

July 13, 2022 Regular Board Meeting 07/13/2022 - 07:00 PM

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

MEETING MINUTES

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/xA9Oslshm8QuMtbNr9j3YPXvg==). 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. Requests to Address the Board of Trustees will be accepted only until 30 minutes after 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==).

CLOSED SESSION AT 5:00 P.M.

Attendees

Voting Members
Martha McNicholas, Board President
Krista Castellanos, Vice President
Gila Jones, Clerk
Judy Bullockus, Trustee
Lisa Davis, Trustee
Amy Hanacek, Trustee

1. CALL TO ORDER

President McNicholas called the meeting to order at 5:00 p.m.

ROLL CALL:

Present: Trustees Bullockus, Castellanos, Davis, Hanacek, and McNicholas Absent: Trustee Jones

Trustee Jones joined the meeting at 5:04 p.m.

2. CLOSED SESSION COMMENTS

The Board recessed to closed session to discuss: Public Health Emergency; Conference with Legal Counsel – Anticipated Litigation; Conference with Legal Counsel – Existing Litigation; Conference with Labor Negotiators; Liability Claim; Student Expulsion; Public Employee Employment/Appointment; Public Employment and Evaluation of Performance.

3. CLOSED SESSION (as authorized by law)

A. PUBLIC HEALTH EMERGENCY

No reportable action.

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

On agenda item B-1 through B-8, Trustees voted 6-0 to approve staff recommendation on the following ADR cases:

ADR Case No. 20220524 ADR Case No. 20220525 ADR Case No. 20220526 ADR Case No. 20220601 ADR Case No. 20220609 ADR Case No. 20220610 ADR Case No. 20220614 ADR Case No. 20220620

On agenda item B-9, Trustees gave direction to staff.

C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

On agenda item C-1, Trustees voted 6-0 to approve staff recommendation.

D. CONFERENCE WITH LABOR NEGOTIATORS

No reportable action.

E. LIABILITY CLAIM

On agenda item E-1, Trustees voted 6-0 to approve staff recommendation on Rejection of Government Claim No. 2209383.

F. STUDENT EXPULSION

On agenda item F-1, Trustees voted 6-0 to approve staff recommendation on Case No. 2022-018.

G. PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT

Trustees gave direction to staff.

H. PUBLIC EMPLOYMENT AND EVALUATION OF PERFORMANCE

No reportable action.

4. OPEN SESSION AT 7:00 P.M.

5. CALL TO ORDER - ROLL CALL

The regular meeting of the Board of Trustees was called to order by President McNicholas at 7:06 p.m.

ROLL CALL

Present: Trustees Bullockus, Castellanos, Davis, Hanacek, Jones, and McNicholas

Absent: None

6. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Jessica Geyer, CUCPTSA Legislation/Advocacy Chair.

7. ADOPTION OF THE AGENDA

President McNicholas announced that agenda items 13.A.8, First Reading Board Policy 5111.1, *District Residency*, and 13.A.9, First Reading Board Policy 6145.6, *International Exchange*, were pulled from the agenda by staff.

Motion made by: Amy Hanacek Motion seconded by: Lisa Davis

Voting:

Martha McNicholas - Yes Krista Castellanos - Yes Gila Jones - Yes

Judy Bullockus - Yes

Lisa Davis - Yes

Amy Hanacek - Yes

Motion carried 6-0 by a roll call vote to adopt the Regular Board agenda.

8. REPORT ON CLOSED SESSION ACTION

President McNicholas asked Colleen Hayes, Manager II - Board Operations/ Superintendent's Office to read the report out of closed session.

9. BOARD AND SUPERINTENDENT COMMENTS

Superintendent Vital Brulte reported on the various activities at our sites in the past weeks.

President McNicholas introduced the newly selected Student Adviser to the Board, Alex Zhao, for the 2022-2023 school year. Mr. Zhao is a student at Capistrano Valley High School.

