purchase of furniture, accessories, and incidental services. The contract provides competitive set pricing for furniture, accessories, and incidental 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. Annual expenditures utilizing this contract are estimated to be \$200,000 funded by various departments, sites, and projects requesting product. Actual expenditures may vary depending on District needs and availability of funding.

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

17. STATE OF CALIFORNIA CONTRACTS 1-22-23-10A-E, 1-20-23-10I, 1-22-23-20A-K,
AND 1-22-23-23A-I, FLEET VEHICLES, CARS, TRUCKS, VANS, AND SUVS –



MULTIPLE CONTRACTORS

729

This is a regular business item. Approval to utilize the State of California Contracts No. 1-22-23-10A through E, 1-20-23-10I, 1-22-23-20A through K, and 1-22-23-23A through I awarded to Lithia Nissan of Fresno, Ocean Honda, Freeway Toyota, Winner Chevrolet, US Fleet Source, Elk Grove Auto, Downtown Ford Sales, Watsonville Fleet Group, CA Car Group, Riverview International Trucks, Sacramento Truck Center, and Bonander Truck, respectively, including any subsequent revisions, amendments, and extensions for the purchase of various types of fleet vehicles, as needed by the District.

The District can utilize such contracts pursuant to California Public Contract Code §§ 10298, 10299, and 12100 et. seq. without going to bid. The prices offered by the contractors have been assessed to be fair, reasonable, and competitive by District staff. Staff determined it is in the best interest of the District to utilize the state contracts to purchase various types of fleet vehicles. Using piggyback contracts saves time and often provides lower prices than a single jurisdiction would be able to obtain. Anticipated annual expenditures utilizing this contract are approximately \$250,000 funded by the general fund; however, actual expenditures will depend of District need and availability of funds. Due to the size of the contracts and award, the documentation is posted online on the District Board Agendas and Supporting Documentation page here(<https://simbli.eboardsolutions.com/SU/vzuraowEbM52b53vPzpscA==>).

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

18. WATERFORD UNIFIED SCHOOL DISTRICT BID NO. 01/22, SCHOOL BUS(ES) – A-Z BUS SALES, INCORPORATED

733

This is a regular business item. Approval to utilize the Waterford Unified School District Bid No. 01/22, School Bus(es) awarded to A-Z Bus Sales, Incorporated including and subsequent revisions, amendments, and extensions for the purchase of school buses. The contract provides competitive set pricing for school buses 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 \$100,000 funded by the general fund. Due to the size of the contracts and award, the documentation is posted online on the District Board Agendas and Supporting Documentation page here(<https://simbli.eboardsolutions.com/SU/vzuraowEbM52b53vPzpscA==>).

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

19. RESOLUTION NO. 2223-20, INTENT TO CONSIDER 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


737

This is a new item. Approval of the adoption of Resolution No. 2223-20, Intent to Consider 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. The city of San Juan Capistrano requires an easement in order to provide public use of an Americans with Disabilities Act (ADA) ramp near San Juan Elementary School. The District has the authority to grant easements pursuant to Education Code § 17556 *et seq.* Before granting an easement under this process, the Board must first adopt a “Resolution of Intent”. The Resolution of Intent currently before the Board will set a public hearing for October 19, 2022, after which the Board may consider a resolution to convey the easement.

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

20. RESOLUTION NO. 2223-21, RESOLUTION OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT AUTHORIZING THE QUITCLAIM OF PROPERTY LOCATED ALONG BOUNDARY OF CAPISTRANO VALLEY HIGH SCHOOL AND RELATED ACTIONS 

751

This is a new item. Approval of the adoption of Resolution No. 2223-21, Resolution of the Capistrano Unified School District Authorizing the Quitclaim of Property Located Along Boundary of Capistrano Valley High School and Related Actions. Education Code § 17386 provides that the governing board of a school district may, with or without consideration, quitclaim property to the owners of property adjacent to property owned by the school district, in order to remove defects or otherwise clear up title to such properties. The District has become aware of a cloud on title arising in connection with an encroachment by an adjacent residential residence onto unusable slope owed by the District in the vicinity of Capistrano Valley High School. After extensive review and negotiation with the adjacent property owner, the District and homeowner have agreed that in exchange for payment in the amount of \$7,600 the approximate 724 square feet of sloped property will be quitclaimed to the homeowner pursuant to authority provided by Education Code § 17386. This Resolution authorizes such actions to occur, and the quitclaim of the involved property upon receipt of payment by the District.

