



**April 19, 2023 Regular Board Meeting - Revised  
04/19/2023 07:00 PM**

33122 Valle Rd, San Juan Capistrano, CA 92675  
BOARD OF TRUSTEES BOARD ROOM  
Closed Session 5:30 p.m. | Open Session 7:00 p.m.

**REVISED : 4/14/2023 4:42 PM PT**

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CLOSED SESSION AT 5:30 P.M.

**1. CALL TO ORDER**

**2. CLOSED SESSION COMMENTS**

**3. CLOSED SESSION (as authorized by law)**

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

Gregory Merwin/Kathy Purcell  
Attorney – Justin Shinnfield  
Significant Exposure to Litigation – Five Cases  
1. ADR Case No. 20220520  
2. ADR Case No. 20220524M  
3. ADR Case No. 20230221  
4. ADR Case No. 20230306  
5. ADR Case No. 20230317  
*(Pursuant to Government Code § 54956.9(d)(2))*

Clark Hampton/Gregory Merwin/John Forney  
Attorney – Sarah Sutherland  
6. Significant Exposure to Litigation – One Case  
*(Pursuant to Government Code § 54956.9(d)(2)(3))*

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

Gregory Merwin/Kathy Purcell  
Attorney – Justin Shinnfield  
Significant Exposure to Litigation – Two Cases  
1. OAH Case No. 2022040671  
2. OAH Case No. 2022110790  
*(Pursuant to Government Code § 54956.9(d)(1))*

Bob Presby  
Significant Exposure to Litigation - One Case  
3. Resolution No. 2223-21  
*(Pursuant to Government Code § 54956.9(d)(1))*

**C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

District Negotiators: Clark Hampton  
Attorney: Andreas Chialtas, AALRR

1. Property: Pacifica San Juan property, a 7.292 acre property located at the north-east corner of Camino Las Ramblas and Avenida California  
Negotiating Parties: One or more potential buyers for the property

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

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

**D. CONFERENCE WITH LABOR NEGOTIATORS**

District Negotiators: 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. LIABILITY CLAIMS**

Clark Hampton

Significant Exposure to Litigation – Three Cases

1. Rejection of Government Claim No. 2210337
  2. Rejection of Government Claim No. 2210409
  3. Rejection of Government Claim No. 2310469
- (Pursuant to Government Code § 54956.9(d)(2)(3))*

**F. PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT**

Bob Presby/Gregory Merwin

1. Principals

*(Pursuant to Government Code § 54957)*

**G. PUBLIC EMPLOYMENT AND EVALUATION OF PERFORMANCE**

Interim Superintendent

*(Pursuant to Government Code § 54957(b))*

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

Bob Presby

Two Cases

1. Resolution No. 2223-16
2. Resolution No. 2223-17

*(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**

**Musical Performance**

Dana Hills High School

SOCSA Vocal Ensemble

Ray Medina, *Vocal Music Director*

**Associated Student Union (ASU)**

Dana Hills High School

Brad Baker, *Principal*

Sandy Mesa, *Activities Director*

Kate Bridgeman, *Associated Student Union President*

**Community Partner Spotlight**

Moulton Niguel Water District

**10. BOARD COMMENTS**

**11. STUDENT BOARD MEMBER COMMENTS**

## 12. ORAL COMMUNICATIONS (Non-Agenda Items)

Oral Communications will occur immediately following Board 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. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered by the Board to be routine and will be enacted by the Board in one motion in the form listed below. There will be no discussion of these items prior to the time the Board votes on the motion unless members of the Board or staff request specific items to be discussed and/or removed from the Consent Calendar. The staff recommend approval of all Consent Calendar items.

