

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES OF REGULAR MEETING
MARCH 18, 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 4:33 p.m.

**Call to Order/
Adjourn to Closed
Session
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; Liability Claim; Student Expulsions; Public Employee Discipline/Dismissal/Release; Public Employee Employment/Appointment; Conference with Labor Negotiators, and Public Employment and Evaluation of Performance.

The regular meeting of the Board of Trustees was called to order by President Reardon at 7:17 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

It was moved by Trustee McNicholas and seconded by Trustee Holloway and motion carried by a 7-0 roll call vote to adopt the Regular Board agenda with the exception of items 13, 16, and 28 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 7-0 to approve the staff recommendation on the following cases:

ADR Case Number 20191213

ADR Case Number 20200210

ADR Case Number 20200211

ADR Case Number 20202320

Trustees voted 5-0-1-1 with Trustee Reardon recusing himself, to approve staff recommendation on the following case:

ADR Case Number 20200116

On Agenda Item A-6 Trustees gave direction to staff.
On Agenda Item A-6.1 Trustees gave direction to staff.
On Agenda Item A-7 case #1 Trustees gave direction to staff.
On Agenda Item A-7 case #2 Trustees gave direction to staff.

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

Significant Exposure to Litigation – Three Cases

Trustees voted 5-0-1-1 with Trustee Reardon recusing himself, to approve staff recommendation on the following cases:

- OAH Case Number 2019110345
- OAH Case Number 2019110740

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

- OAH Case Number 2019120826

Agenda Item #3C – Conference with Real Property Negotiators

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

No reportable action.

Agenda Item #3D – Liability Claim

Significant Exposure to Litigation – One Case

Trustees voted 7-0 to approve staff recommendation on:

- Rejection of Government Claim No. 1906942.

Agenda Item #3E – Student Expulsions – Nine Cases

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

- Case # 2020-026
- Case # 2020-027
- Case # 2020-028
- Case # 2020-029
- Case # 2020-030
- Case # 2020-031
- Case # 2020-032
- Case # 2020-033
- Case # 2020-034

Agenda Item #3F – Public Employee Discipline/Dismissal/Release

Trustees voted 7-0 to approve staff recommendation on Cases F-1 and F-2.

Agenda Item #3G – Public Employee Employment/Appointment

Trustees voted 7-0 to approve staff recommendation to appoint Dr. Manoj Mahindrakar, Principal High School, assigned to San Juan Hills High School.

Agenda Item #3H – Conference with Labor Negotiators

On agenda item H-1, no reportable action.

On agenda item H-2, Trustees gave direction to staff.

Agenda Item #3I – Public Employee and Evaluation of Performance

No reportable action.

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

**Board and
Superintendent
Comments**

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No speakers addressed the Board.

**Oral
Communications**

At 7:29 p.m. President Reardon opened the Public Hearing on Resolution No. 1920-40, An Increase in Statutory School Fees Imposed on New Residential and Commercial/Industrial Construction Pursuant to Education Code § 17620 and Government Code § 65995.

**Public Hearing:
Resolution No.
1920-40, An
Increase in
Statutory School
Fees Imposed on
New Residential
and Commercial/
Industrial
Construction
Pursuant to
Education Code
§ 17620 and
Government Code
§ 65995**

President Reardon closed the Public Hearing at 7:30 p.m.

**Agenda Item 1
Public Hearing:
Instructional
Materials
Recommended for
Adoption:
Advanced
Placement
American
Government;
Advanced
Placement
Economics;
Advanced
Placement
European History;
Advanced
Placement World
History;
Advanced
Placement/
International
Baccalaureate
American History;
Advanced
Placement/
International
Baccalaureate
Psychology
Agenda Item 2**

At 7:30 p.m. President Reardon opened the Public Hearing on Instructional Materials Recommended for Adoption: Grade 12 Advance Placement (AP) American Government; grade 12 AP Economics; Grades 10-12 AP European History; Grades 9-10 AP World History; Grade 11 Advanced Placement (AP)/International Baccalaureate (IB) American History; Grade 12 AP/IB Psychology.

President Reardon closed the Public Hearing at 7:31 p.m.