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

B. CURRICULUM AND INSTRUCTION

766

1. CODECAMPUS CURRICULUM LICENSE AND SERVICES AGREEMENT 

767

This is a recurring item as needed. Approval of the CodeCampus Curriculum License and Services Agreement to provide services to Del Obispo Elementary School in 2022-2023. CodeCampus will provide an instructor to deliver weekly in-classroom computer coding instruction for all students at the site in kindergarten through grade 5. Classroom sessions will involve 35-40 minute instructional periods provided once a week. Sessions will begin in September 2022 and continue through June 2023. Del Obispo Elementary School teachers will be present during these sessions and will continue to develop their own capacity to deliver support for students in computer coding. In addition to providing engaging experiences that are both meaningful and challenging, computer coding is beneficial for students because it improves students’ math skills, as students use logic to solve problems and apply those skills to new situations. CodeCampus will strengthen Del Obispo’s Multi-tiered System of Support in Tier 1 mathematics instruction, and it will provide students with opportunities to



develop the key competency of “Innovative Problem Solver” in the Vision of a CUSD Graduate. The estimated expenditure under this contract for the year is \$28,160 funded by site Title I.

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

2. COLLEGE AND CAREER ACCESS PATHWAYS, A DUAL ENROLLMENT PARTNERSHIP AGREEMENT, APPENDIX – FALL 2022

777

This is an annual item. Approval of the addendum to the College and Career Access Pathways, A Dual Enrollment Partnership Agreement to add new courses to the appendix (course list) for the 2022-2023 school year. Additional courses and locations in Fall 2022 will enable high school students in the District who enroll in these approved courses to receive both college credit and high school credit. Costs related to instructional materials not to exceed \$20,000 funded by the K-12 Strong Workforce Grant.

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

3. CONSULTANT AGREEMENT FOR SERVICES WITH ANTHONY CEJA FOR RESTORATIVE PRACTICES PROFESSIONAL DEVELOPMENT AT DON JUAN AVILA ELEMENTARY SCHOOL

785

This is a new item. Approval of the ratification of consultant agreement for services with Anthony Ceja to provide training on restorative practices for staff at Don Juan Avila Elementary School, October 3, 2022, through June 1, 2023. Trainer/facilitator Anthony Ceja will provide the training. Staff will receive training on the foundations of restorative practices, integrating these practices into regular classroom instruction, as well as strategies for developing restorative circles in the educational setting. This training series will enable staff to strengthen its Positive Behavior and Intervention System and will address the areas of Tiers 1 and 2 behavioral support in the Don Juan Avila Elementary School’s Multi-tiered System of Supports plan. Professional development will include four hours of workshops for teachers and four hours of coaching sessions as a follow-up. Estimated expenditures for the professional development program is \$2,000 funded by site funds.

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

4. CONVERSA AGREEMENT

791

This is an annual item. Approval of the ratification of Conversa Agreement, 2022-2023, to provide Spanish language instruction to students at Carl Hankey International Baccalaureate (IB) Academy. As a Primary Years IB school in grades kindergarten through 5, Carl Hankey K-5 IB Academy is required to provide instruction in a second language. Conversa has been providing this instruction at Carl Hankey K-5 IB Academy for the past 9 years. Students receive 1 class each week for 24 weeks. The estimated total expenditure for this agreement is \$22,221 funded by site gift funds.