### A. BUSINESS AND SUPPORT SERVICES

#### 1. DONATION OF FUNDS AND EQUIPMENT

This is a monthly item. Approval of donations of funds and equipment. A number of gifts have been donated to the District, including \$177,516.84 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, Interim Superintendent*

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

This is a monthly item. Approval of purchase orders (Attachment 1) and commercial warrants (Attachment 2). The expenditures related to the listed purchase orders and commercial warrants included in this item were previously authorized as part of the District's budget approval process. The purchase orders total \$6,297,249.72 and the commercial warrants total \$24,988,105.42. 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, Interim Superintendent*

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

This is a monthly item. Approval of the District standardized Independent Contractor, Professional Services, Field Service and Master Contract agreements. The expenditures related to the listed agreements were previously authorized as part of the District's budget approval process. The exhibit shows 7 new agreements totaling \$518,543.52 and 11 amendments to existing agreements totaling \$1,544,946.04. Due to the size of the contract documents, the General Conditions for each type of agreement are posted online on the District's Board Agendas and Supporting Documentation page [here](#).

**Contact:** *Clark Hampton, Interim Superintendent*

#### 4. AWARD BID NO. 2223-14, CONCRETE REPAIRS AND MAINTENANCE - BEN'S ASPHALT, INCORPORATED

This is a regular business item. Approval of Award of Bid No. 2223-14, Concrete Repairs and Maintenance to Ben's Asphalt, Incorporated. Two bids were received and opened on March 9, 2023, and are listed on Exhibit A. The bidder offering the lowest price as determined by job scenarios representing common District projects at a weighted percentage was used to determine the lowest responsive bidder. The initial contract term is July 1, 2022, through June 30, 2023, with two one-year renewal terms at the option of the Board of Trustees, for a total contract term not-to-exceed three years. Ben's Asphalt, Incorporated is the lowest responsive, responsible bidder. There is no financial impact for awarding the unit bid. Future project expenditures related to this unit bid will come before the Board for approval.

**Contact:** *Clark Hampton, Interim Superintendent*

#### 5. AWARD BID NO. 2223-15, SAN CLEMENTE HIGH SCHOOL TRACK RESURFACING - ASTROTURF CORPORATION

This is a regular business item. Approval of Award of Bid No. 2223-15, San Clemente High School Track Resurfacing to AstroTurf Corporation. One bid was received and opened on March 8, 2023, and is listed on Exhibit A. The bidder offering the lowest based price is used to determine the lowest

responsive bidder. AstroTurf Corporation is the lowest responsive, responsible bidder at \$193,450. This project will be funded by deferred maintenance.

**Contact: Clark Hampton, Interim Superintendent**

6. AWARD BID NO. 2223-16, CLARENCE LOBO ELEMENTARY SCHOOL BIG TOY REPLACEMENT (REBID) – R.E. SCHULTZ CONSTRUCTION, INCORPORATED

This is a regular business item. Approval of Award of Bid No. 2223-16, Clarence Lobo Elementary School Big Toy Replacement (rebid) to R.E. Schultz Construction, Incorporated. Five bids were received and opened on March 14, 2023, and are listed on Exhibit A. The bidder offering the lowest based price is used to determine the lowest responsive bidder. R.E. Schultz Construction, Incorporated is the lowest responsive, responsible bidder at \$133,650. This project will be funded by deferred maintenance.

**Contact: Clark Hampton, Interim Superintendent**

7. SECOND EXTENSION OF BID NO. 2021-03, PLUMBING SERVICES – VERNE’S PLUMBING, INCORPORATED

This is a regular business item. Approval of the Second Extension of Bid No. 2021-03, Plumbing Services with Verne’s Plumbing, Incorporated. Bid 2021-03 was awarded to the lowest responsive, responsible bidder on January 20, 2021, for the initial term of January 1, 2021, through December 31, 2021, with optional renewal terms. On April 20, 2022, the Board approved the First Extension through December 31, 2022. The vendor agrees to extend the proposed extension at the same pricing under the initial bid award for the proposed renewal period of January 1, 2023, through December 31, 2023. Annual expenditures utilizing this contract are estimated to be \$400,000 funded by the general fund and deferred maintenance. Actual expenditures may vary based on District needs and the availability of funds.

