

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

August 5, 2020

Closed Session 4:00 p.m.  
Open Session 7:00 p.m.

*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](http://CAPOUSD.org).*

*There will be no physical meeting location open to the public. For this meeting, public input will not be facilitated in person. The District has provided the following option for the public to address the Board telephonically. Please submit your request to address the Board by clicking [here](#). Those who have registered to comment will receive an email prior to the meeting with information on how to join and comment telephonically. A speaker card will need to be submitted prior to the agenda item per Bylaws of the Board 9323, Meeting Conduct. Members of the public shall have an opportunity to address the Board regarding items on the agenda to be considered during Closed Session prior to the Board adjourning the meeting to Closed Session. Individual presentations are limited to a maximum of three (3) minutes; however, the time assigned for individual presentations could be fewer than three minutes depending upon the total number of speakers who wish to address a specific agenda topic. Detailed guidelines and information on what to do if you wish to address the Board of Trustees, is provided at the end of this agenda.*

**AGENDA**

**CLOSED SESSION AT 4:00 P.M.**

- 1. CALL TO ORDER**
- 2. CLOSED SESSION COMMENTS**
- 3. CLOSED SESSION** (as authorized by law)

**A. PUBLIC HEALTH EMERGENCY**

Consultation with Agency Counsel  
Attorney – Anthony De Marco  
Kirsten M. Vital/Greg Merwin  
(Pursuant to Government Code § 54957(a))

**B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Clark Hampton  
Attorney – Terry Tao  
Significant Exposure to Litigation – One Case  
(Pursuant to Government Code § 54956.9 (d) (2) or (3))

**EXHIBIT B-1**

**C. 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 C-1**

## 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

### 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

1. **RESOLUTION NO. 2021-05, EMERGENCY CLOTH MASK PURCHASE:** Page 1  
Approval of Resolution No. 2021-05, Emergency Cloth Mask Purchase. This Resolution authorizes the purchase of masks necessary to comply with state and local health guidelines without advertising or inviting for bids in order to permit the continuance of school classes and/or to avoid danger to life or property under Public Contract Code § 20113.  
*Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*  
**EXHIBIT 1**
  
2. **RESOLUTION NO. 2021-06, EMERGENCY E-Z UP TENT PURCHASE:** Page 5  
Approval of Resolution No. 2021-06, Emergency E-Z UP Tent Purchase. This Resolution authorizes the purchase of E-Z UP tents necessary to comply with state and local health guidelines without advertising or inviting for bids in order to permit the continuance of school classes and/or to avoid danger to life or property under Public Contract Code § 20113.  
*Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*  
**EXHIBIT 2**
  
3. **RESOLUTION NO. 2021-07, EMERGENCY PLASTIC BARRIER PURCHASE:** Page 9  
Approval of Resolution No. 2021-07, Emergency Plastic Barrier Purchase. This Resolution authorizes the purchase of plastic barriers necessary to comply with state and local health guidelines without advertising or inviting for bids in order to permit the continuance of school classes and/or to avoid danger to life or property under Public Contract Code § 20113.  
*Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*  
**EXHIBIT 3**
  
4. **RESOLUTION NO. 2021-08, EMERGENCY FLOOD MITIGATION AND REPAIR SERVICES:** Page 13  
Approval of Resolution No. 2021-08, Emergency Flood Mitigation and Repair Services at Vista del Mar Elementary School. This Resolution authorizes the emergency services necessary to mitigate and repair flood damage caused to eight classrooms, two common hallways, two utility/electrical rooms, and exterior grounds without advertising for bids in order to resume normal school services.  
*Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*  
**EXHIBIT 4**

5. **SECOND READING – BOARD POLICY 1330, USE OF SCHOOL FACILITIES:** Page 17  
**EXHIBIT 5**  
Approval of Second Reading – Board Policy 1330, *Use of School Facilities*. As changes occur in statutes or precedent-setting lawsuits, it becomes necessary to update Board policies. Board Policy 1330, *Use of School Facilities*, was initially adopted on October 2, 1995 and was last revised on October 14, 2015. The fee structure/schedule was last revised on June 15, 2010 and became effective on July 1, 2010. This updated Board Policy 1330, *Use of School Facilities*, provides the Board, District staff, and the community with a policy ensuring that the District conforms with the legal requirements of the Civic Center Act and fee regulations for use of the District’s school facilities and grounds by the public.

The existing policy charges Non-profit/Youth-serving Groups (Group A) “District expense only”, in other words, the District’s costs. Non-profit Community Groups (Group B) are charged the “basic rental cost”. The cost or fee charged to Commercial users (Group C) is not specified in the policy. Further, the existing policy could be construed as providing subsidies or support for certain religious activities. Accordingly, the policy requires updating.