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. Trustees pulled agenda item 9.

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

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

Approval of donations of funds and equipment.

**Donation of Funds
and Equipment
Agenda Item 3
Purchase Orders,
Commercial
Warrants and
Previously Board-
Approved Bids
and Contracts
Agenda Item 4
Independent
Contractor,
Professional
Services, Field
Service, and
Master Contract
Agreements
Agenda Item 5
Change Order No.
1, Bid No. 1920-
05, Newhart
Middle School
Steam Building
Project
Agenda Item 6
State of California
Multiple Award
Schedule Contract
No. 3-19-70-
3372C, General
Services
Administration
Schedule No. GS-**

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

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

Approval of Change Order No. 1, Bid No. 1920-05 for the Newhart Middle School STEAM Building Project related to unforeseen conditions relating to power at portable 131 that were required to be resolved to keep the site operational.

Approval to utilize the State of California Multiple Award Schedule (CMAS) Contract No. 3-19-70-3372C, General Services Administration Schedule No. GS-35F-189BA, and any subsequent revisions, amendments, and extensions awarded to BorderLAN, Inc., for the purchase and warranty of certain information technology goods and services, specifically internet content filter, as needed by the District.

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Approval of the Account-AbilitySM Software Services Agreement with Colbi Technologies for construction project accounting software which will track the budgets and all expenditures for the Aliso Niguel High School STEM and Newhart Middle School STEAM construction projects.

Approval of the Memorandum of Understanding (MOU) with County of Orange, OC Public Libraries, in partnership with San Juan Capistrano Library for participation in the Summer Food Service Program maintained by Food and Nutrition Services.

Approval of the agreement for participation in the mobile school pantry with Second Harvest Food Bank of Orange County.

Approval of meal prices for the 2020-2021 school-year.

This item was pulled by staff.

Approval of the ratification of Agreement No. 48868 with the Orange County Superintendent of Schools to allow Early Childhood Guided Language Acquisition Design (GLAD) training for Early Childhood Programs staff.

Approval of Agreement No. 49773 with the Orange County Superintendent of Schools to allow the District to receive the Quality Rating and Improvement System Block Grant for continuous quality improvement of early education programs.

This item was pulled by staff.

**35F-189BA,
Purchase and
Warranty of
Information
Technology Goods
and Services –
BorderLAN, Inc.
Agenda Item 7
Account-AbilitySM
Software Services
Agreement - Colbi
Technologies, Inc.
Agenda Item 8
Memorandum of
Understanding
with County of
Orange, OC
Public Libraries
for Summer Food
Service Program
Agenda Item 10
Member Program
Agreement for
Mobile School
Pantry – Second
Harvest Food
Bank of Orange
County
Agenda Item 11
Proposed 2020-
2021 School-Year
Meal Prices
Agenda Item 12
Deletion of Board
Policy 6141.4,
Career
Preparation
Agenda Item 13
Agreement No.
48868 with the
Orange County
Superintendent of
Schools
Agenda Item 14
Agreement No.
49773 with the
Orange County
Superintendent of
Schools
Agenda Item 15
Addendums to the
Agreement for
Additional Schools**

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Approval of the ratification of Agreement No. 49885 with the Orange County Superintendent of Schools enables the District to partner with county staff to provide professional development to District teachers.

Approval of the ratification of the Sales and Services Agreement with the University of Southern California Irvine, History Project.

Approval of the ratification of the Amendment to the Advancement Via Individual Determination (AVID) College Readiness System Services and Products Agreement for AVID Elementary and Secondary Membership.

Acceptance of Williams Settlement Legislation Orange County Department of Education (OCDE) Second Quarter Report.

Approval of the contract for the Admin Induction Colloquium on May 5, 2020, to be held at San Juan Hills Golf Club for the conclusion of the program.

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

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

Approval of the March 4, 2020 Special Board Meeting Minutes.

