

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES OF REGULAR MEETING
JULY 15, 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 5:03 p.m.

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

ROLL CALL:

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

The Following speakers addressed the Board:

- *Sourat Darabi spoke regarding schools reopening and the need for masks and social distancing*
- *Liz Swensen spoke regarding reopening of schools in the fall and safety*
- *Katia Morales spoke regarding reopening of schools and safety of students with medical conditions*
- *Katie O'Mara spoke regarding reopening of schools and parents having the options CUSD has provided*
- *Hillary Salway spoke regarding COVID-19 tests results in Orange County and reopening of schools in the fall*

Trustee Holloway joined the meeting telephonically.

The Board recessed to closed session to discuss: Public Health Emergency; Conference with Legal Counsel – Anticipated Litigation; Conference with Legal Counsel – Existing Litigation; Conference with Real Property Negotiators; Public Employee Employment/Appointment; Public Employee Discipline/Dismissal/Release; Conference with Labor Negotiators; Student Readmission.

**Closed Session
Comments**

The regular meeting of the Board of Trustees was called to order by President Reardon at 7:28 p.m.

ROLL CALL:

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

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

**Pledge of
Allegiance**

Trustee Holloway joined the meeting telephonically.

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

Permanent Record

It was moved by Trustee McNicholas and seconded by Trustee Bullockus and motion carried by a 7-0 roll call vote to adopt the Regular Board agenda.

**Adoption of the
Board Agenda**

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

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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– Public Health Emergency

Trustees gave direction to staff.

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

Significant Exposure to Litigation – Three Cases

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

ADR Case Number 20190425

ADR Case Number 20191220

ADR Case Number 20200622

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

Significant Exposure to Litigation – Two Cases

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

OAH Case Number 2019020057

OAH Case Number 2020020370

Agenda Item #3D – Conference with Real Property Negotiators

On agenda item D-1 Property: PA-3 K-8 School No. 2 an approximate 20-acre school site. Trustees gave direction to staff.

On agenda item D-2 Property: South Transportation and Groundskeeping Facility; 5.51 acre property. Trustees voted 7-0 approve first amendment to option to lease real property. This First Amendment to Option to Lease Real Property South Transportation and Grounds Keeping Facility; is a 5.51 acre property located at 26126 Victoria Blvd, Dana Point, CA is made this 15th day of June, 2020, by and between Capistrano Unified School District, a public school district duly organized and validly existing under the Constitution and laws of the State of California and Toll Brothers, Inc., a Pennsylvania corporation.

Agenda Item #3E – Public Employee Employment/Appointment

On agenda item E-1 Trustees voted 7-0 to approve staff recommendation to appoint Jennifer Garrett Smalley, Assistant Superintendent, School Leadership and Instruction, Secondary.

On agenda item E-1 Trustees voted 7-0 to appoint Dave Stewart, Assistant Superintendent, School Leadership and Instruction, Elementary.

On agenda item E-2 Trustees voted 7-0 to adopt Resolution 2021-04, Resolution Delegating Authority to Approve Appointments of Administrators to Superintendent.

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

Trustees voted 7-0 to approve staff recommendation.

Agenda Item #3G – Conference with Labor Negotiators

Trustees gave direction to staff.

Agenda Item #3H – Student Readmission

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

Case #2019-073

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

**Board and
Superintendent
Comments
Oral
Communications**

The following speakers addressed the Board:

- *Sue McNair spoke regarding racism*
- *Joy Schnapper spoke representing CUEA*
- *Ronda Walen spoke representing CSEA*
- *Lana Schmidt spoke regarding CUSD Students Against Racism*
- *Stephanie Hu spoke regarding CUSD Students Against Racism*
- *Esther Mafouta spoke regarding anti-racism and anti-bullying*
- *Olivia Fu spoke regarding the Cultural Proficiency Task Force and next steps*
- *Solei Sarmiento spoke regarding CUSD Students Against Racism*

CONSENT CALENDAR

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.

The following speakers addressed the Board:

- *Julie Robertson spoke regarding Apex Learning*

President Reardon asked Trustees for items they wished to pull from the Consent Calendar. Trustee Hanacek pulled agenda item #3.

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 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 1
Purchase Orders,
Commercial
Warrants and
Previously Board-
Approved Bids
and Contracts
Agenda Item 2
Change Order No.
2, Bid No. 1920-
04, Aliso Niguel
High School Stem
Building Project
Agenda Item 4**

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

Approval of Change Order No. 2, Bid No. 1920-04 for the Aliso Niguel High School STEM Building Project related to modifications to steel plates, plumbing routing, drainage and fire post indicator valves.

