

CAPISTRANO UNIFIED SCHOOL DISTRICT
33122 Valle Road
San Juan Capistrano, CA 92675
BOARD OF TRUSTEES
Regular Meeting

April 29, 2020

Closed Session 5:00 p.m.
Open Session 7:00 p.m.

AGENDA

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. Members of the public may live stream the meeting from our District website at CAPOUSD.org by registering and clicking [here](#).

The District has also provided the following option for the public to address the Board telephonically. If you wish to address the Board telephonically on any agenda item, you may do so by registering before the start of the item on the evening of April 29, 2020. 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. Please follow the instructions to register provided by clicking [here](#).

CLOSED SESSION AT 5:00 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 Shinnefield
Significant Exposure to Litigation – Five Cases
ADR Case Number 20191211
ADR Case Number 20200124
ADR Case Number 20200205
ADR Case Number 20200303
ADR Case Number 20200408
(Pursuant to Government Code § 54956.9(d)(2))

EXHIBIT A-1
EXHIBIT A-2
EXHIBIT A-3
EXHIBIT A-4
EXHIBIT A-5

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Gregory Merwin/Kathy Purcell
Attorney – Justin Shinnefield
Significant Exposure to Litigation – One Case
OAH Case Number 2019110439
(Pursuant to Government Code § 54956.9(d)(1))

EXHIBIT B-1

C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

District Negotiators: Kirsten M. Vital/Clark Hampton/John Forney
Attorney – Andreas Chialtas
Property: PA-3 K-8 School No. 2 an approximate 20-acre school site
Negotiating Party: Mike Balsamo/Elise Milington of Rancho Mission Viejo, LLC
Under Negotiation: Price and Terms of Payment
(Pursuant to Government Code § 54956.8)

EXHIBIT C-1

District Negotiators: Kirsten M. Vital/Clark Hampton/John Forney
Attorney – Jeff Hoskinson
Property: 31642 El Camino Real, San Juan Capistrano
Negotiating Party: South Coast Investors II, LCC
Under Negotiation: Price and Terms of Payment for Use
(Pursuant to Government Code § 54956.8)

EXHIBIT C-2

D. STUDENT READMISSION

Mike Beekman
One Case
Case # 2019-060

EXHIBIT D-1

E. STUDENT EXPULSIONS

Mike Beekman
Seven Cases
Case # 2020-036
Case # 2020-037
Case # 2020-038
Case # 2020-039
Case # 2020-040
Case # 2020-041
Case # 2020-042

EXHIBIT E-1
EXHIBIT E-2
EXHIBIT E-3
EXHIBIT E-4
EXHIBIT E-5
EXHIBIT E-6
EXHIBIT E-7

F. CONFERENCE WITH LABOR NEGOTIATORS

District Negotiators: Kirsten M. Vital/Tim Brooks/Clark Hampton
Employee Organizations:

- 1) Capistrano Unified Education Association (CUEA)
- 2) California School Employees Association (CSEA)
- 3) Teamsters
- 4) Capistrano Unified Management Association (CUMA)

(Pursuant to Government Code § 54957.6)

EXHIBIT F-1

G. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Kirsten Vital
(Pursuant to Government Code § 54957)

EXHIBIT G-1

H. PUBLIC HEALTH EMERGENCY

Consultation with Agency Counsel
Attorney – Anthony De Marco
(Pursuant to Government Code § 54957(a))

RECORDING OF SCHOOL BOARD MEETINGS

In accordance with Board Policy 9324, Board Minutes, all Regular School Board Meetings will be audio recorded.

OPEN SESSION AT 7:00 P.M.

CALL TO ORDER – ROLL CALL

PLEDGE OF ALLEGIANCE

ADOPTION OF THE AGENDA

REPORT ON CLOSED SESSION ACTION

BOARD AND SUPERINTENDENT COMMENTS

ORAL COMMUNICATIONS (Non-Agenda Items)

Oral Communications will occur immediately following Board and Superintendent 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.

PUBLIC HEARINGS

CUSD will be taking public hearing comments telephonically. To register to call-in for comment please click [here](#).

1. **PUBLIC HEARING: 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:** Page 1
EXHIBIT 1

The Board will conduct a public hearing on adopting 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. Supporting documentation is located in Exhibit 32.