10. ORAL COMMUNICATIONS (Non-Agenda Items)

The following speakers addressed the Board:

- Ryan Heath spoke regarding a Tort claim he delivered to the Board
- William Kreutinger spoke regarding bus passes and Board Policy 5119
- Michele Ploessel-Campbell spoke regarding school beginning and encouraged all to join the PTA/PTSA
- Mina Carson spoke regarding the music and arts programs
- Katie Hoffman spoke regarding masks and parent choice on masks
- Rebecca Hunter spoke regarding masks and parent choice on masks

11. PUBLIC HEARINGS

A. PUBLIC HEARING NOTICES

1. PUBLIC HEARING: CAPISTRANO UNIFIED EDUCATION ASSOCIATION'S INITIAL PROPOSAL FOR REOPENER NEGOTIATIONS AND CAPISTRANO UNIFIED SCHOOL DISTRICT'S INITIAL PROPOSAL TO CAPISTRANO UNIFIED EDUCATION ASSOCIATION FOR 2022-2023 REOPENER NEGOTIATIONS

At 7:33 p.m. President McNicholas opened the Public Hearing on Capistrano Unified Education Association's Initial Proposal for Reopener Negotiations and Capistrano Unified School District's Initial Proposal to Capistrano Unified Education Association for 2022-2023 reopener Negotiations.

The following speakers addressed the Board:

- Brooke Wilkins spoke regarding the Public Hearing on Capistrano Unified Education Association's Initial Proposal for Reopener Negotiations and Capistrano Unified School District's Initial Proposal to Capistrano Unified Education Association for 2022-2023 reopener Negotiations
- Lindsay Mathews spoke regarding the Public Hearing on Capistrano Unified Education
 Association's Initial Proposal for Reopener Negotiations and Capistrano Unified School
 District's Initial Proposal to Capistrano Unified Education Association for 2022-2023
 reopener Negotiations
- Eva Harrison spoke regarding the Public Hearing on Capistrano Unified Education
 Association's Initial Proposal for Reopener Negotiations and Capistrano Unified School
 District's Initial Proposal to Capistrano Unified Education Association for 2022-2023
 reopener Negotiations
- John Peart spoke regarding the Public Hearing on Capistrano Unified Education Association's Initial Proposal for Reopener Negotiations and Capistrano Unified School District's Initial Proposal to Capistrano Unified Education Association for 2022-2023 reopener Negotiations
- Ryan Heath spoke regarding the Public Hearing on Capistrano Unified Education
 Association's Initial Proposal for Reopener Negotiations and Capistrano Unified School
 District's Initial Proposal to Capistrano Unified Education Association for 2022-2023
 reopener Negotiations
- Jeannine Peart spoke regarding the Public Hearing on Capistrano Unified Education
 Association's Initial Proposal for Reopener Negotiations and Capistrano Unified School
 District's Initial Proposal to Capistrano Unified Education Association for 2022-2023
 reopener Negotiations
- Darcy Ure spoke regarding the Public Hearing on Capistrano Unified Education Association's Initial Proposal for Reopener Negotiations and Capistrano Unified School District's Initial Proposal to Capistrano Unified Education Association for 2022-2023 reopener Negotiations

President McNicholas closed the Public Hearing at 7:54 p.m.

2. PUBLIC HEARING: GENERAL TRUCK DRIVERS, OFFICE, FOOD AND WAREHOUSE UNION, TEAMSTERS LOCAL 952'S INITIAL PROPOSAL FOR NEGOTIATIONS AND CAPISTRANO UNIFIED SCHOOL DISTRICT'S INITIAL PROPOSAL TO GENERAL TRUCK DRIVERS, OFFICE, FOOD AND WAREHOUSE UNION, TEAMSTERS LOCAL 952 FOR 2022-2023 REOPENER NEGOTIATIONS

At 7:54 p.m. President McNicholas opened the Public Hearing on General Truck Drivers, Office, Food and Warehouse Union, Teamsters Local 952's Initial Proposal for Negotiations and Capistrano Unified School District's Initial Proposal to General truck Driver's, Office, Food and Warehouse Union, Teamsters Local 952 for 2022-2023 Reopener Negotiations.

