

CAPISTRANO UNIFIED SCHOOL DISTRICT  
BOARD OF TRUSTEES  
MINUTES OF REGULAR MEETING  
APRIL 29, 2020  
EDUCATION CENTER – BOARD ROOM

*Due to the nature of the COVID-19 pandemic and in accordance with Governor Newsom's Executive Order N-29-20, issued on March 17, 2020, the Board members will have the option to attend the meeting and take action on any item telephonically.*

President Reardon called the meeting to order at 5:02 p.m.

**Call to Order/  
Adjourn to Closed  
Session**

**ROLL CALL:**

Present: Trustees Bullockus, Castellanos, Hanacek, Holloway, Jones, McNicholas, and Reardon

Absent: None

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; Student Readmission; Student Expulsions; Conference with Labor Negotiators; Public Employee Discipline/Dismissal/Release, Public Health Emergency.

**Closed Session  
Comments**

The Regular meeting of the Board of Trustees was called to order by President Reardon at 7:24 p.m.

**ROLL CALL:**

Present: Trustees Bullockus, Castellanos, Hanacek, Holloway, Jones, McNicholas, and Reardon

Absent: None

The Pledge of Allegiance was led by Jim Reardon, President, Board of Trustees.

**Pledge of  
Allegiance  
Permanent Record**

**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: [www.capousd.org](http://www.capousd.org)**

It was moved by Trustee McNicholas and seconded by Trustee Bullockus motion carried by a 7-0 roll call vote to adopt the Regular Board Meeting agenda, with the exception of item 12, pulled by staff.

**Adoption of the  
Board Agenda**

AYES: Trustees Bullockus, Castellanos, Hanacek, Holloway, Jones, McNicholas and Reardon

NOES: None

ABSENT: None

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

**President's Report  
from Closed  
Session Meeting**

**Agenda Item #3A – Conference with Legal Counsel – Anticipated Litigation**

Significant Exposure to Litigation – Five Cases

Trustees voted 6-0-0-1 with President Reardon recusing himself, to approve the staff recommendation on the following case:

ADR Case Number 20191211

Trustees voted 7-0 to approve the staff recommendation on the following cases:

ADR Case Number 20200124

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ADR Case Number 20200205  
ADR Case Number 20200303  
ADR Case Number 20200408

**Agenda Item #3B – Conference with Legal Counsel – Existing Litigation**

Significant Exposure to Litigation – One Case

Trustees voted 7-0 to approve the staff recommendation on the following case:

OAH Case Number 2019110439

**Agenda Item #3C – Conference with Real Property Negotiators**

Property: PA-3 K-8 School No. 2 an approximate 20-acre school site

Trustees gave direction to staff.

Property: 31642 El Camino Real, San Juan Capistrano

Trustees gave direction to staff.

**Agenda Item #3D – Student Readmission - One Case**

Trustees voted 7-0 to approve the staff recommendation on the following case:

Case # 2019-060

**Agenda Item #3E – Student Expulsions - Seven Cases**

Trustees voted 7-0 to approve the staff recommendation on the following cases:

Case # 2020-036

Case # 2020-037

Case # 2020-038

Case # 2020-039

Case # 2020-040

Case # 2020-041

Case # 2020-042

**Agenda Item #3F – Conference with Labor Negotiators**

Trustees gave direction to staff.

**Agenda Item #3G – Public Employee Discipline/Dismissal/Release**

Trustees gave direction to staff.

**Agenda Item #3H – Public Health Emergency**

Trustees gave direction to staff.

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

**Board and  
Superintendent  
Comments**

The following speakers addressed the Board:

- *Michele Ploessel-Campbell spoke regarding PTA partnering with CUSD*
- *Jennifer Cannon spoke regarding grades and students rights*
- *Stephanie Tarzia spoke regarding the needs of students during distance learning*

**Oral  
Communications**

At 7:43 p.m. President Reardon opened the Public Hearing on Resolution No. 1920-47, Resolution of the Capistrano Unified School District to Authorize the Conveyance of an Easement to City of San Juan Capistrano for the Purposes of Providing Necessary Public Water and Sewer Pipeline Facilities for the City Of San Juan Capistrano on Property

**Public Hearing:  
Resolution No.  
1920-47, Resolution  
of the Capistrano  
Unified School**

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Owned by the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints Adjacent to San Juan Hills High School.