**Contact: Clark Hampton, Interim Superintendent**

8. CHANGE ORDER NO. 1, BID NO. 2122-12, CAPISTRANO VALLEY HIGH SCHOOL V-DITCH PROJECT

This is a regular business item. Approval of Change Order No. 1, Bid No. 2122-12 for the Capistrano Valley High School V-Ditch Project related to the unused allowance for the project. This change order consists of additions, deletions, or other revisions now being presented to the Board for approval. All such changes in the work are performed under applicable conditions of the change in contract documents. The original contract sum was \$387,400. With Change Order No. 1 in the amount of -\$5,000, the new contract sum will be \$382,400 funded by deferred maintenance. With this change order, the contract with the general contractor remains under the \$445,510 budget that represents the bid award plus contingency.

**Contact: Clark Hampton, Interim Superintendent**

9. FINAL ACCEPTANCE AND FILING OF NOTICE OF COMPLETION FOR BID NO. 2122-12 FOR THE CAPISTRANO VALLEY HIGH SCHOOL V-DITCH PROJECT

This is a regular business item. Approval of the Final Acceptance and filing of the Notice of Completion for Bid No. 2122-12 for the Capistrano Valley High School V-Ditch Project. All work has been inspected and completed to the satisfaction of staff. The project was funded by deferred maintenance.

**Contact: Clark Hampton, Interim Superintendent**

B. CURRICULUM AND INSTRUCTION

1. AGREEMENT WITH THE ORANGE COUNTY SUPERINTENDENT OF SCHOOLS TO REFER STUDENTS FOR ALTERNATIVE COMMUNITY AND CORRECTIONAL EDUCATIONAL SCHOOLS AND SERVICES FOR JUNE, JULY, AND AUGUST 2023

This is an annual item. Approval of the agreement for Alternative Community and Correctional Educational Schools and Services (ACCESS) June 1, 2023, through August 31, 2023. ACCESS provides the implementation of services to support students needing interventions to recover credits. This agreement allows ACCESS and Pacific Coast High School to enroll District students for the purpose of remediating high school credit deficiencies during the months of June, July, and August 2023. This program is routinely offered each summer as an option for students to enroll in, and augments the District’s summer school offerings. There is no financial impact.

**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. 18 AND

NO. 19

This is a returning item. Approval and ratification of Addendum to the Agreement for Additional Schools Participating in the Inside the Outdoors School Program, Agreement Number 15001, Addendum No. 18 and No. 19. District schools routinely participate in the Orange County Department of Education's outdoor science school/field trip programs and "Traveling Scientist" programs and assemblies. Ladera Ranch Elementary School and Wood Canyon 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. Oso Grande Elementary School has expressed interest in a virtual program - Prado Constructed Wetlands. Viejo Elementary School has expressed interest in adding the Shipley Gabrielino Walk field trip program for the 2022-2023 school year. Programs and assemblies will be held in-person with the exception of Prado Constructed Wetlands which will be virtual. These programs support the Vision of a CUSD Graduate by engaging students in meaningful, challenging, and innovative educational experiences. Estimated expenditures under the contract addendums are \$1,960 funded by site and/or grant funds.

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

### 3. CENTER FOR APPLIED LINGUISTICS

This is a new item. Approval of partnership with Center for Applied Linguistics (CAL) for the District's Language Immersion (LI) Program Evaluation - Part I, May 18, 2023, through May 19, 2023. During its professional learning meetings the LI Professional Learning Community (PLC), consisting of teacher leaders and principals, identified priorities to promote its vision and goals focused on bilingualism, biliteracy, academic achievement, and sociocultural competence. Upon reflecting on the program's structure, the PLC shared its interest in increased clarity and coherence in the LI program, and how this impacts the program's quality and effectiveness. After discussing how the program's work can be prioritized, the group collaboratively identified and recommended a comprehensive program evaluation as a logical and necessary first step toward identifying how to build on the program's strength.

This proposal seeks partnership with CAL, who has extensive experience and substantial capabilities in the provision of services associated with effective dual language programming and instruction. The evaluation has two parts. This part of the program evaluation consists of listening session services that will lead to the delivery of a report detailing the research questions and evaluation methodology as determined by input from the teachers and leaders. These services will ensure the sound development of a second contract that will detail the scope of work and cost of the evaluation services for next school year.