President McNicholas closed the Public Hearing at 7:55 p.m.

12. 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, staff, or the public 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.

President McNicholas asked Trustees for items they wished to pull from the Consent Calendar. Trustee Castellanos pulled agenda item 12.B.8, Trustees Bullockus and Jones pulled agenda item 12.B.9, and Trustee Davis pulled agenda item 12.C.9.

The following speakers addressed the Board:

Michele Ploessel-Campbell spoke regarding agenda item 12.A.1, Donation of Funds and Equipment

Motion made by: Krista Castellanos Motion seconded by: Judy Bullockus Voting: Martha McNicholas - Yes Krista Castellanos - Yes Gila Jones - Yes Judy Bullockus - Yes Lisa Davis - Yes Amy Hanacek - Yes

The motion carried 6-0 by a roll call vote to approve the Consent Calendar, with the exception of agenda items 12.B.8, 12.B.9, and 12.C.9 pulled by Trustees.

A. BUSINESS AND SUPPORT SERVICES

- 1. DONATION OF FUNDS AND EQUIPMENT
- 2. PURCHASE ORDERS, COMMERCIAL WARRANTS AND PREVIOUSLY BOARD-APPROVED BIDS AND CONTRACTS
- 3. INDEPENDENT CONTRACTOR, PROFESSIONAL SERVICES, FIELD SERVICE, AND MASTER CONTRACT AGREEMENTS
- 4. SCHOOL MEALS AGREEMENT COMMUNITY ROOTS ACADEMY
- 5. SCHOOL MEALS AGREEMENT ORANGE COUNTY ACADEMY OF SCIENCES AND ARTS, INC.
- 6. AWARD BID NO. 2223-01, PAPER AND PLASTIC PRODUCTS FOR FOOD AND NUTRITION SERVICES VARIOUS VENDORS
- 7. BID NO. 2223-02, FRESH PRODUCE INADEQUATE COMPETITION
- 8. AWARD BID NO. 2223-03, ELECTRICAL, FIRE PROTECTION, AND LOW VOLTAGE SYSTEMS

SERVICES - GILBERT AND STEARNS, INCORPORATED

- 9. AWARD BID NO. 2223-04, CO-CURRICULAR BUS SERVICE VARIOUS VENDORS
- 10. FIRST EXTENSION OF REQUEST FOR PROPOSAL NO. 1-2122, FRESH DAILY, PRE-BAKED, READY TO SERVE DELIVERED PIZZA SERVICE VARIOUS VENDORS
- 11. FIRST EXTENSION OF BID NO. 2122-02, TREE TRIMMING WEST COAST ARBORIST, INCORPORATED
- 12. FIRST EXTENSION OF BID NO. 2122-04, MILK, JUICE, AND DAIRY PRODUCTS HOLLANDIA DAIRY, INCORPORATED
- 13. ENGAGEMENT LETTER WITH NIGRO & NIGRO PC FOR FISCAL YEARS 2022 2026
- **B. CURRICULUM AND INSTRUCTION**
 - 1. MEMORANDUM OF UNDERSTANDING WITH BIG BROTHERS BIG SISTERS OF ORANGE COUNTY
 - 2. MEMORANDUM OF UNDERSTANDING WITH LAGUNA BEACH UNIFIED SCHOOL DISTRICT
 - 3. MEMORANDUM OF UNDERSTANDING WITH THE ORANGE COUNTY SUPERINTENDENT OF SCHOOLS
 - 4. MEMORANDUM OF UNDERSTANDING WITH PARENT INSTITUTE FOR QUALITY EDUCATION
 - 5. AMENDMENT TO CULTURAL PROFICIENCY PLAN REPORTING CYCLE
 - 6. PERSONNEL REIMBURSEMENT AGREEMENT WITH LAGUNA BEACH UNIFIED SCHOOL DISTRICT
 - 7. PERSONNEL REIMBURSEMENT AGREEMENT WITH SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT
 - 8. OC CHILDREN'S SCREENING REGISTRY PARTICIPATION AGREEMENT

President McNicholas recognized Gregory Merwin, Associate Superintendent, Education and Support Services, to present the item.