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

5. DIGITAL CURRICULUM SOLUTIONS WITH APEX/EDMENTUM LEARNING INCORPORATED


799

This is a subsequent item. Approval of the agreement of Digital Curriculum Solutions with Apex/Edmentum Learning Incorporated to add additional licenses to offer online




classes to students with Individualized Education Programs who are enrolled in specialized programs. Students will have access to the same courses used for Academic Intervention classes and Summer School classes. This supports the District's Multi-tiered System of Support by providing tiered intervention in academics for students attending online classes. The term of this contract is an addendum to the contract from June 11, 2022, through June 10, 2023. The additional cost to the District to add unlimited enrollment to include special education programs during the school year is \$22,794.45 funded by special education funds.


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

6. HIGH TRAILS OUTDOOR SCIENCE SCHOOL CONTRACT  807

This is an annual item. Approval of the High Trails Outdoor Science School Contract. The scheduled attendance for this program is December 14-16, 2022, for the 50 grade 5 students attending Marblehead Elementary School. Staff will bring outdoor science school contracts to the Board two times a year. The final round of contracts will be presented at the January 18, 2023 Board meeting. This contract will provide an overnight outdoor science school trip aligned with grade-level science standards. Marblehead Elementary School has expressed an interest in sending their fifth grade students to this camp. Expenditures under this contract are estimated to be \$11,285, funded by site gift funds.

Contact: *Gregory Merwin, Associate Superintendent, Education and Support Services*
7. IRVINE RANCH OUTDOOR EDUCATION CENTER, 2023 ACADEMIC AGREEMENT  810

This is an annual item. Approval of the Irvine Ranch Outdoor Education Center, 2023 Academic Agreement. Staff will bring outdoor science school contracts to the Board two times a year. The final round of contracts will be presented at the January 18, 2023, Board meeting. This agreement will provide an overnight outdoor science school trip aligned with grade level science standards. Truman Benedict Elementary School would like to utilize this program for their fifth grade students. The estimated total expenditure under this contract is \$48,379.35 funded by gift funds.

Contact: *Gregory Merwin, Associate Superintendent, Education and Support Services*
8. AGREEMENT FOR USE OF EMERALD COVE OUTDOOR SCIENCE INSTITUTE, FACILITIES, SUPPLIES, EQUIPMENT, AND SERVICES, PUBLIC SCHOOL DISTRICTS, SCHOOL YEAR 2022-2023  821

This is an annual item. Approval of the agreement with Emerald Cove Outdoor Science Institute. Staff will bring outdoor science school contracts to the Board two times a year. The final round of contracts will be presented at the January 18, 2023, Board meeting. George White Elementary School, San Juan Elementary School, Wood Canyon Elementary School, Castille Elementary School, Marian Bergeson Elementary School, Las Palmas Elementary School, Viejo Elementary School, Las Flores Elementary School, Philip Reilly Elementary School, Oak Grove Elementary School, and Esencia K-8 School have expressed an interest in attending the outdoor science camp for their fifth grade students, for a period of three to five days. The total cost of these contracts vary, depending on the period of time that the students are attending the camp, and




the total number of fifth grade classes at each site. The total estimated expenditure is \$338,414.25 funded by gift funds from each school site.

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

9. LICENSING AGREEMENT FOR USE OF DOCUMENT TRACKING SERVICES  841

This is a returning item as it is renewed every three years. Approval of the licensing agreement for use of Document Tracking Services October 1, 2022, through September 30, 2025, to provide a web-based application that allows staff to streamline the completion of various school and District-level documents. Some key features are pre-population of data, customization, application for up to five separate reports, document history, multiple logins and translation services. The District has previously used Document Tracking Services to complete the mandated, annual School Accountability Report Card, School Plan for Student Achievement and Local Control Accountability Plan documents. Additional new features include compliance document storage. Expenditures under this contract are estimated to be \$34,021 funded by the general fund.