President Reardon closed the Public Hearing at 7:44 p.m.

**District to Authorize the Conveyance of an Easement to City of San Juan Capistrano for the Purposes of Providing Necessary Public Water and Sewer Pipeline Facilities for the City of San Juan Capistrano on Property Owned by the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints Adjacent to San Juan Hills High School**

At 7:44 p.m. President Reardon opened the Public Hearing on Resolution No. 1920-48, Resolution of the Capistrano Unified School District to Authorize Conveyance of an Easement to the Santa Margarita Water District for Purposes of Providing Necessary Public Water Services to Newhart Middle School.

President Reardon closed the Public Hearing at 7:44 p.m.

**Agenda Item 1 Public Hearing: Resolution No. 1920-48, Resolution of the Capistrano Unified School District to Authorize Conveyance of an Easement to the Santa Margarita Water District for Purposes of Providing Necessary Public Water Services to Newhart Middle School**

At 7:44 p.m. President Reardon opened the Public Hearing on Resolution No. 1920-49, Resolution of the Capistrano Unified School District to Authorize Conveyance of an Easement to the Moulton Niguel Water District for Purposes of Providing Necessary Public Water, Reclaimed Water, and Wastewater Facilities to Aliso Niguel High School.

President Reardon closed the Public Hearing at 7:44 p.m.

**Agenda Item 2 Public Hearing: Resolution No. 1920-49, Resolution of the Capistrano Unified School District to Authorize Conveyance of an Easement to the Moulton Niguel Water District for**

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**Purposes of  
Providing  
Necessary Public  
Water, Reclaimed  
Water, and  
Wastewater  
Facilities to Aliso  
Niguel High School  
Agenda Item 3  
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 Reardon asked Trustees for items they wished to pull from the Consent Calendar, Trustee Jones pulled item 20.

It was moved by Trustee McNicholas and seconded by Trustee Bullockus, motion carried by a 7-0 roll call vote to approve the following Consent Calendar, with the exception of pulled items.

AYES: Trustees Bullockus, Castellanos, Hanacek, Holloway, Jones,  
McNicholas and Reardon  
NOES: None  
ABSENT: None

Student Advisor Koenigshofer voted aye to approve the Consent Calendar with the exception of item #20 being pulled by Trustee Jones.

Approval of donations of funds and equipment.

**Donation of Funds  
and Equipment  
Agenda Item 4**

Approval of purchase orders (Attachment 1) and commercial warrants (Attachment 2).

**Purchase Orders,  
Commercial  
Warrants and  
Previously Board-  
Approved Bids  
and Contracts  
Agenda Item 5**

Approval of the District standardized Independent Contractor, Professional Services, Field Service and Master Contract agreements.

**Independent  
Contractor,  
Professional  
Services, Field  
Service, and  
Master Contract  
Agreements  
Agenda Item 6**

Approval of Award of Bid No. 1920-07, Tesoro High School Turf and Sand Volleyball Court Project to Asphalt, Fabric and Engineering, Incorporated.

**Award Bid No.  
1920-07, Tesoro  
High School Turf  
and Sand**

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Approval of Change Order No. 2, Bid No. 1920-05 for the Newhart Middle School STEAM Building Project related to hardware and tile specification adjustments to meet District standards.

Approval to utilize the State of California Multiple Award Schedule (CMAS) Contract No. 4-20-00-0085C, General Service Administration (GSA) Schedule No. 080819-MCD and any subsequent revisions, amendments, and extensions awarded to Mohawk Commercial, Incorporated, for the purchase, warranty, and installation of floor covering products and related products, as needed by the District.