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Approval of Change Order No. 3, Bid No. 1920-05 for the Newhart Middle School STEAM Building Project related to surveying and re-routing an unforeseen telecom line running through the project footprint, the addition of vaping sensors, irrigation changes, and an additional storm drain.

Change Order No. 3, Bid No. 1920-05, Newhart Middle School Steam Building Project

Approval of the declaration of applicability of 2 Code of Federal Regulations (CFR) 200.320(f) for Food and Nutrition Services procurement via noncompetitive proposals when the item/service is available only from a single source and/or the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.

Agenda Item 5 Declaration of Applicability of 2 CFR 200.320(f) for Food and Nutrition Services Procurement – Various Vendors

Approval of the First Extension of Bid No. 1819-11, Fire Alarm Inspection Services with CAL Building Systems and Time and Alarm Systems. Bid 1819-11 was awarded to the lowest priced vendors per category on March 13, 2019 for the initial term of April 1, 2019 through March 31, 2020, with optional renewal terms.

Agenda Item 6 First Extension of Bid No. 1819-11, Fire Alarm Inspection Services – Cal Building Systems and Time and Alarm Systems

Approval of the First Extension of Bid No. 1819-12, Fresh Produce (Fruits and Vegetables) Products and Service, Category 2 Conventional Produce with Gold Star Foods, Incorporated. Bid No. 1819-12 was awarded to the lowest responsive, responsible bidder on April 25, 2019 for the initial term of April 1, 2019 through June 30, 2020, with optional renewal terms.

Agenda Item 7 First Extension of Bid No. 1819-12, Fresh Produce (Fruits and Vegetables) Products and Services, Category 2 Conventional Produce – Gold Star Foods, Incorporated

Approval of 2020-2021 Internet Access Agreement No. 50248 with Orange County Superintendent of Schools (OCDE) to provide Internet access services to the District.

Agenda Item 8 2020-2021 Internet Access Agreement No. 50248 – Orange County Superintendent of Schools

Approval of 2020-2021 Network Support Services Agreement No. 50051 with Orange County Superintendent of Schools (OCDE) to provide network support services to the District from July 1, 2020 through June 30, 2021.

Agenda Item 9 2020-2021 Network Support Services Agreement No. 50051 – Orange County Superintendent of Schools

Agenda Item 10

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Approval to utilize the State of California Multiple Award Schedule (CMAS) Contract No. 4-20-51-0084A, General Services Administration Schedule No. GS-06F-0035M, and any subsequent revisions, amendments, and extensions awarded to Carrier Corporation, for the purchase and warranty of heating, ventilation, and air conditioning (HVAC) equipment as needed throughout the District.	State of California Multiple Award Schedule Contract No. 4-20-51- 0084A, General Services Administration Schedule No. GS- 06F-0035M, Purchase and Warranty of Non- Information Technology Goods and Services – Carrier Corporation Agenda Item 11
Approval to utilize the Torrance Unified School District Bid No. 10-04.09.19 for the purchase of furniture and accessories from Culver-Newlin, Incorporated under the same terms and conditions of the public agency's contract.	Torrance Unified School District Bid No. 10- 04.09.19, Classroom and Office Furniture – Culver-Newlin, Incorporated Agenda Item 12
Approval of the SchoolMessenger Renewal Authorization with Intrado Interactive Services Corporation.	SchoolMessenger Renewal Authorization – Intrado Interactive Services Corporation Agenda Item 13
Approval of the Third Extension of Bid No. 1718-09, Refrigeration and Ice Machine Repair Service and Preventative Maintenance with Refrigeration Control Company, Incorporated.	Third Extension of Bid No. 1718- 09, Refrigeration and Ice Machine Repair Service and Preventative Maintenance – Refrigeration Control Company, Incorporated Agenda Item 14
Approval of Amendment Four to the Client Agreement for Digital Curriculum Solutions with Apex Learning Inc.	Amendment Four to the Client Agreement for Digital Curriculum Solutions – Apex Learning Inc. Agenda Item 15

