



November 9, 2022 Regular Board Meeting
11/09/2022 - 07:00 PM
33122 Valle Rd, San Juan Capistrano, CA 92675
BOARD OF TRUSTEES BOARD ROOM
Closed Session 4:30 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 via Zoom. Please submit a request to address the Board form by clicking here(<https://simbli.eboardsolutions.com//SU/xA9Oslsh8QuMtbNr9j3YPXvg==>). Register only if you are not attending in person. Those who have registered to comment will receive an email prior to the meeting with information on how to join and comment via a Zoom link. If you are attending in person, a speaker card will need to be submitted within 30 minutes at the start of Open Session per Board Bylaw 9323, *Meeting Conduct*. Members of the public shall have an opportunity to address the Board regarding items on the agenda to be considered during Closed Session prior to the Board adjourning the meeting to Closed Session. Individual presentations are limited to a maximum of three (3) minutes; however, the time assigned for individual presentations could be fewer than three minutes depending upon the total number of speakers who wish to address a specific agenda topic. Detailed guidelines and information on what to do if you wish to address the Board of Trustees is provided at the end of this agenda. The Board meeting discussion related to each of the items on the public agenda is on file in the Superintendent's office as a matter of the permanent record. An audio recording of the meeting is available on the District website at capousd.org(<https://simbli.eboardsolutions.com//SU/TesYrpluspluzDt75ngsslsh0c8plusCQ==>).

CLOSED SESSION AT 4:30 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 4:36 p.m.

ROLL CALL

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

Trustee Jones joined the meeting at 4:40 p.m.

2. CLOSED SESSION COMMENTS

The Board recessed to closed session to discuss: Conference with Legal Counsel – Anticipated Litigation; Conference with Legal Counsel – Existing Litigation; Conference with Real Property Negotiators; Conference with Labor Negotiators; Liability Claims; Public Employee Performance and Evaluation; Public Employee Employment/Appointment; Student Expulsions.

President McNicholas announced that Attorney Chris Keeler would be present in closed session for Conference with Legal Counsel - Existing Litigation, agenda items: 3.B.3, 3.B.4, and 3.B.5.

3. CLOSED SESSION (as authorized by law)

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

ADR Case No. 20220713
ADR Case No. 20220928
ADR Case No. 20220929
ADR Case No. 20221004
ADR Case No. 20221010
ADR Case No. 20221017

On agenda item 3A-7, Trustees voted 6-0 to approve staff recommendation.

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

On agenda item B-1 through B-2, Trustees voted 6-0 to approve staff recommendation on the following OAH cases:

OAH Case No. 2022060436
OAH Case No. 2022060596

Trustees voted 6-0 to approve staff recommendation on the following cases:

Case No. 2223-01c
Case No. 2223-02c

On Case No. 2223-03c, no reportable action.

C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Trustees gave direction to staff.

D. CONFERENCE WITH LABOR NEGOTIATORS

No reportable action.

E. LIABILITY CLAIMS

Trustees voted 6-0 to approve staff recommendation on the following claims:

Rejection of Government Claim No. 2209737
Rejection of Government Claim No. 2209868

F. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

No reportable action.

G. PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT

Trustees voted 6-0 to approve staff recommendation to appoint Valerie Douglas, Interim Principal, Oso Grande Elementary School, effective November 28, 2022, through the end of the 2022-2023 school year.

H. STUDENT EXPULSIONS

Trustees voted 6-0 to approve staff recommendation on the following cases:

- Case No. 2023-002
- Case No. 2023-007
- Case No. 2023-008
- Case No. 2023-009
- Case No. 2023-010
- Case No. 2023-011
- Case No. 2023-013
- Case No. 2023-014

During open session Case No. 2023-003 was read aloud as approved as part of the report out from closed session. It was not agendized or discussed in closed session.

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 7:11 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 Michael Hatcher, Principal, Aliso Niguel High School.

7. ADOPTION OF THE AGENDA

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

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

Student Board Member Zhao cast a preferential vote of aye to adopt the 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. SPECIAL RECOGNITIONS

EXTRA MILERS

San Clemente Education Foundation

Garry Green – President

Jim Sigafoos – Chairman

Jason Talley – Treasurer

Linda Verraster – Secretary

Kathleen Sigafoos – Director

COVID Support Team

Heidi Crowley

Sue Hill

Debbie Bursey

Astrid Salen

Michelle Pena

Karla Lopez

Lori McKain

Danielle McGowen

Ambuehl Crossing Guard

Steve Behmehrwold

Cox Communications Recognition - 2021 Teachers of the Year

Karen Kauo, Castille Elementary School

Sergio Sanabria, Marco Forster Middle School

Marie Finman, San Juan Hills High School

ASSOCIATED STUDENT BODY

Aliso Niguel High School

Michael Hatcher, *Principal*

Alison Nero, *Activities Director*

Madsen (Bleu) Packer, *ASB President*

10. BOARD AND SUPERINTENDENT COMMENTS

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

Superintendent Vital Brulte presented Joy Schnapper, CUEA President, with a pin recognizing her 30 years of service.