CUSD WIG 3: Facilities – Optimize facilities and learning environments for all students.

Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

Staff Recommendation

It is recommended the Board President open the public hearing, determine if members of the public have submitted requests to speak on the item, and after hearing any speakers, formally close the public hearing.

2. **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:** Page 12
EXHIBIT 2

The Board will conduct a public hearing on adopting 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. Supporting documentation is located in Exhibit 33.

CUSD WIG 3: Facilities – Optimize facilities and learning environments for all students.

Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

Staff Recommendation

It is recommended the Board President open the public hearing, determine if members of the public have submitted requests to speak on the item, and after hearing any speakers, formally close the public hearing.

3. **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 PURPOSES OF PROVIDING NECESSARY PUBLIC WATER, RECLAIMED WATER, AND WASTEWATER FACILITIES TO ALISO NIGUEL HIGH SCHOOL:** Page 22
EXHIBIT 3

The Board will conduct a public hearing on adopting 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. Supporting documentation is located in Exhibit 34.

CUSD WIG 3: Facilities – Optimize facilities and learning environments for all students.

Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

Staff Recommendation

It is recommended the Board President open the public hearing, determine if members of the public have submitted requests to speak on the item, and after hearing any speakers, formally close the public hearing.

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 Superintendent and the staff recommend approval of all Consent Calendar items.

BUSINESS AND SUPPORT SERVICES

- 4. DONATION OF FUNDS AND EQUIPMENT:** Page 34
EXHIBIT 4
Approval of donations of funds and equipment. A number of gifts have been donated to the District, including \$218,396.61 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, Deputy Superintendent, Business and Support Services
- 5. PURCHASE ORDERS, COMMERCIAL WARRANTS AND PREVIOUSLY BOARD-APPROVED BIDS AND CONTRACTS:** Page 37
EXHIBIT 5
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 \$6,279,605.55 and the commercial warrants total \$34,960,198.95. 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, Deputy Superintendent, Business and Support Services
- 6. INDEPENDENT CONTRACTOR, PROFESSIONAL SERVICES, FIELD SERVICE, AND MASTER CONTRACT AGREEMENTS:** Page 156
EXHIBIT 6
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 16 new agreements totaling \$299,719 and 9 amendments to existing agreements totaling \$343,719. 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, Deputy Superintendent, Business and Support Services
- 7. AWARD BID NO. 1920-07, TESORO HIGH SCHOOL TURF AND SAND VOLLEYBALL COURT PROJECT – ASPHALT, FABRIC AND ENGINEERING, INCORPORATED:** Page 383
EXHIBIT 7
Approval of Award of Bid No. 1920-07, Tesoro High School Turf and Sand Volleyball Court Project to Asphalt, Fabric and Engineering, Incorporated. Three bids were received and opened on April 2, 2020 and are listed on Exhibit A. The bidder offering the lowest base price was used to determine the lowest responsive bidder. Asphalt, Fabric and Engineering, Incorporated is the lowest responsive, responsible bidder at \$916,295. This project will be funded by gift funds, Las Flores CFD 92-1, and deferred maintenance.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