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Approval of Contract No. CT-042-20010870 with the County of Orange Health Care Agency (HCA) for the California Healthy Kids Survey (CHKS) for 2020-2021 school year.	Contract No. CT-042-20010870 with the County of Orange Health Care Agency
Approval of Resolution 2021-01, and the Material Revision to the Charter of California Connections Academy Southern California Charter School.	Agenda Item 16 Resolution No. 2021-01, Resolution of the Board of Trustees to Approve Material Revision to Charter of California Connections Academy Southern California Charter School
Approval of Resolution No. 2021-02, For Signature and Acceptance of State Agreement.	Agenda Item 17 Resolution No. 2021-02, for Signature and Acceptance of State Agreement
Approval of Broadening the Course of Study: New Secondary Course, Honors World History Mandarin Immersion Program.	Agenda Item 18 Broadening the Course of Study – New Secondary Course, Honors World History Mandarin Immersion Program
Approval of Broadening the Course of Study: New Secondary Course, Mandarin Language Arts 9.	Agenda Item 19 Broadening the Course of Study – New Secondary Course, Mandarin Language Arts 9
Approval of the agreement with Dreambox Learning will provide licenses for middle school students enrolled in Math support classes, effective August 1, 2020 through July 31, 2021.	Agenda Item 20 Agreement with Dreambox Learning
Approval of the Facilities Use Agreement with Right at School 2020-2021.	Agenda Item 21 Facilities Use Agreement with Right at School 2020-2021
Approval of the College and Career Access Pathways Dual Enrollment Partnership Agreement will enable high school students, who enroll in approved courses at Capistrano	Agenda Item 22 College and Career Access Pathways Dual

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Valley High School, to receive both college credit and high school credit for courses taught on high school campuses during the 2020-2021 school year.

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 June 17, 2020 Regular Board Meeting Minutes.

Approval of the June 24, 2020 Regular Board Meeting Minutes.

President Reardon recognized Gregory Merwin, Chief Academic Officer, Education and Support Services to present the item.

It was moved by Trustee Bullockus and seconded by Trustee McNicholas to limit the speakers time to one minute each. The motion carried 7-0 by a roll call vote.

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

The following speakers addressed the Board:

- *Melissa Hayes spoke regarding schools reopening in the fall with no restrictions*
- *Robin Mairs spoke regarding distance learning*
- *Hillary Salway spoke regarding reopening schools*
- *Michelle Rigley spoke regarding reopening schools*
- *Linda Haddock spoke regarding reopening schools and risks*
- *Carole Lockwood spoke regarding distance learning and reopening schools*
- *Roberto Castanos spoke regarding reopening schools and mask requirements*
- *Tiffani Iselin spoke regarding reopening schools and masks*
- *Rachel Sadler spoke regarding distance learning and special education*
- *Kristy Strobel spoke regarding masks and social distancing*
- *Michael Strobel spoke regarding reopening of schools*
- *Paula Rosenzweig spoke regarding reopening of schools in the fall*
- *Julie Robertson spoke regarding the survey results being outdated*
- *Joy Schnapper spoke representing CUEA*

**Enrollment
Partnership
Agreement with
South Orange
County
Community
College District
Agenda Item 23
Resignations/
Retirements/
Employment -
Certificated
Employees
Agenda Item 24
Resignations/
Retirements/
Employment -
Classified
Employees
Agenda Item 25
School Board
Minutes
Agenda Item 26
School Board
Minutes
Agenda Item 27
Reopening of
Schools for 2020-
2021 School Year
Agenda Item 28**

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- *Gina Reney spoke regarding distance learning being a success*
- *Maribeth Buczacki spoke regarding teachers worried about going back to work*
- *Joe Connor spoke regarding reopening schools and safety*
- *Liz Swenson spoke regarding reopening of schools in the fall*
- *Michele Ploessel-Campbell spoke regarding the cut-off date for parents to decide on reopening options for their students*
- *Dr. Rocky Cifone spoke regarding reopening schools during a pandemic*
- *Leo Spengler spoke regarding reopening and distance learning options*
- *Emily Hayward spoke regarding CUSD becoming #1 for online learning*
- *Stephanie Tarzia spoke regarding reopening in the fall*
- *Catherine Pearlman spoke regarding cleaning and safety if reopening*
- *Clay Sisman spoke regarding reopening and distance learning in the fall*
- *Philip Schlesinger spoke regarding how well distance learning is working*
- *Jamie Cunningham spoke regarding not reopening in the fall*
- *Lindsay Mariani spoke regarding not reopening in the fall*
- *Amanda Denison spoke regarding not reopening in the fall and safety issues*
- *Mark Rivadeneyra spoke regarding reopening and safety risks for teachers with medical issues*

It was moved by Trustee McNicholas and seconded by Trustee Bullockus to approve the Reopening Schools Plan for the 2020-2021 school year. The motion carried 5-2 by a roll call vote.

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

Superintendent Vital requested that the Trustees table agenda items 29, 33, 34, 35, 36, and 37 to the August 5, 2020 Special Board meeting due to time restrictions.

Declaration of Need for Fully Qualified Educators was tabled to the August 5, 2020 Special Board meeting.

**Declaration of
Need for Fully
Qualified
Educators
Agenda Item 29**

President Reardon called for a motion to extend the meeting. It was moved by Trustee McNicholas and seconded by Trustee Bullockus to extend the meeting to 11:30 p.m. The motion carried 7-0 by a roll call vote.