Vice President Castellanos presented President McNicholas with two certificates. One certificate for her eight years of service on the Capistrano Unified School District's Board of Trustees, and one certificate for serving as Board President during 2021-2022.

President McNicholas requested a personal point of preference to have a family photograph taken in front of the dais.

11. STUDENT BOARD MEMBER COMMENTS

Student Board Member, Alex Zhao, reported on the importance of mental health and emotional well-being. He requested all students to reach out to their school counselors and family resources if they are in need of such services.

12. ORAL COMMUNICATIONS (Non-Agenda Items)

The following speakers addressed the Board:

- *Tom McNicholas thanked President McNicholas for her eight years of service to Capistrano Unified School District*
- *Chelsea Boyle spoke reminding people to be kind, make good decisions, and be better*
- *Kira Davis spoke regarding complaints on library materials and requested the Board to review all materials*
- *Heather Puhek spoke regarding library materials and read an excerpt*
- *Amber Smith spoke regarding inappropriate books in high school*
- *Eva Harrison read an excerpt from a book*
- *Lisa Meyers spoke regarding banning books and LGBTQ students*
- *Shanin Kurtz spoke regarding library books and read an excerpt*
- *Rachel and Sophia Sutherland thanked President McNicholas for her service to Capistrano Unified School District*
- *Peter Freska spoke regarding explicit materials in the school libraries*
- *Philip Puhek spoke regarding inappropriate materials in the libraries*
- *Allison McGavran spoke regarding library literature and read an excerpt*
- *Michele Ploessel-Campbell spoke regarding PTA upcoming events for teacher and staff appreciation and the Veterans, and thanked President McNicholas for her leadership these past years*
- *Jessica Geyer spoke thanking Trustee Castellanos for her work on the Aliso Viejo Bond and thanked President McNicholas for her years of service*

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, 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 Davis pulled agenda item 13.B.5 and Trustee Jones pulled agenda item 13.A.3.

The following speakers addressed the Board:

- *Michele Ploessel-Campbell spoke regarding agenda items 13.A.1 and 13.B.5*
- *Michele McNutt spoke regarding agenda item 13.B.5*

Motion made by: Lisa Davis

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 by a roll call vote to approve the Consent Calendar, with the exception of agenda items 13.A.3 and 13.B.5 being pulled by Trustees.

Student Board Member Zhao cast a preferential vote of aye to approve the Consent Calendar.

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

This item was pulled from the Consent Calendar.

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 - No

Lisa Davis - No

Amy Hanacek - Yes

The motion carried 4-2 by a roll call vote to approve item 13.A.3, in its entirety.

4. AWARD BID NO. 2223-05, ASPHALT MINOR PROJECTS DISTRICTWIDE – BEN’S ASPHALT, INCORPORATED

5. CHARTER FACILITIES AGREEMENT FOR 2023-2024 – OCASA COLLEGE PREP CHARTER SCHOOL

6. CONTRACT FOR E-RATE COMPLIANCE SERVICES – CSM CONSULTING, INC.

7. SCHOOL MEALS AGREEMENT 2022-2023 – OCEAN VIEW NON-PUBLIC SCHOOL

8. MEMORANDUM OF UNDERSTANDING FOR FOOD HUB PARTNERSHIP WITH RIVERSIDE UNIFIED SCHOOL DISTRICT

9. RESOLUTION NO. 2223-27, APPROVING THE ANNUAL AND FIVE-YEAR REPORTABLE FEES

REPORT FOR FISCAL YEAR 2021-2022, IN COMPLIANCE WITH GOVERNMENT CODE § 66006 AND § 66001

10. RESOLUTION NO. 2223-28, RESOLUTION OF THE BOARD OF TRUSTEES OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT APPROVING AND AUTHORIZING EXECUTION OF A JOINT COMMUNITY FACILITIES AGREEMENT, AND DELEGATING AUTHORITY RELATED THERETO