This proposal supports the District's goals in the following ways: communicating with and engaging students, parents, employees, and community members in Districtwide and community-specific decisions (CUSD WIG 2); deepening the work of the academic achievement plan through the Districtwide Multi-tiered System of Support Plan that leverages the strength of District PLCs; and by promoting the Vision of a CUSD Graduate through the program's commitment to developing students as skilled communicators. The fee for services conducted during the 2022-2023 school year is \$20,396 funded by Local Control Funding Formula Supplemental Funds allocated to the LI program.

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

### 4. MEMORANDUM OF UNDERSTANDING WITH THE ORANGE COUNTY UNITED WAY, ADDENDUM 3

This is a recurring item as needed. Approval of the Memorandum of Understanding (MOU) with the Orange County United Way, Addendum 3, April 20, 2023, through June 20, 2024. The original MOU with the United Way was approved by Trustees at the August 19, 2020, Board meeting. Services are currently implemented at RH Dana Elementary School and serve families from RH Dana Elementary School and Palisades Elementary School. Addendum 3 of the MOU adds services at Kinoshita Elementary School. The United Way financial literacy program helps low-income residents gain free access to financial coaching and resources. This program is a collaboration with the United Way, Pacific Life Foundation, and the District. The goal is to provide 50 parents at Kinoshita Elementary School with financial literacy skills to assist with improving credit, increasing income, and building assets. Parents will be provided with personal coaching on a step-by-step financial plan to achieve personal goals and long-term financial stability including job development, debt and credit management, and savings planning. The anticipated financial impact will not exceed \$25,000 for one year, funded by American Rescue Plan II Homeless Grant funding.

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

5. SERVICES ACCEPTANCE MEMORANDUM OF UNDERSTANDING WITH PARENT INSTITUTE FOR QUALITY EDUCATION  
This is a subsequent item. Approval of the ratification of Services Acceptance Memorandum of Understanding Parent Institute for Quality Education (PIQE) for parent education services at Clarence Lobo Elementary School March 16, 2023, through May 18, 2023. The District has been partnering with PIQE to offer parent education workshops at various schools since 2014-2015. Parents at Clarence Lobo Elementary School participated in the PIQE Signature Parent Education program in the Fall 2022 and have requested to participate in additional parent education opportunities. This agreement will provide the Social Emotional Learning (SEL) PIQE program which addresses SEL and school success. The \$12,500 cost will be funded by Title I.  
**Contact: Gregory Merwin, Associate Superintendent, Education and Support Services**