Approval of the Third Extension of Bid No. 1617-07, Electrical, Fire Protection, and Low Voltage Systems Services with Gilbert and Stearns, Incorporated.

Approval of Resolution No. 1920-51 for designation of agent for the Federal Emergency Management Agency (FEMA) application.

This item was pulled by staff.

**Volleyball Court  
Project – Asphalt,  
Fabric and  
Engineering,  
Incorporated  
Agenda Item 7  
Change Order No.  
2, Bid No. 1920-  
05, Newhart  
Middle School  
Steam Building  
Project  
Agenda Item 8  
State of California  
Multiple Award  
Schedule Contract  
No. 4-20-00-  
0085C, General  
Services  
Administration  
Schedule No.  
080819-MCD,  
Purchase,  
Warranty, and  
Installation of  
Floor Covering  
Products and  
Related Products  
– Mohawk  
Commercial,  
Incorporated  
Agenda Item 9  
Third Extension  
of Bid No. 1617-  
07, Electrical, Fire  
Protection, and  
Low Voltage  
Systems Services –  
Gilbert and  
Stearns,  
Incorporated  
Agenda Item 10  
Resolution No.  
1920-51,  
Designation of  
Agent for Federal  
Emergency  
Management  
Agency  
Application  
Agenda Item 11  
Charter Facilities  
Agreement for**

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2020-2021 –  
OCASA College  
Prep

Approval of Agreement to Refer Students to Alternative Community and Correctional Educational Schools and Services (ACCESS) for June, July and August 2020.

**Agenda Item 12  
Agreement to  
Refer Students to  
Orange County  
Superintendent of  
Schools for  
Alternative  
Community and  
Correctional  
Educational  
Schools and  
Services for June,  
July and August  
2020**

Approval of the ratification of the Agreement for Additional Schools Participating in Inside the Outdoors Field or School Programs, Agreement No. 12025, Addendum No. 13.

**Agenda Item 13  
Approval of the  
Agreement for  
Additional Schools  
Participating in  
Inside the  
Outdoors Field or  
School Programs,  
Agreement No.  
12025, Addendum  
No. 13**

Approval of the Joint Powers Agreement with the Orange County Sheriff's Department.

**Agenda Item 14  
Joint Powers  
Agreement with  
The Orange  
County Sheriff's  
Department**

Approval of Service Order with Rosetta Stone April 1, 2020 through September 1, 2020 to support improved student outcomes for middle and high school newly enrolled English learner students through online English language development activities to support distance and summer learning.

**Agenda Item 15  
Service Order  
with Rosetta Stone  
April 1, 2020-  
September 1, 2020**

Approval of the Memorandum of Understanding (MOU) with the California Department of Justice (DOJ) is intended to support the education of secondary students about the dangers of tobacco and vape use.

**Agenda Item 16  
Memorandum of  
Understanding  
with the  
California  
Department of  
Justice**

Approval of the ratification of Agreement No. UCI-1920BC-052 with the Regents of the University of California (University) enables the District to partner with the Irvine Math Project to provide professional development to District teachers.

**Agenda Item 17  
Agreement No.  
UCI-1920BC-052  
with the Regents  
of the University  
of California  
Agenda Item 18**

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Approval of Agreement No. UCI-1920BC-062 with the Regents of the University of California (University) enables the District to partner with the Irvine Math Project to provide professional development to District teachers.

**Agreement No.  
UCI-1920BC-062  
with the Regents  
of the University  
of California**

Approval of payment to District Master Teachers who supported a California State University, Fullerton student in the Speech Language Pathologist credential program during the Spring 2020 semester.

**Agenda Item 19  
California State  
University,  
Fullerton Spring  
2020 Speech**

Approval of the Practicum Agreement with San Jose State University, effective on the date of the last signature and continue for a term of five (5) years. University students enrolled in a Pupil Personnel Services (PPS) Credential will be paired with a veteran District employee as they complete practicum/fieldwork hours required to earn their PPS credential.