11. RESOLUTION NO. 2223-32, APPROVING GRANT APPLICATIONS AND AGREEMENTS FOR CALIFORNIA SCHOOLS HEALTHY AIR, PLUMBING, AND EFFICIENCY PROGRAM PROJECTS AT 11 VARIOUS SCHOOL SITES

12. RESOLUTION NO. 2223-33, APPROVING GRANT APPLICATIONS AND AGREEMENTS FOR CALIFORNIA SCHOOLS HEALTHY AIR, PLUMBING, AND EFFICIENCY PROGRAM PROJECTS AT 39 VARIOUS SCHOOL SITES

13. SECOND READING – BOARD POLICY 1220, CITIZEN ADVISORY COMMITTEE

B. CURRICULUM AND INSTRUCTION

1. AGREEMENT WITH ASSISTANCE LEAGUE OF CAPISTRANO VALLEY

2. AGREEMENT WITH INSTITUTE FOR MULTI-SENSORY EDUCATION

3. MEMORANDUM OF UNDERSTANDING WITH LAURA'S HOUSE 2022-2025

4. MEMORANDUM OF UNDERSTANDING WITH PARTNERS4WELLNESS

5. MEMORANDUM OF UNDERSTANDING WITH WESTED FOR THE CALIFORNIA HEALTHY KIDS SURVEY 2022-2023

This item was pulled from the Consent Calendar.

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

It was moved by Trustee Hanacek and seconded by Trustee Castellanos to approve Memorandum of Understanding with WESTED for the California Healthy Kids Survey 2022-2023.

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 - No

Amy Hanacek - Yes

The motion carried 5-1 by a roll call vote to approve Memorandum of Understanding with WESTED for the California Healthy Kids Survey 2022-2023.

6. MOBILE HEALTH CARE SERVICES AMENDMENT WITH CHILDREN'S HOSPITAL OF ORANGE COUNTY, dba CHOC

7. PROFESSIONAL SERVICES AGREEMENT WITH EVERDRIVEN

8. SUBSCRIPTION AGREEMENT AND SERVICE ORDER WITH THOUGHTEXCHANGE

9. PROGRAM SERVICE AGREEMENT - YMCA

C. HUMAN RESOURCE SERVICES

1. CLINICAL EDUCATION AFFILIATION AGREEMENT WITH CALIFORNIA STATE UNIVERSITY, SAN MARCOS

2. STUDENT TEACHING AGREEMENT WITH CONCORDIA UNIVERSITY, IRVINE

3. FIRST QUARTER REPORT - WILLIAMS SETTLEMENT LEGISLATION UNIFORM COMPLAINT

4. MEMORANDUM OF UNDERSTANDING WITH CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION FOR CLASSIFICATION PLAN

5. MEMORANDUM OF UNDERSTANDING WITH CENTRAL STATE UNIVERSITY COLLEGE OF EDUCATION

6. MEMORANDUM OF AGREEMENT WITH PACIFIC OAKS COLLEGE FOR STUDENT TEACHING

7. GOVERNMENT PRICE QUOTATION AND ORDER FORM - QUALTRICS AT CARAHSOFT

8. CONSIDER AND APPROVE MAINTENANCE AND OPERATIONS CLERICAL REORGANIZATION TO INCLUDE THE ELIMINATION OF TWO INTERMEDIATE OFFICE ASSISTANT POSITIONS

9. CONSIDER AND APPROVE JOB DESCRIPTION - USE OF FACILITIES AND OPERATIONS SPECIALIST

10. CONSIDER AND APPROVE JOB DESCRIPTION - COORDINATOR II, UNIVERSAL PRE-K

11. CONSIDER AND APPROVE REVISED JOB DESCRIPTION - MANAGER I, CUSTODIAL SERVICES

12. CONSIDER AND APPROVE REVISED JOB DESCRIPTION - MANAGER I, GROUNDS OPERATIONS

13. CONSIDER AND APPROVE REVISED JOB DESCRIPTION - MANAGER I, MAINTENANCE AND OPERATIONS

14. CONSIDER AND APPROVE REVISED JOB DESCRIPTION - MANAGER II, MAINTENANCE AND OPERATIONS

15. CONSIDER AND APPROVE RECLASSIFICATION - COORDINATOR I, MENTAL HEALTH

SERVICES TO COORDINATOR II, MENTAL HEALTH SERVICES

16. RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CERTIFICATED EMPLOYEES

17. RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CLASSIFIED EMPLOYEES

D. GENERAL FUNCTIONS

1. SCHOOL BOARD MINUTES - OCTOBER 19, 2022

2. RESOLUTION 2223-29, CONTINUING AUTHORITY TO HOLD VIRTUAL MEETINGS PURSUANT TO ASSEMBLY BILL 361

14. DISCUSSION ACTION ITEMS

A. DISCUSSION/INFORMATION ITEMS

1. ACTION ON THE PETITION FOR CALIFORNIA REPUBLIC LEADERSHIP ACADEMY CHARTER SCHOOL

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

President McNicholas asked Trustees if they would like to waive the Board Policy and allow 2 minutes per speaker.