8. **CHANGE ORDER NO. 2, BID NO. 1920-05, NEWHART MIDDLE SCHOOL STEAM BUILDING PROJECT:** Page 427
EXHIBIT 8
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. 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 \$10,249,000. The new contract sum including Change Order No. 2 is \$10,278,431.55 funded by Redevelopment Agency Mission Viejo. With this change order, the project remains under budget.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
9. **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:** Page 487
EXHIBIT 9
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. The District can utilize such contracts pursuant to California Public Contract Code §§ 10298, 10299, and 12100 et. seq. without going to bid. The prices offered by the contractor have been assessed to be fair, reasonable, and competitive. Staff determined it is in the best interest of the District to utilize the state contract for the purchase, warranty, and installation of various floor covering materials and incidental services Districtwide. Anticipated annual expenditures utilizing this contract are approximately \$250,000 funded by the general fund and deferred maintenance. Due to the size of the contract and award documentation, it is posted online on the District Board Agendas and Supporting Documentation page [here](#).
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
10. **THIRD EXTENSION OF BID NO. 1617-07, ELECTRICAL, FIRE PROTECTION, AND LOW VOLTAGE SYSTEMS SERVICES – GILBERT AND STEARNS, INCORPORATED:** Page 490
EXHIBIT 10
Approval of the Third Extension of Bid No. 1617-07, Electrical, Fire Protection, and Low Voltage Systems Services with Gilbert and Stearns, Incorporated. The vendor agrees to maintain the pricing for categories 1, 2, and 3 provided in Exhibit 3-A of the agreement for the renewal period of January 1, 2020 through December 31, 2020. Annual expenditures utilizing this contract are estimated to be \$575,000 funded by the general fund. Actual expenditures during this bid term may vary depending on availability of funds and District needs.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
11. **RESOLUTION NO. 1920-51, DESIGNATION OF AGENT FOR FEDERAL EMERGENCY MANAGEMENT AGENCY APPLICATION:** Page 521
EXHIBIT 11
Approval of Resolution No. 1920-51 for designation of agent for the Federal Emergency Management Agency (FEMA) application. In order to apply for FEMA funds to cover COVID-19 expenses, the District must pass a resolution to approve a “Designation of Applicant’s Agent” form certifying who is authorized to submit a Request for Public Assistance (RPA). The deadline for finalizing the RPA has not yet been determined, but will be 30 days after the incident period for the disaster event closes.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

- 12. CHARTER FACILITIES AGREEMENT FOR 2020-2021 – OCASA COLLEGE PREP:** Page 523
EXHIBIT 12
- Approval of Charter Facilities Agreement with OCASA College Prep (OCP) to enter into an in-lieu arrangement where OCP will occupy space at 31522 El Camino Real in San Juan Capistrano (formerly the College and Career Advantage campus) in the 2020-2021 school year.
- Terms of this agreement include the use of the space described and depicted in Exhibit A, for a one-year term of July 1, 2020 to June 30, 2021. The agreement has been reviewed and approved by the District’s legal counsel.
- Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*

CURRICULUM AND INSTRUCTION

- 13. 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:** Page 549
EXHIBIT 13
- Approval of Agreement to Refer Students to Alternative Community and Correctional Educational Schools and Services (ACCESS) for June, July and August 2020. Since July 2010, ACCESS has provided District high school students the opportunity to remediate credit deficiencies during June, July and August. Each year the District must enter into an Agreement to refer students to ACCESS for services. This agreement allows ACCESS to enroll District students for the purpose of remediating high school credit deficiencies during the months of June, July and August. There is no financial impact.
- Contact: Susan Holliday, Associate Superintendent, Education Services*

- 14. APPROVAL OF THE AGREEMENT FOR ADDITIONAL SCHOOLS PARTICIPATING IN INSIDE THE OUTDOORS FIELD OR SCHOOL PROGRAMS, AGREEMENT NO. 12025, ADDENDUM NO. 13:** Page 553
EXHIBIT 14
- 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. District schools routinely participate in the Orange County Department of Education’s outdoor science school/field trip programs and “Traveling Scientist” programs and assemblies. Truman Benedict Elementary School expressed an interest in having an additional assembly for their fourth grade students, on the topic of “Amazing Animals”, and held that assembly on February 20, 2020. The expenditure for this contract addendum was \$810, funded by gift funds.
- Contact: Susan Holliday, Associate Superintendent, Education Services*

- 15. JOINT POWERS AGREEMENT WITH THE ORANGE COUNTY SHERIFF’S DEPARTMENT:** Page 557
EXHIBIT 15
- Approval of the Joint Powers Agreement with the Orange County Sheriff’s Department. After the Florida school Board shooting in 2010, the Board of Trustees requested that a deputy be present at each Board meeting. In order to compensate the Orange County Sheriff’s Department for supplemental law enforcement services, the District and the Orange County Sheriff’s Department entered into a joint powers agreement. This agreement is entered into annually. The cost of a Deputy Sheriff II is \$99.51 per hour, a Deputy Sheriff I is \$104.65 per hour, funded by general funds.
- Contact: Susan Holliday, Associate Superintendent, Education Services*

- 16. SERVICE ORDER WITH ROSETTA STONE APRIL 1, 2020-SEPTEMBER 1, 2020:** Page 569
EXHIBIT 16
- 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. The cost per license is \$56.25. The total service order for 75 licenses is \$4,218.75 funded by Title III funds.