**Participating in
Inside the
Outdoors Field or
School Programs,
Agreement No.
12025,
Addendum No. 13,
15, 16, and 17
Agenda Item 16
Agreement No.
49885 with the
Orange County
Superintendent of
Schools
Agenda Item 17
Sales and Services
Agreement with
the University of
Southern
California, Irvine
Agenda Item 18
Amendment to
the AVID
Services and
Products
Agreement
Agenda Item 19
Orange County
Department of
Education Second
Quarter Report –
Williams
Settlement
Legislation
Agenda Item 20
Admin Induction
Colloquium
Agenda Item 21
Resignations/
Retirements/
Employment -
Certificated
Employees
Agenda Item 22
Resignations/
Retirements/
Employment -
Classified
Employees
Agenda Item 23
School Board
Minutes
Agenda Item 24**

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President Reardon recognized Gregory Merwin, Associate Superintendent, Student Support Services, to present this item.

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

Trustee Jones left the meeting at 8:13 p.m.

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

The following speaker addressed the Board:

- *Gavin Keller, School Director, Journey Charter School, spoke regarding the Charter Renewal Petition*

It was moved by Trustee McNicholas and seconded by Trustee Holloway to adopt Resolution No. 1920-43, Resolution of the Board of Trustees to Approve the Charter Renewal Petition of Journey School Public Charter School Subject to Entry into Memorandum of Understanding. The motion carried 6-0-1

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

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

Trustees asked that this item be brought back on the Consent Calendar for a second reading.

This item was pulled by staff.

Superintendent Vital recommended the Trustees vote on all instructional materials in one action.

It was moved by Trustee Hanacek and seconded by Trustee Holloway to approve all instructional materials recommended for adoption, agenda items 29 to 34, in one vote. The motion carried 6-0-1.

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

Approval of Secondary History/Social Science instructional materials for Advanced Placement American Government, grade 12: *American Government: Stories of a Nation* ©2019 Bedford, Freeman and Worth. The motion carried 6-0-1.

**Coronavirus:
District Plans for
Communication,
Prevention, and
Intervention
Agenda Item 25
Resolution No.
1920-43,
Resolution of the
Board of Trustees
to Approve the
Charter Renewal
Petition of
Journey School
Public Charter
School Subject to
Entry into
Memorandum of
Understanding
Agenda Item 26**

**First Reading –
Board Policy 6145,
Extracurricular
and Co-
Curricular
Activities
Agenda Item 27
First Reading –
Board Policy 6178,
Career Technical
Education
Agenda Item 28
Motion to Take
Action on Items
29-34 with One
Vote**

**Instructional
Materials
Recommended for
Adoption:
Secondary History/
Social Science,**

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Approval of Secondary History/Social Science instructional materials for Advanced Placement Economics, grade 12: *Krugman's Economics for the AP Course* ©2019 Bedford, Freeman and Worth. The motion carried 6-0-1.

**Advanced
Placement
American
Government,
Grade 12
Agenda Item 29
Instructional
Materials
Recommended for
Adoption:
Secondary History/
Social Science,
Advanced
Placement
Economics, Grade
12**

Approval of Secondary History/Social Science instructional materials for Advanced Placement European History, grades 10-12: *A History of Western Society for the AP Course* ©2020 Bedford, Freeman and Worth. The motion carried 6-0-1.

**Agenda Item 30
Instructional
Materials
Recommended for
Adoption:
Secondary History/
Social Science,
Advanced
Placement
European History,
Grades 10-12**

Approval of Secondary History/Social Science instructional materials for Advanced Placement World History, grades 9-10: *Ways of the World: A Global History with Sources* ©2020 Bedford, Freeman and Worth. The motion carried 6-0-1.

**Agenda Item 31
Instructional
Materials
Recommended for
Adoption:
Secondary
History/
Social Science,
Advanced
Placement World
History, Grades 9-
10**

Approval of Secondary History/Social Science instructional materials for Advanced Placement/International Baccalaureate American History, grade 11: *Give Me Liberty! An American History* ©2020 W.W. Norton. The motion carried 6-0-1.

**Agenda Item 32
Instructional
Materials
Recommended for
Adoption:
Secondary
History/Social
Science, Advanced
Placement/
International
Baccalaureate
American History,
Grade 11
Agenda Item 33**

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Approval of Secondary History/Social science instructional materials for Advanced Placement/International Baccalaureate Psychology, grade 12: *Psychology for the AP Course* ©2020 Bedford, Freeman and Worth. The motion carried 6-0-1.