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 6-0 to waive the Board Policy and allow speakers 2 minutes to present.

President McNicholas asked Colleen Hayes, Manager II, Board Operations/Superintendent's Office to time Gregory Merwin, Associate Superintendent, Education and Support Services, as he presented. Mr. Merwin spoke for 7 minutes.

President McNicholas introduced Mr. Pratt and Mr. Davis from California Republic Leadership Academy Charter School and requested them to begin their presentation. The timer was set for 7 minutes.

The following speakers addressed the Board:

- Candace Boren spoke regarding agenda item 14.A.1
- Andrea Hassard spoke regarding agenda item 14.A.1
- Amy Burke spoke regarding agenda item 14.A.1
- Moranda Fielding spoke regarding agenda item 14.A.1

- Michael Snow spoke regarding agenda item 14.A.1
- Kira Davis spoke regarding agenda item 14.A.1
- Amber Smith spoke regarding agenda item 14.A.1
- Eva Harrison spoke regarding agenda item 14.A.1
- Zan Pratt spoke regarding agenda item 14.A.1
- Andrea Manning spoke regarding agenda item 14.A.1
- Maggie Hirt spoke regarding agenda item 14.A.1
- Whitney Harrington spoke regarding agenda item 14.A.1
- Marryann Tucker spoke regarding agenda item 14.A.1
- Trudy Podobas spoke regarding agenda item 14.A.1
- Shannon Shaddow spoke regarding agenda item 14.A.1
- Michele Ploessel-Campbell spoke regarding agenda item 14.A.1

Trustee Davis moved to adopt Resolution No. 2223-30B, with the Memorandum of Understanding, Trustee Bullockus seconded the motion.

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

The motion failed 3-3 by a roll call vote.

Student Board Member Zhao cast a preferential vote of nay to adopt Resolution No. 2223-30B, with the Memorandum of Understanding.

It was moved by Trustee Hanacek and seconded by Trustee Castellanos to adopt Resolution No. 2223-30A to Deny the Charter.

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

The motion failed 3-3 by a roll call vote.

Student Board Member Zhao cast a preferential vote of aye to adopt Resolution No. 2223-30A to Deny the Charter.

BREAK

At 10:35 p.m. the Board took a ten-minute recess.
 At 10:45 p.m. the Board reconvened to the Board room.

Student Board Member Zhao left the meeting at 10:35 p.m.

Motion to Extend the Meeting Past the Hour

At 10:46 p.m. President McNicholas requested a motion to extend the meeting.

It was moved by Trustee Jones and seconded by Trustee Bullockus to extend the Board meeting to 12:00 a.m.

The motion carried 4-0-2.

2. CALIFORNIA DEPARTMENT OF EDUCATION BEST PRACTICES REGARDING THE DISTRICT ADVISORY COMMITTEE FOR SCHOOL CAPACITY ANALYSIS

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

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

3. SPRING 2022 CALIFORNIA ASSESSMENT OF STUDENT PERFORMANCE AND PROGRESS RESULTS

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.

4. FIRST READING - BOARD POLICY 1312.3, UNIFORM COMPLAINT PROCEDURE

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

President McNicholas asked for a motion to waive the second reading - Board Policy 1312.3, *Uniform Complaint Procedure*.

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 6-0 to waive the second reading - Board Policy 1312.3, *Uniform Complaint Procedure*.

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 6-0 to approve Board Policy 1312.3, *Uniform Complaint Procedure*.

5. FIRST READING - BOARD POLICY 9100, ORGANIZATION

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

President McNicholas asked for a motion to waive the second reading - Board Policy 9100, *Organization*.

Motion made by: Lisa Davis
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 9100, *Organization*.

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 approve Board Policy 9100, *Organization*.

15. ADJOURNMENT

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 to adjourn the meeting.

President McNicholas announced the Board meeting adjourned at 11:58 p.m.

Kirsten M. Vital Brulte, Superintendent

Amy Horvack, Clerk of the Board