**Language  
Pathologist  
Master Teacher  
Payments**

Approval of the Standard Clinical Affiliation Agreement with Coast Community College District, effective on the date of the last signature and continuing through March 31, 2025

**Agenda Item 21  
Practicum  
Agreement with  
San Jose State  
University**

Acceptance of Williams Settlement Legislation Uniform Complaint Third Quarter Report.

**Agenda Item 22  
Standard Clinical  
Affiliation  
Agreement with  
Coast Community  
College District**

Approval of the activity list for employment, separation, and additional assignments of certificated employees.

**Agenda Item 23  
Third Quarter  
Report – Williams  
Settlement  
Legislation  
Uniform  
Complaint**

Approval of the activity list for employment, separation, and additional assignments of classified employees.

**Agenda Item 24  
Resignations/  
Retirements/  
Employment -  
Certificated  
Employees**

Approval of the April 15, 2020 Special Board Meeting minutes.

**Agenda Item 25  
Resignations/  
Retirements/  
Employment -  
Classified  
Employees**

**DISCUSSION/ACTION ITEMS**

President Reardon recognized Susan Holliday, Associate Superintendent, Education Services, to present the item.

**Agenda Item 26  
School Board  
Minutes**

**Agenda Item 27**

**Agenda Item 27**

**Second Reading –  
Emergency Board  
Policy E5121.2,**

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The following speakers addressed the Board:

- *Zena Boratynec thanked teachers and staff for a smooth transition to distance learning and spoke in favor of the Board Policy E5121.2*
- *Julia McDonnell spoke in favor of Emergency Board Policy E5121.2*
- *Temple Liebmann spoke asking the Board remember the high achievers and their grades*
- *Stephanie Tarzia spoke regarding grading for elementary students and benchmarks*
- *Alicia Towles spoke regarding the importance of having a letter grade on transcripts*

**Grades/  
Evaluation of  
Student  
Achievement  
Agenda Item 28**

It was moved by Trustee McNicholas and seconded by Trustee Hanacek to approve Board Policy E5121.2, *Grades/Evaluations of Student Achievement*, motion carried 5-2-0 by a roll call vote as amended.

- AYES: Trustees Bullockus, Castellanos, Hanacek, McNicholas and Reardon  
NOES: Trustees Holloway and Jones  
ABSENT: None

Student Advisor voted aye to approve Board Policy E5121.2, *Grades/Evaluations of Student Achievement*.

President Reardon recognized Susan Holliday, Associate Superintendent, Education Services, to present the item.

**Second Reading -  
Waiver of Board  
Policy 5121.1,  
Grades/  
Evaluation of  
Student  
Achievement  
Agenda Item 29**

It was moved by Trustee McNicholas and seconded by Trustee Holloway to approve waiving Board Policy 5121.1, *Grades/Evaluation of Student Achievement*, motion carried 7-0 by a roll call vote.

- AYES: Trustees Bullockus, Castellanos, Hanacek, Holloway, Jones, McNicholas and Reardon  
NOES: None  
ABSENT: None

Student Advisor voted aye to approve waiving Board Policy 5121.1, *Grades/Evaluation of Student Achievement*.

President Reardon recognized Susan Holliday, Associate Superintendent, Education Services, to present the item.

**Update on  
Distance Learning  
and Graduation  
Agenda Item 30**

The following speakers addressed the Board:

- *Elisha Towles spoke regarding the possibility of graduation to take place*
- *Dr. David Petersen spoke regarding students returning to school*
- *Mike Artinian spoke regarding adding teaching webinars in addition to distance learning*
- *Dorothy Moneymaker spoke regarding live graduation ceremonies*
- *Stephanie Tarzia spoke regarding teaching during distance learning*
- *Erin Devre spoke regarding seniors*

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

President Reardon recognized Susan Holliday, Associate Superintendent, Education Services, to present the item.