Contact: Susan Holliday, Associate Superintendent, Education Services

17. **MEMORANDUM OF UNDERSTANDING WITH THE CALIFORNIA DEPARTMENT OF JUSTICE:** Page 572
EXHIBIT 17
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. The District was awarded a grant for 4 years totaling \$67,600. The grant will cover the cost of our contract with the National Council on Alcoholism and Drug Dependence. Each of the 19 secondary schools will receive 1 presentation, for 9 months, equaling 162 presentations, annually. Approval of the MOU will allow the District to receive \$67,600 over the next 4 years.
Contact: Susan Holliday, Associate Superintendent, Education Services
18. **AGREEMENT NO. UCI-1920BC-052 WITH THE REGENTS OF THE UNIVERSITY OF CALIFORNIA:** Page 576
EXHIBIT 18
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. District teachers participated in training that will help them successfully understand and implement the common core Math standards through content and pedagogical content based professional development, unit planning and general support. This service was provided during the 2019-2020 school year. The cost of \$6,600 and \$125 per substitute required was funded by Low Performing Block Grant funds.
Contact: Susan Holliday, Associate Superintendent, Education Services
19. **AGREEMENT NO. UCI-1920BC-062 WITH THE REGENTS OF THE UNIVERSITY OF CALIFORNIA:** Page 587
EXHIBIT 19
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. District teachers participate in training that will help them successfully understand and implement the common core Math standards through content and pedagogical content based professional development, unit planning and general support. This service is for the 2020-2021 school year. The cost of \$19,800 and \$125 per substitute required will be funded with Low Performing Block Grant funds.
Contact: Susan Holliday, Associate Superintendent, Education Services
20. **SECOND READING – BOARD POLICY 6145, EXTRACURRICULAR AND CO-CURRICULAR ACTIVITIES:** Page 598
EXHIBIT 20
Approval of the proposed revisions to Board Policy 6145, *Extracurricular and Co-curricular Activities*, to ensure the policy is aligned with current legal requirements and District practices. Changes are underlined; deletions are struck through.
Contact: Susan Holliday, Associate Superintendent, Education Services

HUMAN RESOURCE SERVICES

21. **CALIFORNIA STATE UNIVERSITY, FULLERTON SPRING 2020 SPEECH LANGUAGE PATHOLOGIST MASTER TEACHER PAYMENTS:** Page 605
EXHIBIT 21
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. Universities provide a nominal payment to the Master Teacher for the support of the student enrolled in the credential program. California State University, Fullerton reimburses the District for the cost of the Master Teacher payment.
Contact: Tim Brooks, Associate Superintendent, Human Resource Services

22. **PRACTICUM AGREEMENT WITH SAN JOSE STATE UNIVERSITY:** Page 608
EXHIBIT 22
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.
Contact: Tim Brooks, Associate Superintendent, Human Resource Services
23. **STANDARD CLINICAL AFFILIATION AGREEMENT WITH COAST COMMUNITY COLLEGE DISTRICT:** Page 614
EXHIBIT 23
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. Students enrolled in the Speech Language Pathology Assistant Program at colleges within the Coast Community College District will be paired with a veteran District school Speech Language Pathologist as they complete practicum/fieldwork hours required to earn their Speech Language Pathology Assistant degree.
Contact: Tim Brooks, Associate Superintendent, Human Resource Services
24. **THIRD QUARTER REPORT – WILLIAMS SETTLEMENT LEGISLATION UNIFORM COMPLAINT:** Page 630
EXHIBIT 24
Acceptance of Williams Settlement Legislation Uniform Complaint Third Quarter Report. As a result of the Williams Settlement, Education Code § 35186 mandates school districts establish policies and procedures to resolve deficiencies related to textbooks and instructional materials, teacher vacancies or misassignments, and facility conditions posing a threat to student/staff health or safety. Furthermore, Education Code § 35186 requires any deficiencies or complaints be reported to the Board of Trustees at a regularly scheduled public meeting each quarter. No complaints were received during the third quarter.
Contact: Tim Brooks, Associate Superintendent, Human Resource Services
25. **RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CERTIFICATED EMPLOYEES:** Page 633
EXHIBIT 25
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: Tim Brooks, Associate Superintendent, Human Resource Services
26. **RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CLASSIFIED EMPLOYEES:** Page 657
EXHIBIT 26
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: Tim Brooks, Associate Superintendent, Human Resource Services