## C. HUMAN RESOURCE SERVICES

1. STUDENT FIELDWORK PLACEMENT AGREEMENT WITH CALIFORNIA STATE UNIVERSITY, LONG BEACH  
This is a reoccurring item. Approval of Student Fieldwork Placement Agreement with California State University, Long Beach. This agreement is effective upon execution of contract through June 30, 2026. During the school year, university students working toward their Speech Language Pathology credential will work with District speech language pathologists to fulfill clinical hour requirements to earn their degree. There is no financial impact.  
**Contact: Bob Presby, Associate Superintendent, Human Resource Services**
2. INCREASE IN HOURLY RATE FOR LEAD TESTING ASSISTANT  
This is a new item. Approval of an increase in hourly rate for Lead Testing Assistants. It has been a challenge to recruit and retain a satisfactory number of Lead Testing Assistants to administer the English Language Proficiency Assessments for California (ELPAC) and Advanced Placement tests. Staff is proposing an increase to the hourly rate to improve recruitment and retention of Lead Testing Assistants. Funding is available via the Local Control Funding Formula Supplemental funding source and individual high school's site supply accounts. The estimated financial impact of increasing the Lead Testing Assistants rate of pay from \$20/hour to \$25/hour is approximately \$31,282.  
**Contact: Bob Presby, Associate Superintendent, Human Resource Services**
3. RECOMMENDATION OF TENTATIVE AGREEMENT WITH CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION, CAPISTRANO CHAPTER 224 (CSEA), FOR JULY 1, 2022, THROUGH JUNE 30, 2023  
This is a subsequent item. Approval of the Tentative Agreement with the District and California School Employees Association, Capistrano Chapter 224 (CSEA). In addition to the Tentative Agreement, the Public Disclosure Bargaining Agreement is included in the exhibit. The total estimated financial impact of this agreement is approximately \$9,173,686 in 2022-2023 and ongoing thereafter.  
**Contact: Bob Presby, Associate Superintendent, Human Resource Services**
4. RECOMMENDATION OF TENTATIVE AGREEMENT WITH CAPISTRANO UNIFIED EDUCATION ASSOCIATION (CUEA), FOR JULY 1, 2022, THROUGH JUNE 30, 2023  
This is a subsequent item. Approval of the Tentative Agreement with Capistrano Unified Education Association (CUEA). In addition to the Tentative Agreement, the Public Disclosure Bargaining Agreement is included in the exhibit. The total estimated financial impact of this agreement is approximately \$25,953,002 per year and ongoing.  
**Contact: Bob Presby, Associate Superintendent, Human Resource Services**
5. RECOMMENDATION OF REVISED EMPLOYMENT AGREEMENT WITH CAPISTRANO UNIFIED MANAGEMENT ASSOCIATION (CUMA), JULY 1, 2022-JUNE 30, 2023  
This is a subsequent item. Approval to revise the 2022-2023 employment agreement with Capistrano Unified Management Association (CUMA). The employment agreement would provide management employees with an ongoing 10.25 percent increase in salary, retroactive to July 1, 2022. This increase is equivalent to the compensation increases for other employee groups. The total financial impact of this salary adjustment is approximately \$3,683,523 in 2022-2023 and ongoing thereafter.  
**Contact: Bob Presby, Associate Superintendent, Human Resource Services**
6. RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CERTIFICATED EMPLOYEES  
This is a monthly item. Approval of the activity list for employment, separation, and additional assignments of certificated employees. These positions will be charged to the appropriate fund and are

included in the adopted budget.

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

7. RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CLASSIFIED EMPLOYEES

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 - MARCH 8, 2023, SPECIAL BOARD MEETING

This is a monthly item. Approval of the March 8, 2023, Special Board meeting minutes.

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

2. SCHOOL BOARD MINUTES - MARCH 8, 2023, BOARD WORKSHOP MEETING

This is a monthly item. Approval of the March 8, 2023, Board Workshop meeting minutes.

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

3. SCHOOL BOARD MINUTES - MARCH 15, 2023, REGULAR BOARD MEETING

This is a monthly item. Approval of the March 15, 2023, Regular Board meeting minutes.

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

14. DISCUSSION ACTION ITEMS

A. DISCUSSION/INFORMATION ITEMS

1. SUPERINTENDENT LEADERSHIP PROFILE PRESENTATION

This is a new information only item. ESS Consultants, Dr. Joseph Farley and Dr. Suzette Lovely will present their findings from input received during the engagement phase of the superintendent search. A *Leadership Profile Report* will also be shared with the Board that reflects consistent themes and trends heard across stakeholder groups.

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

**Contact: Krista Castellanos, Board President**

Staff Recommendation

It is recommended the Board President recognize ESS Consultants, Dr. Joseph Farley, and Dr. Suzette Lovely to present this item and answer any questions Trustees may have. This is an information only item and no Board action is necessary.

2. INSTRUCTIONAL MATERIALS RECOMMENDED FOR ADOPTION BY THE INSTRUCTIONAL MATERIALS REVIEW COMMITTEE

This is a recurring action item. Teachers, either individually or as a member of a task force, have recommended the following instructional materials for adoption. This instructional material recommendation was then evaluated by the Instructional Materials Review Committee (IMRC). The materials were found to be in alignment with other disciplines and grade-level reading standards. The instructional materials were recommended by the IMRC by a majority vote during a public meeting on February 21, 2023, and they are therefore being recommended to the Board for adoption. The votes by the IMRC for each item were:

Title	Author	Grade(s)	Ayes	Noes	Absent
<i>Experience Biology</i>	Miller and Levine	9-12	10	0	4
<i>Experience Chemistry</i>	Moore, Wyssession & Lutes	9-12	10	0	4
<i>Building the World's Greatest High School Student Leader</i>	Richard Parkhouse & Guy White	9-12	10	0	4
<i>Le Prénom</i>	Matthieu Delaporte; Alexandre de la Patellière	11-12	10	0	4

The adoption of these materials support the development of the key competencies of the Vision of a CUSD Graduate: Engaged Citizen and Innovative Problem Solver. Purchase of these supplemental titles will be funded by site funds. Purchase of core titles will be funded by Lottery Funds.