**Presentation –  
Math Options**



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Agenda Item 31

The following speakers addressed the Board:

- *Jeff J. Hruby spoke regarding sixth grade math content and standards*
- *Beth Toner spoke regarding math placements*
- *Stephanie Tarzia spoke regarding math placements and accelerated courses*

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

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

It was moved by Trustee Hanacek and seconded by Trustee McNicholas Trustees to adopt Resolution No. 1920-47, Resolution of the Capistrano Unified School District to Authorize the Conveyance of an Easement to City of San Juan Capistrano to Provide Necessary Public Water and Sewer Pipeline Facilities to the City on Property Owned by the Corporation of the Presiding Bishop of the Church of Jesus Christ Latter Day Saints a Parcel Adjacent to San Juan Hills High School, motion carried 7-0 by a roll call vote.

AYES: Trustees Bullockus, Castellanos, Hanacek, Holloway, Jones, McNicholas and Reardon  
NOES: None  
ABSENT: None

Student Advisor Koenigshofer voted aye to adopt Resolution No. 1920-47, Resolution of the Capistrano Unified School District to Authorize the Conveyance of an Easement to City of San Juan Capistrano to Provide Necessary Public Water and Sewer Pipeline Facilities to the City on Property Owned by the Corporation of the Presiding Bishop of the Church of Jesus Christ Latter Day Saints a Parcel Adjacent to San Juan Hills High School.

**Resolution No. 1920-47, Resolution of the Capistrano Unified School District to Authorize the Conveyance of an Easement to City of San Juan Capistrano for the Purposes of Providing Necessary Public Water and Sewer Pipeline Facilities for the City of San Juan Capistrano on Property Owned by the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints Adjacent to San Juan Hills High School  
Agenda Item 32**

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

It was moved by Trustee McNicholas and seconded by Trustee Bullockus to adopt Resolution No. 1920-48, Resolution of the Capistrano Unified School District to Authorize the Conveyance of an Easement to Santa Margarita Water District for the Purposes of Providing Necessary Public Water Facilities to Newhart Middle School, motion carried 7-0 by a roll call vote.

AYES: Trustees Bullockus, Castellanos, Hanacek, Holloway, Jones, McNicholas and Reardon  
NOES: None  
ABSENT: None

Student Advisor Koenigshofer voted aye to adopt Resolution No. 1920-48, Resolution of the Capistrano Unified School District to Authorize the Conveyance of an Easement to Santa Margarita Water District for the Purposes of Providing Necessary Public Water

**Resolution No. 1920-48, Resolution of the Capistrano Unified School District to Authorize Conveyance of an Easement to Santa Margarita Water District for the Purposes of Providing Necessary Public Water Facilities to Newhart Middle School**

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Facilities to Newhart Middle School.

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

It was moved by Trustee McNicholas and seconded by Trustee Hanacek to adopt Resolution No. 1920-49, Resolution of the Capistrano Unified School District to Authorize the Conveyance of an Easement to Moulton Niguel Water District for the Purposes of Providing Necessary Public Water, Reclaimed Water, and Wastewater Facilities to Aliso Niguel High School, motion carried 7-0 by a roll call vote.

AYES: Trustees Bullockus, Castellanos, Hanacek, Holloway, Jones,  
McNicholas and Reardon  
NOES: None  
ABSENT: None

Student Advisor Koenigshofer voted aye to adopt Resolution No. 1920-49, Resolution of the Capistrano Unified School District to Authorize the Conveyance of an Easement to Moulton Niguel Water District for the Purposes of Providing Necessary Public Water, Reclaimed Water, and Wastewater Facilities to Aliso Niguel High School.

President Reardon recognized Susan Holliday, Associate Superintendent, Education Services, to present the item.

Trustees gave direction to staff to bring back this policy for a second reading.  
President Reardon recognized Susan Holliday, Associate Superintendent, Education Services, to present the item.

Trustees gave direction to staff to bring back this policy for a second reading.

President Reardon recognized Susan Holliday, Associate Superintendent, Education Services, to present the item.

It was moved by Trustee Jones and seconded by Trustee Holloway to waive the second reading on Board Policy 6178, *Career Technical Education*.