GENERAL FUNCTIONS

27. **SCHOOL BOARD MINUTES:** Page 692
EXHIBIT 27
Approval of the April 15, 2020 Special Board Meeting minutes.
Contact: Colleen Hayes, Manager II, Board Operations/Superintendent's Office

DISCUSSION/ACTION ITEMS

- 28. SECOND READING – EMERGENCY BOARD POLICY E5121.2, GRADES/EVALUATION OF STUDENT ACHIEVEMENT:** **DISCUSSION/ACTION**
Page 696
EXHIBIT 28

As a result of the continued school closure, through June 4, 2020, due to the COVID-19 pandemic, staff is recommending Trustees waive Board Policy 5121.1, *Grades/Evaluation of Student Achievement*, and in its place, approve an Emergency Board Policy E5121.2, *Grades/Evaluation of Student Achievement*, to temporarily replace Board Policy 5121.1. Emergency Board Policy E5121.2 updates language for the process of administering grades. During the period of the school closure, teachers shall provide grades to students that reflect a “do no harm” approach. A student’s grade on the report card should not be negatively impacted by the school closure. If a student received a particular mark at an earlier reporting period prior to the closure, the student would be unable to receive a lower mark on the subsequent reporting period. Grading will continue with a mark of 2 through 4 for elementary grades and letter grades (A-C) with the proposed option of Credit, No Credit at the secondary level. 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: Susan Holliday, Associate Superintendent, Education Services

Staff Recommendation

It is recommended the Board President recognize Susan Holliday, Associate Superintendent, Education Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve Board Policy E5121.2, *Grades/Evaluations of Student Achievement*.

Motion by _____ Seconded by _____

- 29. SECOND READING - WAIVER OF BOARD POLICY 5121.1, GRADES/EVALUATION OF STUDENT ACHIEVEMENT:** **DISCUSSION/ACTION**
Page 704
EXHIBIT 29

As a result of the continued school closure, through June 4, 2020, due to the COVID-19 pandemic, staff is recommending Trustees waive Board Policy 5121.1, *Grades/Evaluation of Student Achievement*. Staff will also be recommending Trustees approve an Emergency (E) Board Policy E5121.2, *Grades/Evaluation of Student Achievement*, to temporarily replace Board Policy 5121.1. 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: Susan Holliday, Associate Superintendent, Education Services

Staff Recommendation

It is recommended the Board President recognize Susan Holliday, Associate Superintendent, Education Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve waiving Board Policy 5121.1, *Grades/Evaluation of Student Achievement*.

Motion by _____ Seconded by _____

- 30. UPDATE ON DISTANCE LEARNING AND GRADUATION:** **INFORMATION/ DISCUSSION**
Page 709
EXHIBIT 30

In response to the COVID-19 pandemic and to maintain the safety of District students, families, and staff while mitigating the spread of the virus, Trustees approved temporary closure of all schools from March 16, 2020 to June 4, 2020.

In order to provide all students with educational opportunities during temporary school closure, the District has implemented a Distance Learning Program which includes innovative ways to provide differentiated instruction and social emotional support in a remote learning environment. This report will provide Trustees an update on feedback and input the District received from seniors and their parents regarding the planning of high school graduation ceremonies.

CUSD WIG 1: Teaching and Learning - Engage students in meaningful, challenging, and innovative educational experiences to increase post-secondary options for all students.

CUSD WIG 2: Communications - Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions.
Contact: Susan Holliday, Associate Superintendent, Education Services

Staff Recommendation

It is recommended the Board President recognize Susan Holliday, Associate Superintendent, Education Services, to present this item and answer any questions Trustees may have. This is an information item only and no Board action is necessary.