Motion made by: Krista Castellanos Motion seconded by: Amy Hanacek Voting: Martha McNicholas - Yes Krista Castellanos - Yes Gila Jones - Yes Judy Bullockus - No Lisa Davis - No Amy Hanacek - Yes

The motion carried 4-2 by a roll call vote to approve O.C. Children's Screening Registry

Participation Agreement, as amended to include a plan with a timeline for implementation. Staff should complete the plan within the next 60-90 days.

9. TALKINGPOINTS SOFTWARE SERVICES AND SUPPORT AGREEMENT

President McNicholas recognized Gregory Merwin, Associate Superintendent, Education and Support Services, to present the item.

Motion made by: Amy Hanacek Motion seconded by: Judy Bullockus Voting: Martha McNicholas - Yes Krista Castellanos - Yes Gila Jones - Yes Judy Bullockus - Yes Lisa Davis - Yes Amy Hanacek - Yes

The motion carried by a 6-0 roll call vote to table this item to the August 17, 2022, Regular Board meeting.

C. HUMAN RESOURCE SERVICES

- 1. STUDENT TEACHING AFFILIATION AGREEMENT WITH GRAND CANYON UNIVERSITY
- 2. AGREEMENT FOR STUDENT CLINICAL EDUCATION WITH UNIVERSITY OF COLORADO BOULDER
- 3. CALIFORNIA STATE UNIVERSITY, FULLERTON SPRING 2022 MASTER TEACHER HONORARIUM
- 4. MEMORANDUM OF UNDERSTANDING WITH LOS ANGELES PACIFIC UNIVERSITY
- 5. APPROVAL OF ADDITIONAL EXPENDITURES UNDER YMCA SERVICE AGREEMENT
- 6. CONSIDER AND APPROVE JOB DESCRIPTION BILINGUAL PRESCHOOL TEACHER/SITE FACILITATOR POSITION
- 7. CONSIDER AND APPROVE JOB DESCRIPTION COORDINATOR II, STEM
- 8. CONSIDER AND APPROVE JOB DESCRIPTION SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS TEACHER ON SPECIAL ASSIGNMENT
- 9. REVISED CLASSIFIED SALARY SCHEDULE LICENSED VOCATIONAL NURSE

President McNicholas recognized Bob Presby, Associate Superintendent, Human Resource Services, to present the item.

Motion made by: Lisa Davis Motion seconded by: Judy Bullockus Voting: Martha McNicholas - Yes Krista Castellanos - Yes Gila Jones - Yes Judy Bullockus - Yes Lisa Davis - Yes Amy Hanacek - Yes

The motion carried by a 6-0 roll call vote to approve the Revised Classified Salary Schedule - Licensed Vocational Nurse.

- 10. RESIGNATIONS/RETIREMENTS/EMPLOYMENT CERTIFICATED EMPLOYEES
- 11. RESIGNATIONS/RETIREMENTS/EMPLOYMENT CLASSIFIED EMPLOYEES

D. GENERAL FUNCTIONS

- 1. SCHOOL BOARD MINUTES JUNE 1, 2022
- 2. SCHOOL BOARD MINUTES JUNE 3, 2022
- 3. SCHOOL BOARD MINUTES JUNE 15, 2022
- 4. RESOLUTION NO. 2223-01, CONTINUING AUTHORITY TO HOLD VIRTUAL MEETINGS PURSUANT TO ASSEMBLY BILL 361

13. DISCUSSION/ACTION ITEMS

A. DISCUSSION/INFORMATION ITEMS

1. DANA HILLS HIGH SCHOOL NEXT STEPS AND TIMELINE

President McNicholas recognized Clark Hampton, Deputy Superintendent, Business and Support Services, to present the item.