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

10. MEMORANDUM OF UNDERSTANDING WITH PARENTIS FOUNDATION, DEL OBISPO ELEMENTARY SCHOOL AND KINOSHITA ELEMENTARY SCHOOL, 2022-2023  851

This is an annual item. Approval of the Memorandum of Understanding (MOU) with Parentis Foundation, Del Obispo Elementary School and Kinoshita Elementary School, 2022-2023. The MOU with Parentis Foundation for the Experience Corps Intergenerational Literacy Intervention Program supports the District's theory of action related to providing a Multi-tiered System of Support in the area of academics. Experience Corps Orange County is an intergenerational, volunteer-based program that supports students to become fluent readers through virtual literacy tutoring. Under supervision, tutors will work virtually, one-on-one, with students. The anticipated cost of \$16,360 for Del Obispo Elementary School and \$24,540 for Kinoshita Elementary School will be funded by school site Title I.

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




11. MEMORANDUM OF UNDERSTANDING WITH SANTA ANA UNIFIED SCHOOL DISTRICT  866

This is an annual item. Approval of the ratification of the Memorandum of Understanding (MOU) with Santa Ana Unified School District (SAUSD) to provide special education Deaf and Hard of Hearing programs and services for District students referred by their Individualized Education Program (IEP) team. SAUSD provides specialized programs for Deaf or Hard of Hearing students in grades K-6 who require a more intensive special education placement. The District is currently projected to have one student in the SAUSD program, and the approval of the MOU allows the District to place additional students as determined by the IEP team or through a settlement agreement for the term of July 1, 2022-June 30, 2023.

Estimated cost per student is \$87,000. Annual expenditures under this MOU are estimated to be \$87,000 paid by special education funds.



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

12. MULTIPLE MEASURES ASSESSMENT REPORTING SERVICE SUBSCRIPTION  874
- This is a new item. Approval of the subscription with Multiple Measures Assessment Reporting Service (MMARS), September 22, 2022, through September 21, 2023. MMARS will provide support for the District's Multi-tiered System of Support by providing student academic performance data to be used by teachers and administrators in their school's Professional Learning Communities (PLC). As the District and schools have progressed in their implementation of PLC, there is an increased need for utilizing data from multiple sources to accurately compare progress on multiple measures. MMARS provides varied data reporting services for multiple stakeholders, including District administration, site leadership, teachers, and parents. Their reports help monitor student growth and challenges, teacher effectiveness, and instructional impact. There are pre-built student, class listing, and summary reports available, as well as the option to customize report views. The contract is a stopgap for one year to provide temporary services until similar reports are available in the District's Unified Insights (formerly known as Hoonuit) data system. Expenditures under this agreement are estimated at \$85,528 funded by Local Control Accountability Plan carryover.
- Contact: Gregory Merwin, Associate Superintendent, Education and Support Services*
13. AGREEMENT NO. 10001680 WITH THE ORANGE COUNTY SUPERINTENDENT OF SCHOOLS  879
- This is a biannual item. Ratification of Agreement No. 1001680 with the Orange County Superintendent of Schools, Strong Workforce Program (SWP) K12 Pathway Improvement Grant (Round 4) Service Agreement January 1, 2022, through June 30, 2024. The agreement will be implemented in accordance with the conditions defined in the SWP K12 Pathway Improvement Grant (Round 4) Service Agreement and sets forth the responsibilities of the District and the Orange County Superintendent of Schools. There is no financial impact.
- Contact: Greg Merwin, Associate Superintendent, Education and Support Services*
14. AGREEMENT NO. 10001761 WITH THE ORANGE COUNTY SUPERINTENDENT OF SCHOOLS  898
- This is a new item. Approval of Agreement No. 10001761 with the Orange County Superintendent of Schools for use of Orange County Department of Education to provide consultants who will provide peer coaching training. The training will be offered in three half days for all middle school and high school Professional Learning Community (PLC) Coaches from grades 6 through 12. Training will occur in September 2022 through the end of October 2022. This training was requested by the PLC coaches to support them in coaching their peers with the PLC process. This training will support the PLC process which is a foundational component of the District's Multi-tiered System of Support. The total cost is \$3,600 and will be funded by the Educator Effectiveness Grant.
- Contact: Gregory Merwin, Associate Superintendent, Education and Support Services*
15. AGREEMENT NO. 10001794 WITH THE ORANGE COUNTY SUPERINTENDENT OF