AYES: Trustees Bullockus, Castellanos, Hanacek, Holloway, Jones,  
McNicholas and Reardon  
NOES: None  
ABSENT: None

Student Advisor voted aye to waive the second reading on Board Policy 6178, *Career Technical Education*.

It was moved by Trustee Reardon and seconded by Trustee McNicholas to approve Board Policy 6178, *Career Technical Education*, motion carried 7-0 by a roll call vote.

AYES: Trustees Bullockus, Castellanos, Hanacek, Holloway, Jones,  
McNicholas and Reardon  
NOES: None

**Resolution No.  
1920-49,  
Resolution of the  
Capistrano  
Unified School  
District to  
Authorize  
Conveyance of an  
Easement to  
Moulton Niguel  
Water District for  
the Purposes of  
Providing  
Necessary Public  
Water, Reclaimed  
Water, and  
Wastewater  
Facilities to Aliso  
Niguel High  
School  
Agenda Item 34  
First Reading -  
Board Policy 5150,  
Discipline  
Agenda Item 35  
First Reading -  
Board Policy 5152,  
Suspension and  
Expulsion/Due  
Process  
Agenda Item 36  
First Reading –  
Board Policy 6178,  
Career Technical  
Education  
Agenda Item 37**

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ABSENT: None

Student Advisor voted aye to approve Board Policy 6178, *Career Technical Education*.

President Reardon recognized Susan Holliday, Associate Superintendent, Education Services, to present the item.

**Deletion of Board Policy 6141.4, Career Preparation Agenda Item 38**

It was moved by Trustee McNicholas and seconded by Trustee Holloway to approve deletion of Board Policy 6141.4, *Career Preparation*, motion carried 7-0 by a roll call vote.

AYES: Trustees Bullockus, Castellanos, Hanacek, Holloway, Jones, McNicholas and Reardon  
NOES: None  
ABSENT: None

Student Advisor voted aye to approve deletion of Board Policy 6141.4, *Career Preparation*.

President Reardon recognized Tim Brooks, Human Resource Services, to present the item.

**First Reading - Board Policy 4154, Health and Welfare Benefits Agenda Item 39**

It was moved by Trustee McNicholas and seconded by Trustee Bullockus to waive the second reading on Board Policy 4154, *Health and Welfare Benefits*.

AYES: Trustees Bullockus, Castellanos, Hanacek, Holloway, Jones, McNicholas and Reardon  
NOES: None  
ABSENT: None

Student Advisor Koenigshofer voted aye to waive the second reading on Board Policy 4154, *Health and Welfare Benefits*.

It was moved by Trustee Reardon and seconded by Trustee McNicholas to approve Board Policy 4154, *Health and Welfare Benefits*, motion carried 7-0 by a roll call vote.

AYES: Trustees Bullockus, Castellanos, Hanacek, Holloway, Jones, McNicholas and Reardon  
NOES: None  
ABSENT: None

Student Advisor Koenigshofer voted aye to approve Board Policy 4154, *Health and Welfare Benefits*.

President Reardon recognized Susan Holliday, Associate Superintendent, Education Services, to present the item.

**Second Reading – Board Policy 6145, Extracurricular and Co-Curricular Activities Agenda Item 20 Adjournment**

Trustees gave direction to staff to bring back this policy for a third reading.

It was moved by Trustee McNicholas and seconded by Trustee Bullockus to adjourn the meeting, motion 7-0 by a roll call vote.

AYES: Trustees Bullockus, Castellanos, Hanacek, Holloway, Jones, McNicholas and Reardon

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NOES: None  
ABSENT: None

Student Advisor Koenigshofer voted aye to adjourn the meeting.

President Reardon announced the meeting adjourned 10:45 p.m.

  
\_\_\_\_\_  
Board Clerk

  
\_\_\_\_\_  
Secretary, Board of Trustees

*Minutes submitted by Colleen Hayes, Manager II, Board Operations/Superintendent's Office*