There would be a financial impact to the District resulting from this updated policy because Group A would only be charged for after-hours custodial services. This means the District would have to absorb all other operating and maintenance costs for the school facilities or grounds being used by Group A. Under the updated policy, the District’s expenses would be covered by use by Groups B through D.

Extensive revisions and redactions bring the policy’s language in alignment with current legal mandates and in conformity with the California School Board Association’s sample policy.

This item was passed at the July 15, 2020 Regular Board meeting 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. It is presented tonight for ratification.

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

## **CURRICULUM AND INSTRUCTION**

6. **PROPOSED SCHOOL START AND DISMISSAL TIMES FOR THE 2020-2021 SCHOOL YEAR:** Page 43  
**EXHIBIT 6**

Approval of the start and dismissal times for the 2020-2021 school year. Per Board Policy 6111, *School Calendar*, this item seeks approval of the start and dismissal times for each school site for the 2020-2021 school year. There is no financial impact.

**Contact:** *Susan Holliday, Chief Administrative Officer, Education and Support Services*

7. **RATIFICATION OF THE 2020-2021 SCHOOL CALENDAR:** Page 46  
**EXHIBIT 7**

Approval of the ratification of the 2020-2021 school calendar. The revised school calendar reflects a change to the secondary professional development day, from November 2, 2020 to August 13, 2020. In collaboration with the Capistrano Unified Educators Association, the teams agreed to change the professional development (student-free day) to support all teachers in receiving training on health and safety protocols and curriculum.

**Contact:** *Susan Holliday, Chief Administrative Officer, Education and Support Services*

## **GENERAL FUNCTIONS**

8. **SCHOOL BOARD MINUTES:** Page 49  
**EXHIBIT 8**

Approval of the July 15, 2020 Regular Board meeting minutes.

**Contact:** *Colleen Hayes, Manager II, Board Operations/Superintendent’s Office*

**DISCUSSION/ACTION ITEMS**

**9. APPROVAL OF ADDENDUM TO REOPENING OF SCHOOLS PLAN FOR 2020-2021 SCHOOL YEAR:**

Staff presents an addendum to the Reopening Schools Plan for the 2020-2021 school year. The Reopening Plan provides flexibility and options for families in all grade levels with rigorous, engaging, and consistent educational learning programs, including all special education programs and services, from preschool through grade 12 and Adult Transition Program. Educational programs include a 100 percent online learning model and other models which feature a combination of on campus and online learning, so that students will be able to return to campus to the greatest extent possible as per the new criteria as defined in the California Department of Public Health Reopening Schools Framework. An update on planning and implementation is provided for all 4 foundational components of the plan: 1) health and safety for students, families, and staff; 2) curriculum and instruction; 3) mental health, emotional support, and cultural diversity; and 4) flexible and innovative program models.

***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: Gregory Merwin, Chief Academic Officer, Education and Support Services***

Staff Recommendation

It is recommended the Board President recognize Gregory Merwin, Chief Academic Officer, Education and Support Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve the addendum to the Reopening of Schools Plan for the 2020-2021 school year.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

**10. DECLARATION OF NEED FOR FULLY QUALIFIED EDUCATORS:**

Approval of the Declaration of Need for Fully Qualified Educators. Education Code § 80026 requires that a Declaration of Need for Fully Qualified Educators be on file with the appropriate County Office of Education before the beginning of a new school year and shall remain in force until the end of that academic year. A Declaration of Need is necessary if there is an insufficient number of qualified applicants. Submission of this declaration does not commit the District to issuing short term staff permits or emergency credentials, but rather is submitted as a matter of routine in the event it becomes necessary to employ such individuals. A Declaration of Need for Fully Qualified Educators must be filed prior to the beginning of the school year, even though there is no way to determine if there will be a need to employ teachers. However, if the Board of Trustees has not approved the appropriate declaration for the upcoming year, the District is precluded from hiring such individuals should the need arise. There is no financial impact to the general fund in the Board's acceptance of this declaration.

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

***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.

**DISCUSSION/  
ACTION  
Page 60  
EXHIBIT 9**

**DISCUSSION/  
ACTION  
Page 179  
EXHIBIT 10**

Following discussion, it is recommended the Board of Trustees approve the Declaration of Need for Fully Qualified Educators.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

**11. FIRST READING – BOARD POLICY 0420.4, CHARTER SCHOOL AUTHORIZATION: DISCUSSION/ ACTION**

The proposed revisions to Board Policy 0420.4, *Charter School Authorization*, are a result of the passage of Assembly Bill (AB) 1505 Charter Schools: Petitions and Renewals and AB 1507 Charter Schools: Location: Resource Center. The policy has been revised to reflect relevant provisions of existing law and modifications that took effect in July 2020. These changes are necessary to ensure consistency of language, provides all stakeholders with current information, and ensures legal compliance. Changes are underlined, deletions are struck through. There is no financial impact.