The following speaker addressed the Board:

• Katie Anderson spoke regarding Dana Hills High School Next Steps and Timeline

This is an information only item and no Board action is necessary.

2. END OF YEAR ACADEMIC DATA FOR MULTI-TIERED SYSTEM OF SUPPORTS

President McNicholas recognized Gregory Merwin, Associate Superintendent, Education and Support Services, to present the item.

This is an information only item and no Board action is necessary.

3. DECLARATION OF NEED FOR FULLY QUALIFIED EDUCATORS

President McNicholas recognized Bob Presby, Associate Superintendent, Human Resource Services, to present the item.

Trustee Davis left the dais at 8:52 p.m.

Motion made by: Gila Jones

Motion seconded by: Amy Hanacek

Voting:

Martha McNicholas - Yes

Krista Castellanos - Yes

Gila Jones - Yes

Judy Bullockus - Yes

Lisa Davis - Not Present

Amy Hanacek - Yes

The motion carried 5-0-1 by a roll call vote to approve the Declaration of Need for Fully Qualified Educators.

4. BOARD ACTION TO ADOPT DISTRICT'S INITIAL PROPOSAL TO CAPISTRANO UNIFIED EDUCATION ASSOCIATION FOR 2022-2023 NEGOTIATIONS

President McNicholas recognized Bob Presby, Associate Superintendent, Human Resource Services, to present the item.

Motion made by: Gila Jones

Motion seconded by: Judy Bullockus

Voting:

Martha McNicholas - Yes

Krista Castellanos - Yes

Gila Jones - Yes

Judy Bullockus - Yes

Lisa Davis - Not Present

Amy Hanacek - Yes

The motion carried 5-0-1 by a roll call vote to adopt the District's Initial Proposal to CUEA for 2022-2023 Negotiations.

5. BOARD ACTION TO ADOPT DISTRICT'S INITIAL PROPOSAL TO GENERAL TRUCK DRIVERS, OFFICE, FOOD & WAREHOUSE UNION, TEAMSTERS LOCAL 952 FOR 2022-2023 NEGOTIATIONS

President McNicholas recognized Bob Presby, Associate Superintendent, Human Resource Services, to present the item.

Motion made by: Gila Jones

Motion seconded by: Judy Bullockus

Voting:

Martha McNicholas - Yes

Krista Castellanos - Yes

Gila Jones - Yes

Judy Bullockus - Yes

Lisa Davis - Not Present

Amy Hanacek - Yes

The motion carried 5-0-1 by a roll call vote to adopt the District's Initial Proposal to the General Truck Drivers, Office, Food & Warehouse Union, Teamsters Local 952 for 2022-2023 Negotiations.

6. RESOLUTION NO. 2223-02, RESOLUTION CALLING FOR ACTION TO AMEND STATE PUBLIC HEALTH OFFICER ORDER OF AUGUST 11, 2021 TO INCLUDE AN EXPIRATION DATE FOR

COVID 19 TESTING FOR WORKERS WHO ARE UNVACCINATED

President McNicholas recognized Judy Bullockus, Trustee Area 7, to present the item.

Trustee Davis rejoined the meeting at 8:57 p.m.

Motion made by: Lisa Davis
Motion seconded by: Gila Jones
Voting:
Martha McNicholas - Yes
Krista Castellanos - No
Gila Jones - Yes
Judy Bullockus - Yes
Lisa Davis - Yes
Amy Hanacek - No

The motion carried 4-2, as amended, to adopt Resolution No. 2223-02, Resolution Calling for Action to Amend State Public Health Office Order of August 11, 2021, to Include an Expiration Metric or Date for COVID-19 Testing for Workers Who are Unvaccinated.