SCHOOLS

909

This is an annual item. Approval of Agreement No. 10001794 with the Orange County Superintendent of Schools for interpreting and translation services, July 1, 2022, through June 30, 2023. The services facilitated by this agreement support the District’s goal that focuses on communicating with, and engaging, students, parents, employees, and community members. District staff is able to provide interpretation and translation services for parent Individualized Education Program meetings and reports in Spanish and Farsi. However, occasionally there are interpretation and translation needs in other languages, including, but not limited to, Mandarin, Korean, and Japanese. This agreement will provide these specialized services on an as needed basis. The estimated cost of \$10,000 will be funded by Local Control Funding Formula Supplemental funds.

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

16. SECOND READING - BOARD POLICY 6158, INDEPENDENT STUDY

919

This is a subsequent item. Approval of Board Policy 6158, *Independent Study*. On June 27, 2022, the Legislature approved the Governor’s May Revision. On July 13, 2022, the Board approved revisions to Board Policy 6158, *Independent Study*, based upon the May Revision. On July 14, 2022, the District was notified that the State Assembly had not accepted one proposed revision from the May Revision. The proposed revision was to change the criteria for tiered reengagement strategies from 10 percent to 20 percent. (See below.)

The Superintendent or designee shall ensure that procedures for tiered reengagement strategies are used for students who:

- 1. Are not generating attendance for more than 20 percent of required minimum instructional time over 4 continuous weeks of a local agency’s approved instructional calendar.*

The State Assembly did not approve the change from 10 percent to 20 percent, so the criteria remains at 10 percent. This Board item revises 20 percent to 10 percent. Changes are underlined; deletions are struck through.

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

17. RESOLUTION NO. 2223-22, DETERMINING STEPS TO ENSURE AVAILABILITY OF TEXTBOOKS AND INSTRUCTIONAL MATERIALS FOR 2022-2023

933

This is an annual item. Approval of Resolution No. 2223-22, *Determining Steps to Ensure Availability of Textbooks and Instructional Materials for 2022-2023*. Education Code § 60119 specifies a public hearing shall be held in order to determine whether the District has sufficient standards-aligned textbooks and instructional materials, and encourages participation by parents, teachers, members of the community and bargaining unit leaders. The Board of Trustees shall make a determination through a resolution as to whether each pupil, in each school, in the District, has sufficient textbooks and/or instructional materials, in each of the following subject areas: English-language Arts, History Social Science, Health, Mathematics, Science, World Languages, and Science laboratory equipment. There is no financial impact.



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

C. HUMAN RESOURCE SERVICES 939

1. ORANGE COUNTY DEPARTMENT OF EDUCATION FOURTH QUARTER REPORT – WILLIAMS SETTLEMENT LEGISLATION 940

This is a quarterly item. Acceptance of Williams Settlement Legislation Orange County Department of Education (OCDE) Fourth Quarter Report. This report represents activity conducted by the Orange County Department of Education (OCDE) during April, May and June 2022. 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 § 1240 requires OCDE to report visits and reviews of District schools conducted by OCDE, if any. Additionally, the law requires the report be provided to the Board of Trustees at a regularly scheduled public meeting each quarter. During the fourth quarter, the District received no complaints.

Contact: Bob Presby, Associate Superintendent, Human Resource Services

2. MEMORANDUM OF UNDERSTANDING AND AGREEMENT WITH CALIFORNIA STATE UNIVERSITY, EAST BAY 944

This is an annual item. Approval of the Memorandum of Understanding and Agreement with California State University, East Bay, effective July 1, 2022, and expiring June 30, 2027. During the school year, credential candidates will work with District teachers to fulfill practicum/fieldwork requirements to earn their credential. There is no financial impact.

Contact: Bob Presby, Associate Superintendent, Human Resource Services

3. CONSIDER AND APPROVE JOB DESCRIPTION – EXECUTIVE DIRECTOR , SPECIAL EDUCATION PROGRAMS AND RELATED SERVICES 951

This is a new item. Approval of the job description for the position of Executive Director, Special Education Programs and Related Services. The new job of Executive Director, Special Education Program and Related Services, would be created by consolidating two current positions into one: the Director II, Related Services and Principal on Special Assignment (POSA) position. Combining the two positions into one position will enable the Executive Director, Special Education Programs and Related Services to meet the needs of the Special Education department and school sites, and would support Special Education programs and related services.