31. PRESENTATION – MATH OPTIONS:

The purpose of this item is to update Trustees and the community on District progress in supporting student Math proficiency and the proposed next steps to support student options for multiple opportunities to excel in Math. Based on Trustee feedback during the May 8, 2019 Board Workshop as well as the February 19, 2020 Board Meeting staff was asked to examine options to provide opportunities for all students to access higher levels of math course work. Staff met to review math programming and practices, and identified additional ways to support high achieving students' access to acceleration. In addition, staff will provide an update on the recommended criteria for placing students in accelerated courses. Per Board Policy, the Superintendent or designee shall establish a process to identify students for GATE and accelerated opportunities.

CUSD WIG 1: Teaching and Learning – Engage students in meaningful, challenging, and innovative educational experiences to increase post-secondary options for all students.

Contact: Susan Holliday, Associate Superintendent, Education Services

Staff Recommendation

It is recommended the Board President recognize Susan Holliday, Associate Superintendent, Education Services, to present this item and answer any questions Trustees may have regarding this item. This is an information item only and no Board action is necessary.

32. 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:

Resolution No. 1920-47 authorized the conveyance of an easement to the City of San Juan Capistrano (City) 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 (CPB), a parcel adjacent to San Juan Hills High School. The District has the authority to grant easements pursuant to Education Code § 17556 *et seq.* The Board adopted the related Resolution of Intent on March 18, 2020 for this easement.

CUSD WIG 3: Facilities – Optimize facilities and learning environments for all students.

Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

**INFORMATION/
DISCUSSION
Page 710
EXHIBIT 31**

**DISCUSSION/
ACTION
Page 734
EXHIBIT 32**

Staff Recommendation

It is recommended the Board President recognize Clark Hampton, Deputy Superintendent, Business and Support Services, to present this item.

Following discussion, it is recommended the Board of Trustees 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 by _____ Seconded by _____

- 33. **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:** **DISCUSSION/ ACTION**
 Page 746
EXHIBIT 33

Resolution No. 1920-48 authorizes the conveyance of an easement to Santa Margarita Water District (SMWD) within Newhart Middle School to provide necessary public water facilities. The District has the authority to grant easements pursuant to Education Code § 17556 *et seq.* The Board adopted the related Resolution of Intent on March 18, 2020 for this easement.

CUSD WIG 3: Facilities – Optimize facilities and learning environments for all students.

Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

Staff Recommendation

It is recommended the Board President recognize Clark Hampton, Deputy Superintendent, Business and Support Services, to present this item.

Following discussion, it is recommended the Board of Trustees 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 by _____ Seconded by _____

- 34. **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:** **DISCUSSION/ ACTION**
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EXHIBIT 34

Resolution No. 1920-49 authorizes the conveyance of an easement to Moulton Niguel Water District (MNWD) within Aliso Niguel High School to provide necessary public water, reclaimed water, and wastewater facilities. The District has the authority to grant easements pursuant to Education Code § 17556 *et seq.* The Board adopted the related Resolution of Intent on March 18, 2020 for this easement.

CUSD WIG 3: Facilities – Optimize facilities and learning environments for all students.

Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

Staff Recommendation

It is recommended the Board President recognize Clark Hampton, Deputy Superintendent, Business and Support Services, to present this item.

Following discussion, it is recommended the Board of Trustees 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 by _____ Seconded by _____

35. FIRST READING - BOARD POLICY 5150, DISCIPLINE:

The proposed revisions to Board Policy 5150, *Discipline*, bring the policy in alignment with current law. The proposed policy is modeled after the California School Boards Association's model policy. The revisions eliminate unnecessary language and directives based on codes that are no longer active. Staff made redactions to this policy as per legal counsel's guidance. The redacted sections will be placed in the Student Discipline Handbook or Discipline Matrix, as school discipline laws change frequently. Legal counsel has reviewed the policy. Changes are underlined; deletions are struck through. 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: Susan Holliday, Associate Superintendent, Education Services

Staff Recommendation

It is recommended the Board President recognize Susan Holliday, Associate Superintendent, Education Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve Board Policy 5150, *Discipline*.