7. FIRST READING - BOARD POLICY 6158, INDEPENDENT STUDY

President McNicholas recognized Gregory Merwin, Associate Superintendent, Education and Support Services, to present the item.

Motion made by: Judy Bullockus Motion seconded by: Gila Jones

Voting:

Martha McNicholas - Yes Krista Castellanos - Yes Gila Jones - Yes Judy Bullockus - Yes Lisa Davis - Yes Amy Hanacek - Yes

The motion carried 6-0 to waive the Second Reading - Board Policy 6158, Independent Study.

Motion made by: Lisa Davis
Motion seconded by: Krista Castellanos
Voting:
Gila Jones - Yes
Judy Bullockus - Yes
Amy Hanacek - Yes
Martha McNicholas - Yes
Krista Castellanos - Yes
Lisa Davis - Yes

The motion carried 6-0 to approve First Reading - Board Policy 6158, Independent Study.

8. FIRST READING - BOARD POLICY 5111.1 DISTRICT RESIDENCY

This item was pulled by staff.

9. FIRST READING - BOARD POLICY 6145.6, INTERNATIONAL EXCHANGE

This item was pulled by staff.

10. FIRST READING - BOARD POLICY 5141.52, SUICIDE PREVENTION

President McNicholas recognized Gregory Merwin, Associate Superintendent, Education and Support Services, to present the item.

Motion made by: Judy Bullockus Motion seconded by: Lisa Davis

Voting:

Martha McNicholas - Yes Krista Castellanos - Yes Gila Jones - Yes Judy Bullockus - Yes Lisa Davis - Yes Amy Hanacek - Yes

The motion carried 6-0 to waive the Second Reading - Board Policy 5141.52, Suicide Prevention.

Motion made by: Amy Hanacek
Motion seconded by: Judy Bullockus
Voting:
Gila Jones - Yes
Judy Bullockus - Yes
Amy Hanacek - Yes
Martha McNicholas - Yes
Krista Castellanos - Yes
Lisa Davis - Yes

The motion carried 6-0 to approve First Reading - Board Policy 5141.52, Suicide Prevention.

11. FIRST READING - BOARD POLICY 9250, REMUNERATION, REIMBURSEMENT, AND OTHER BENEFITS

President McNicholas recognized Clark Hampton, Deputy Superintendent, Business and Support Services, to present the item.

Motion made by: Amy Hanacek

Motion seconded by: Krista Castellanos

Voting:

Martha McNicholas - Yes Krista Castellanos - Yes Gila Jones - Yes Judy Bullockus - Yes Lisa Davis - Yes

Amy Hanacek - Yes

The motion carried 6-0 to waive the Second Reading - Board Policy 9250, Remuneration, Reimbursement, and Other Benefits.

Motion made by: Judy Bullockus

Motion seconded by: Krista Castellanos

Voting:

Gila Jones - Yes

Judy Bullockus - Yes Amy Hanacek - Yes Martha McNicholas - Yes Krista Castellanos - Yes Lisa Davis - Yes

The motion carried 6-0 to approve First Reading - Board Policy 9250, Remuneration, Reimbursement, and Other Benefits.

14. ADJOURNMENT

Motion made by: Judy Bullockus
Motion seconded by: Amy Hanacek
Voting:
Martha McNicholas - Yes
Krista Castellanos - Yes
Gila Jones - Yes
Judy Bullockus - Yes
Lisa Davis - Yes
Amy Hanacek - Yes

Motion carried by a 6-0 vote to adjourn the meeting.

President McNicholas announced the Board meeting adjourned at 9:45 p.m.

Kirsten M. Vital Brulte, Superintendent

Gila Jones, Clerk of the Board