**Instructional
Materials
Recommended for
Adoption:
Secondary
History/Social
Science, Advanced
Placement/
International
Baccalaureate
Psychology, Grade
12**

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

**Agenda Item 34
Resolution No.
1920-39,
Resolution of
Intent to Consider
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
Adjacent to San
Juan Hills High
School**

It was moved by Trustee Holloway and seconded by Trustee McNicholas to adopt Resolution No. 1920-39, Intent to Consider 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 adjacent to San Juan Hills High School. The motion carried 6-0-1.

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

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 Holloway to adopt Resolution No. 1920-40, An Increase in Statutory School Fees Imposed on New Residential and Commercial/Industrial Construction Pursuant to Education Code § 17620 and Government Code § 65995. The motion carried 6-0-1.

**Agenda Item 35
Resolution No.
1920-40, An
Increase in
Statutory School
Fees Imposed on
New Residential
and Commercial/
Industrial
Construction
Pursuant to
Education Code
§ 17620 and
Government Code
§ 65995**

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

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 Holloway to adopt Resolution No. 1920-41, Intent to Consider the Conveyance of an Easement to the Santa Margarita Water District for the Purposes of Providing Necessary Public Water Services

**Agenda Item 36
Resolution No.
1920-41, Intent to
Consider the
Conveyance of an
Easement to The
Santa Margarita**

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to Newhart Middle School. The motion carried 6-0-1.

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

Water District for the Purposes of Providing Necessary Public Water Services to Newhart Middle School
Agenda Item 37

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. 1920-42, Intent to Consider the Conveyance of an Easement to the Moulton Niguel Water District for the Purposes of Providing Necessary Public Water, Reclaimed Water, and Wastewater Facilities to Aliso Niguel High School. The motion carried 6-0-1.

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

Resolution No. 1920-42, Intent to Consider the Conveyance of an Easement to the 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 Clark Hampton, Deputy Superintendent, Business and Support Services to present the item.

It was moved by Trustee Holloway and seconded by Trustee McNicholas to adopt Resolution No. 1920-45, Resolution Supporting Rancho Mission Viejo, LLC's Request for Amendment to the Master Plan of Arterial Highways. The motion carried 6-0-1 with the following revision to Amendment 5:

5. Realign Cristianitos Road from Cow Camp to Avenida La Pata (to the east away from San Juan Hills High Schools), to be renamed Los Patrones Parkway.

WHEREAS, RMV requested Amendment 5 because the terminus of Cristianitos Road is no longer a logical termination, given TCA's withdrawal of the "Green Alignment" for the SR- 241 toll extension: and

WHEREAS, Amendment 5 would realign Cristianitos Road into an extension of Los Patrones Parkway from Cow Camp Road to South of San Juan Hills High School, would move traffic away from San Juan Hills High School, and may provide an attractive alternative route for the SR-241 toll road extension instead of along Avenida La Pata or the other alternatives being considered in the South County Traffic Relief Effort; and

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

Agenda Item 38
Resolution No. 1920-45, Resolution Supporting Rancho Mission Viejo, LLC's Request for Amendment to the Master Plan of Arterial Highways
Agenda Item 39

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

Operation and Maintenance Scope of Work Agreements for Capistrano Valley High School, Tesoro High School, Dana Hills High School, Aliso Niguel High School, San Clemente High School and the District Office Solar Projects – REC Solar Commercial Corporation Agenda Item 9 Adjournment

It was moved by Trustee Holloway and seconded by Trustee Reardon to approve Operation and Maintenance (O&M) Scope of Work Agreements with REC Solar Commercial Corporation for Capistrano Valley High School, Tesoro High School, Dana Hills High School, Aliso Niguel High School, San Clemente High School and the District Office Solar Projects. The motion carried 6-0-1.

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

It was moved by Trustee McNicholas and seconded by Trustee Holloway to adjourn the meeting, motion carried 6-0-1.

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

President Reardon announced the meeting adjourned at 9:12 p.m.



Board Clerk



Secretary, Board of Trustees

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