The Director II, Related Services is currently funded through the general fund and is ongoing, and the POSA is funded by one-time special education grant funds. By merging the Director II and POSA positions into one position, Executive Director, Special Education Programs and Related Services, the total fiscal implication this school year will be a cost savings of \$194,021 of one-time funds. Beginning in 2023-2024, the cost increase from a Director II, Related Services to the Executive Director, Special Education Programs and Services, is \$20,700 ongoing, which is cost neutral



through reorganization of the Special Education department.

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

4. RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CERTIFICATED EMPLOYEES 956

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*

5. RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CLASSIFIED EMPLOYEES 1002

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 1044

1. SCHOOL BOARD MINUTES - AUGUST 17, 2022 1045

This is a monthly item. Approval of the August 17, 2022, Regular Board meeting minutes.

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

2. SCHOOL BOARD MINUTES - AUGUST 29, 2022 1064

This is a monthly item. Approval of the August 29, 2022, Special Board meeting minutes.

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

3. BOARD MEETING SCHEDULE 2022-2023 - REVISED 1068

This is a revised item. Approval of the 2022-2023 Board meeting schedule as revised. In order to accommodate the scheduling of the annual Honors concert at the Segerstrom Center for the Arts, staff recommends changing the date of the February 2023 Board meeting.

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

4. RESOLUTION NO. 2223-19, CONTINUING AUTHORITY TO HOLD VIRTUAL MEETINGS PURSUANT TO ASSEMBLY BILL 361 1071

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 September 21, 2022, is Resolution No. 2223-19, 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

1076

A. DISCUSSION/INFORMATION ITEMS

1. SPECIAL EDUCATION COMMUNITY ADVISORY COMMITTEE ANNUAL REPORT

1077

This is an annual information item. California Education Code §§ 56190-56194 specifies that each Special Education Local Plan Area must establish a Community Advisory Committee (CAC) with parents of students with special needs forming the majority of membership. Other members include parents of other students in the District, general education and special education teachers, school personnel, representatives of public and private agencies, and persons concerned with individuals with exceptional needs. CAC members are appointed by the Board of Trustees for a period of two years in an advisory capacity. CAC responsibilities include: advising the District on the plan for special education, recommending annual priorities, assisting in parent education, recruiting parents and other volunteers, encouraging community involvement in special education, supporting activities on behalf of individuals with special needs, and assisting in parent awareness of the importance of regular school attendance. This report highlights the 2021-2022 CAC accomplishments as well as an update on the 2022-2023 CAC activities.

CUSD WIG 2: Communications – 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 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.

2. DISTRICT MUSIC PROGRAMS FOR 2022-2023  1080

This is a new information item. Staff presents a report to Trustees regarding the District's music programs that are being offered during the 2022-2023 school year. Music continues to be a priority for the District and music programs are therefore supported at all levels, starting in transitional kindergarten and elementary school, through high school. Staff provides an overview on programs by grade level. The District's music program is funded by the general fund.

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.

3. DISTRICT ACCOMPLISHMENTS 2021-2022  1093

This is an annual information item. Staff presents a review of 2021-2022 District accomplishments. These accomplishments align with our mission to prepare our students to meet the challenges of a rapidly changing world, and our vision of an unwavering commitment to student success.

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

4. 2022-2023 DISTRICT GOALS  1109

This is an annual action item. Staff presents a review of 2022-2023 District goals. These goals align with our mission to prepare our students to meet the challenges of a rapidly changing world, and our vision of an unwavering commitment to student



success.

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.

Following discussion, it is recommended the Board of Trustees approve the 2022-2023 District Goals as presented.