***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 the Instructional Materials Recommended for Adoption by the Instructional Materials Review Committee.

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

3. DECLARATION OF NEED FOR FULLY QUALIFIED EDUCATORS

This is an annual action item. Approval of the Declaration of Need for Fully Qualified Educators. Education Code § 80026 requires that a Declaration of Need for Fully Qualified Educators be on file with the appropriate County Office of Education before the beginning of a new school year and shall remain in force until the end of that academic year. A Declaration of Need is necessary if there is an insufficient number of qualified applicants. Submission of this declaration does not commit the District to issuing short term staff permits or emergency credentials, but rather is submitted as a matter of routine in the event it becomes necessary to employ such individuals. A Declaration of Need for Fully Qualified Educators must be filed prior to the beginning of the school year, even though there is no way to determine if there will be a need to employ teachers. However, if the Board of Trustees has not approved the appropriate declaration for the upcoming year, the District is precluded from hiring such individuals should the need arise. 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: Bob Presby, Associate Superintendent, Human Resource Services***

Staff Recommendation

It is recommended the Board President recognize Bob Presby, Associate Superintendent, Human Resource Services to present this item.

Following discussion, it is recommended the Board of Trustees approve the Declaration of Need for Fully Qualified Educators.

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

4. TRUSTEE REQUEST: FIRST READING BOARD POLICY 6145, EXTRACURRICULAR AND CO-CURRICULAR ACTIVITIES

This is a new 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. A Trustee requested the Board consider revising Board Policy 6145, *Extracurricular and Co-curricular Activities*. The purpose of this revision to this policy is to provide all students with greater access to extracurricular and co-curricular activities. This greater access provides an opportunity for students to become more connected to their school community. This policy was last updated on May 20, 2020. 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 : Gila Jones, Trustee Area 6***

Trustee Recommendation

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

Following discussion, it is recommended by Trustee Jones that the Board hear her request to revise Board Policy 6145, *Extracurricular and Co-curricular Activities*.

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

5. TRUSTEE REQUEST: DISCUSSION REGARDING CALIFORNIA HEALTHY KIDS SURVEY (CHKS)

This is a new 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. During the March 15, 2023, regular Board meeting, Trustee Lisa Davis requested the Board have a discussion regarding the California Healthy Kids Survey (CHKS). The request is to direct staff to look into an alternative option to CHKS for the 2023-2024 school year.

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

***Contact : Lisa Davis, Trustee Area 3***

Trustee Recommendation

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

Following discussion, it is recommended by Trustee Davis that the Board direct staff to look into an alternative to CHKS for the 2023-2024 school year.

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

**15. ADJOURNMENT**

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

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS  
WEDNESDAY, MAY 17, 2023 7:00 P.M.  
AT THE CAPISTRANO UNIFIED SCHOOL DISTRICT OFFICE BOARD ROOM  
33122 VALLE ROAD, SAN JUAN CAPISTRANO, CALIFORNIA**  
For information regarding Capistrano Unified School District, please visit our website:  
[www.capousd.org](http://www.capousd.org)

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

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

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

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

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

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

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

ORAL COMMUNICATIONS (Non-Agenda Items): Regular, scheduled meetings of the Board shall have a portion of each meeting devoted to Oral Communications. Oral Communications, will take place following Special Recognitions. The total time for the Oral Communications portion of regular

meetings shall be twenty minutes. Individual presentations are limited to a maximum of three minutes per individual but could be less if there are a large number of Oral Communication speakers. Legally, the Board may not take action on items raised by speakers under Oral Communications. The Board may, however, at its discretion, refer items to the administration for follow-up or place topics on a future Board agenda.

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