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

President Reardon recognized Susan Holliday, Chief Administrative Officer, Education and Support Services to present the item.

**Second Reading –
Temporary Board
Policy T6146.1,
High School
Graduation
Requirements
Agenda Item 30**

The following speakers addressed the Board:

- *Jodi Barber spoke regarding health class*
- *Temple Liebmann spoke regarding health class*
- *Marci Mednick spoke regarding health class*
- *Michele Ploessel-Campbell spoke regarding graduation requirements*

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- *Angie Tisdale spoke regarding graduation requirements and outsourcing classes to community colleges*
- *Jessica Geyer spoke regarding health class*

President Reardon called for a motion to extend the meeting. It was moved by Trustee Bullockus and seconded by Trustee Castellanos to extend the meeting to 12:00 a.m. The motion carried 7-0 by a roll call vote.

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

It was moved by Trustee Reardon and seconded by Trustee Bullockus to approve temporary Board Policy T6146.1, *High School Graduation Requirements* as amended. The motion carried 7-0 by a roll call vote.

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

President Reardon recognized Susan Holliday, Chief Administrative Officer, Education and Support Services to present the item.

**Second Reading –
Temporary Board
Policy T5121.1,
Grades/
Evaluation of
Student
Achievement
Agenda Item 31**

It was moved by Trustee Jones and seconded by Trustee Bullockus to approve temporary Board Policy T5121.1, *Grades/Evaluation of Student Achievement*. The motion carried 7-0 by a roll call vote.

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

President Reardon called for a motion to extend the meeting ten minutes. It was moved by Trustee McNicholas and seconded by Trustee Castellanos. The motion carried 7-0 by a roll call vote to extend the meeting ten minutes.

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

President Reardon recognized Susan Holliday, Chief Administrative Officer, Education and Support Services to present the item.

**Second Reading –
Temporary Board
Policy T6111,
School Calendar
Agenda Item 32**

It was moved by Trustee McNicholas and seconded by Trustee Bullockus to approve Temporary Board Policy T6111, *School Calendar*. The motion carried 7-0 by a roll call vote.

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

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First Reading – Board Policy 0420.4, *Charter School Authorization* was tabled to the August 5, 2020 Special Board meeting.

**First Reading –
Board Policy
0420.4, Charter
School**

**Authorization
Agenda Item 33**

First Reading – Board Policy 0420.41, *Charter School Oversight* was tabled to the August 5, 2020 Special Board meeting.

**First Reading –
Board Policy
0420.41, Charter
School Oversight
Agenda Item 34**

First Reading – Board Policy 0420.42, *Charter School Renewal* was tabled to the August 5, 2020 Special Board meeting.

**First Reading –
Board Policy
0420.42, Charter
School Renewal
Agenda Item 35**

First Reading – Board Policy 0420.43, *Charter School Revocation* was tabled to the August 5, 2020 Special Board meeting.

**First Reading –
Board Policy
0420.43, Charter
School Revocation
Agenda Item 36**

First Reading - Board Policy 5112.1, *Exemptions and Exclusions from Attendance* was tabled to the August 5, 2020 Special Board meeting.

**First Reading -
Board Policy
5112.1,
Exemptions and
Exclusions from
Attendance**

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

**Agenda Item 37
First Reading –
Board Policy 1330,
Use of School**

It was moved by Trustee McNicholas and seconded by Trustee Bullockus to waive the second reading. The motion passed by a 6-0-0-1 roll call vote.

**Facilities
Agenda Item 38**

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

NOES: None

ABSENT: None

ABSTAIN: Trustee Holloway

It was moved by Trustee Bullockus and seconded by Trustee McNicholas to approve the First Reading - Board Policy 1330, *Use of School Facilities*. The motion passed 6-0-0-1 by a roll call vote. Per Board Policy 9311, *Board Policies*, if action is taken to waive the second reading with less than a unanimous vote of the total Board, the policy shall be resubmitted for ratification at the next Board meeting. Therefore, this item will come back on the August 5, 2020 Special Board meeting for ratification.

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

NOES: None

ABSENT: None

ABSTAIN: Trustee Holloway

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

Independent Contractor, Professional Services, Field Service, and Master Contract Agreements Agenda Item 3

It was moved by Trustee Hanacek and seconded by Trustee Bullockus to approve Independent Contractor, Professional Services, Field Service, and Master Contract Agreements. The motion carried 6-0-0-1 by a roll call vote with Trustee Reardon recusing himself.

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

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

Adjournment

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

President Reardon announced the meeting adjourned at 12:10 a.m.

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Board Clerk

Secretary, Board of Trustees

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