Motion by _____ Seconded by _____

5. RESOLUTION NO. 2223-18, RESOLUTION SUPPORTING LOCAL DECISION-MAKING AUTHORITY REGARDING COVID-19 PROTOCOLS

1140

This is a returning action item. Per Board Bylaw 9322, Agenda/Meeting Materials, Board members may place any item on the agenda no later than ten days before the scheduled meeting date. Resolution No. 2223-18, Resolution Supporting Local Decision-Making Authority Regarding COVID-19 Protocols request that the establishment of COVID-19 protocols are left to local public health departments and calls upon our Superintendent, local state legislators, and members of the Orange County Board of Supervisors to advocate for the California Department of Public Health and the California Health and Human Services Agency to delegate to public health departments the final responsibility for establishing any and all COVID-19 protocols and guidelines for their local areas.

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

Contact: Judy Bullockus, Trustee Area 7 and Gila Jones, Trustee Area 6

Trustee Recommendation

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

Following discussion, it is recommended by Trustee Bullockus that the Board consider the request to adopt Resolution No. 2223-18, Resolution Supporting Local Decision-Making Authority Regarding COVID-19 Protocols.

Motion by _____ Seconded by _____

6. DANA HILLS HIGH SCHOOL BOND MEASURE TIMELINE UPDATE

1143

This is a subsequent information item. The Board of Trustees approved a 2021-2022 goal to create a multi-year facilities proposal addressing possible solutions for District



facilities' needs. This presentation will provide options for a timeline for a potential bond measure to raise local matching funds to receive state seismic mitigation funds, and potential next steps for Dana Hills High School master planning.

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

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

Staff Recommendation

It is recommended the Board President recognize Clark Hampton, Deputy Superintendent, Business and Support Services, to present information on this item and answer any questions Trustees may have. This is an information item only and no Board action is necessary.

7. ONE-TO-ONE CHROMEBOOK PROGRAM UPDATE 

1155

This is a subsequent information item. The presentation is an overview of the District's one-to-one student Chromebook program. During Spring 2021 and continuing into the 2021-2022 school year, the District began implementing a one-to-one student Chromebook program. The one-to-one Chromebook program is a device checkout program where students in grades transitional kindergarten through 12 are issued a District-provided Chromebook and are responsible for bringing the Chromebook to school and home (grades 2 through 12), like a textbook. Staff will give a presentation update on the one-to-one Chromebook program.

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

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

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

Staff Recommendation

It is recommended the Board President recognize Clark Hampton, Deputy Superintendent, Business and Support Services, to present information on this item and answer any questions Trustees may have. This is an information item only and no Board action is necessary.

8. SECOND READING – BOARD POLICY 5141.21, ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS 

1168

This is a subsequent action item. Staff is proposing a revision to Board Policy 5141.21, *Administering Medication and Monitoring Health Conditions*, to mitigate incidents of fentanyl poisoning. This policy is replacing the current Board Policy 5162, *Administering Medication*. The drug fentanyl, an opioid, is the leading cause of death for kids 17 years and younger. In Orange County, deaths resulting from fentanyl overdoses have risen from 36 in 2016, to 636 in 2021. A lethal dose of fentanyl is 2 mg, making it 100 times more potent than morphine. There is a medication that can reverse the effects of a fentanyl overdose if administered. Naloxone is an opioid antagonist that works almost immediately to reverse an opiate overdose, including heroin, fentanyl, and prescription opioid medications that can be administered through a nasal spray. Education Code § 49413.3 authorizes schools to allow trained personnel



to administer naloxone nasal spray to an individual that appears to be having an opioid overdose. With the rise in fentanyl use among juveniles and the lethality of the drug, staff recommend developing a policy that would permit naloxone nasal spray to be used by a trained staff member for an individual suspected of having an opioid overdose. A naloxone nasal spray costs on average \$40 per dose. The cost to supply 2 doses per secondary site will cost approximately \$1,700 funded by the general fund. Trustees provided direction at the August 17, 2022, Board meeting to clearly delineate the deletion of Board Policy 5162, *Administering Medication*, and to bring back Board Policy 5141.21, *Administering Medication and Monitoring Health Conditions*, with amendments. All changes have been 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 5141.21, *Administering Medication and Monitoring Health Conditions*.