Motion by _____ Seconded by _____

36. FIRST READING - BOARD POLICY 5152, SUSPENSION AND EXPULSION/DUE PROCESS:

The proposed revisions to Board Policy 5152, *Suspension and Expulsion/Due Process*, bring the policy in alignment with current law. The proposed policy is modeled after the California School Boards Association's model policy. The revisions eliminate unnecessary language and directives based on codes that are no longer active. Staff made redactions to this policy as per legal counsel's guidance, as school discipline laws change frequently. Legal counsel has reviewed the policy. Changes are underlined; deletions are struck through. 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: Susan Holliday, Associate Superintendent, Education Services

Staff Recommendation

It is recommended the Board President recognize Susan Holliday, Associate Superintendent, Education Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve Board Policy 5152, *Suspension and Expulsion/Due Process*.

Motion by _____ Seconded by _____

**DISCUSSION/
ACTION
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EXHIBIT 35**

**DISCUSSION/
ACTION
Page 781
EXHIBIT 36**

37. FIRST READING – BOARD POLICY 6178, CAREER TECHNICAL EDUCATION: DISCUSSION/ ACTION

Board Policy 6178, *Career Technical Education*, is recommended for adoption and will replace outdated and obsolete Board Policy 6141.4, *Career Preparation*, initially adopted by the District February 8, 1999. Board Policy 6178, *Career Technical Education*, brings language in alignment with legal mandates from the California School Board Association’s sample policy along with the addition of language to support our current District College and Career Advantage programs.

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EXHIBIT 37

CUSD WIG 1: Teaching and Learning – Engage students in meaningful, challenging, and innovative educational experiences to increase post-secondary options for all students.

Contact: Susan Holiday, Associate Superintendent, Education Services

Staff Recommendation

It is recommended the Board President recognize Susan Holliday, Associate Superintendent, Education Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve Board Policy 6178, *Career Technical Education*.

Motion by _____ Seconded by _____

38. DELETION OF BOARD POLICY 6141.4, CAREER PREPARATION: DISCUSSION/ ACTION

Board Policy 6141.4, *Career Preparation*, was initially adopted by the District on February 8, 1999. Much of the language and references in Board Policy 6141.4, *Career Preparation*, is outdated, and to bring the policy up to date would require significant changes. Staff, therefore, recommends deleting Board Policy 6141.4, *Career Preparation*, and replacing it with the California School Board Association’s recommended replacement, Board Policy 6178, *Career Technical Education*, with the addition of language to support the District’s current College and Career Advantage programs. The first reading of Board Policy 6178, *Career Technical Education*, is also agendaized in the Discussion/Action Items for the Board’s review.

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EXHIBIT 38

CUSD WIG 1: Teaching and Learning - Engage students in meaningful, challenging, and innovative educational experiences to increase post-secondary options for all students.

Contact: Susan Holliday, Associate Superintendent, Education Services

Staff Recommendation

It is recommended the Board President recognize Susan Holliday, Associate Superintendent, Education Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve the deletion of Board Policy 6141.4, *Career Preparation*.

Motion by _____ Seconded by _____

39. FIRST READING - BOARD POLICY 4154, HEALTH AND WELFARE BENEFITS: DISCUSSION/ ACTION

The proposed revisions to Board Policy 4154, *Health and Welfare Benefits*, revises this policy to highlight health and welfare benefits found in bargaining agreements. It clarifies the language of the Board Policy to include retirees, which is also outlined in bargaining agreements. Changes are underlined; deletions are struck through. There is no fiscal impact.

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EXHIBIT 39

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

Contact: Contact: Tim Brooks, Associate Superintendent, Human Resource Services

Staff Recommendation

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

Following discussion, it is recommended the Board of Trustees approve Board Policy 4154, *Health and Welfare Benefits*.

Motion by _____ Seconded by _____

ADJOURNMENT

Motion by _____ Seconded by _____

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS
WEDNESDAY, MAY 20, 2020, 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

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

If you wish to register to be a public speaker, please register by clicking [here](#).

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 five 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.

Once an agenda item has been opened for public comment, no additional "Request to Address the Board of Trustees" cards shall be accepted for that topic unless otherwise approved by the Board. When addressing a specific item on the agenda, the Board may vote to allow additional public speaker time for an individual Discussion/Action item.

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.