Motion by _____ Seconded by _____

9. SECOND READING – BOARD POLICY 5142.2, SAFE ROUTES TO SCHOOL PROGRAM 

1180

This is a subsequent action item. Ensuring student safety to and from school is a high priority for the District. Electric bicycles (eBikes) have proven to be an ongoing safety issue on many District campuses over the last few years. Currently, there is not a District policy addressing how to manage the significant number of eBikes on campuses. There is also not a California School Boards Association sample policy that specifically addresses eBikes. Staff has created this Board Policy and accompanying Administrative Regulation 5142.2, *Safe Routes to School Program*, addressing eBikes. A committee of District and site administrators developed a protocol for eBikes which includes storage, security, permits, education, bike classifications, and safety. This policy has been reviewed and edited by legal counsel. After the first reading by the Board of Trustees at the August 17, 2022, meeting, the Trustees requested additional language be added to the policy to address school site procedures for eBikes on campuses. This language has been added to the proposed policy. Changes are underlined; deletions are struck through. There is no financial impact.

CUSD WIG 1: Teaching and Learning - Engage students in meaningful, challenging, and innovative educational experiences to increase post-secondary options for all students.
Contact: 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 5142.2, *Safe Routes to School Program*.

Motion by _____ Seconded by _____

10. FIRST READING – BOARD POLICY 3314.2, REVOLVING FUNDS 1184

This is a new action item. The proposed revisions to Board Policy 3314.2, *Revolving Funds*, 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.

CUSD WIG 2: 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 of Board Policy 3314.2, *Revolving Funds*.

Motion by _____ Seconded by _____

11. FIRST READING – BOARD POLICY 3400, MANAGEMENT OF DISTRICT ASSETS/ACCOUNTS 1188

This is a new action item. The proposed revisions to Board Policy 3400, *Management of District Assets/Accounts*, 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.

CUSD WIG 2: 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 of Board Policy 3400, *Management of District Assets/Accounts*.

Motion by _____ Seconded by _____



12. FIRST READING – BOARD POLICY 3530, RISK MANAGEMENT/ INSURANCE 1193

This is a new action item. The proposed revisions to Board Policy 3530, *Risk Management/Insurance*, bring the policy current by aligning with the California School Boards Association policy recommendations. The revised language and title change provides more specificity regarding the purpose of the risk management program along with guidance regarding procedures. Changes are underlined; deletions are struck through.

CUSD WIG 2: 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 of Board Policy 3530, *Risk Management/Insurance*.

Motion by _____ Seconded by _____

13. FIRST READING – BOARD POLICY 6020, PARENT INVOLVEMENT 1198

This is a new action item. Board Policy 6020, *Parent Involvement*, 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 (CSBA) model policy as well as the California Department of Education Title I Guidance and California Education Code. The policy is being renamed from Parent/Guardian Involvement to Parent Involvement to align with the CSBA model policy. 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. Changes are underlined; deletions are struck through. There is no financial impact.

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

Contact: 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 6020, *Parent Involvement*.

Motion by _____ Seconded by _____

14. FIRST READING - BOARD POLICY 9150, STUDENT ADVISER TO BOARD 1206

This is a new 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. There is no financial impact.

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

Contact: 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 the first reading of Board Policy 9150, *Student Adviser to Board*.

Motion by _____ Seconded by _____

15. FIRST READING – BOARD POLICY 5111.1, DISTRICT RESIDENCY 

1210

This is a new action item. 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 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. There is no financial impact.

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


Contact: 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 5111.1, *District Residency*.

Motion by _____ Seconded by _____

16. FIRST READING – BOARD POLICY 6145.6, INTERNATIONAL EXCHANGE 

1219

This is a new 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. Changes are underlined; deletions are struck through. There is no financial impact.

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

Contact: 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 _____

16. ADJOURNMENT

1225

Motion by _____ Seconded by _____

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS
WEDNESDAY, OCTOBER 19, 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

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.