Page 184  
**EXHIBIT 11**

***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, Chief Administrative Officer, Education and Support Services**

Staff Recommendation

It is recommended the Board President recognize Susan Holliday, Chief Administrative Officer, Education and Support Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve Board Policy 0420.4, *Charter School Authorization*.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

**12. FIRST READING – BOARD POLICY 0420.41, CHARTER SCHOOL OVERSIGHT: DISCUSSION/ ACTION**

The proposed revisions to Board Policy 0420.41, *Charter School Oversight*, are a result of the passage of Assembly Bill (AB) 1505, Charter Schools: Petitions and Renewals, and AB, 1507 Charter Schools: Location: Resource Center. The policy has been revised to reflect relevant provisions of existing law and modifications that took effect in July 2020. These changes are necessary to ensure consistency of language, and provides all stakeholders with current information and ensures legal compliance. Changes are underlined, deletions are struck through. There is no financial impact.

Page 201  
**EXHIBIT 12**

***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, Chief Administrative Officer, Education and Support Services**

Staff Recommendation

It is recommended the Board President recognize Susan Holliday, Chief Administrative Officer, Education and Support Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve Board Policy 0420.41, *Charter School Oversight*.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

13. **FIRST READING – BOARD POLICY 0420.42, CHARTER SCHOOL RENEWAL:** **DISCUSSION/ ACTION**  
Staff is proposing a new Board Policy 0420.42, *Charter School Renewal*, as a result of the passage of Assembly Bill (AB) 1505, Charter Schools: Petitions and Renewals, and AB 1507, Charter Schools: Location: Resource Center. Board Policy 0420.42 has been drafted to reflect the new criteria for granting or denying a charter renewal. This policy details how a renewal of a charter petition may be granted in accordance with a three-tiered system based on school performance. There is no financial impact. **Page 221**  
**EXHIBIT 13**

***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, Chief Administrative Officer, Education and Support Services**

Staff Recommendation

It is recommended the Board President recognize Susan Holliday, Chief Administrative Officer, Education and Support Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve Board Policy 0420.42, *Charter School Renewal*.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

14. **FIRST READING – BOARD POLICY 0420.43, CHARTER SCHOOL REVOCATION:** **DISCUSSION/ ACTION**

The proposed revisions to Board Policy 0420.43, *Charter School Revocation*, are a result of the passage of Assembly Bill (AB) 1505, Charter Schools: Petitions and Renewals, and AB 1507, Charter Schools: Location: Resource Center. The policy has been revised to reflect relevant provisions of existing law and modifications that took effect in July 2020. These changes are necessary to ensure consistency of language, provides all stakeholders with current information, and ensures legal compliance. Changes are underlined, deletions are struck through. There is no financial impact. **Page 228**

***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, Chief Administrative Officer, Education and Support Services**

Staff Recommendation

It is recommended the Board President recognize Susan Holliday, Chief Administrative Officer, Education and Support Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve Board Policy 0420.43, *Charter School Revocation*.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

15. **FIRST READING - BOARD POLICY 5112.1, EXEMPTIONS AND EXCLUSIONS FROM ATTENDANCE:** **DISCUSSION/ ACTION**

The proposed revisions to Board Policy 5112.1, *Exemptions and Exclusions from Attendance*, bring the policy in alignment with current law. The proposed policy is consistent with legislative changes and local health care agency practices regarding exemptions and exclusions from attendance. Board Policy 5112.1 was last updated in 1997. Changes are underlined; deletions are struck through. There is no financial impact. **Page 235**

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

**EXHIBIT 15**

***CUSD WIG 2: Communications – Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions. Contact: Gregory Merwin, Chief Academic Officer, Education and Support Services***

Staff Recommendation

It is recommended the Board President recognize Gregory Merwin, Chief Academic Officer, Education and Support Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve Board Policy 5112.1, *Exemptions and Exclusions from Attendance*.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

16. **TRUSTEE REQUEST TO RECONSIDER AGENDA ITEM #30, TEMPORARY BOARD POLICY T6146.1, HIGH SCHOOL GRADUATION REQUIREMENTS FROM THE JULY 15, 2020 BOARD MEETING:** **DISCUSSION/ ACTION**  
Page 240  
**EXHIBIT 16**

Per Board Policy 9322, Agenda/Meeting Materials, Board members may place any item on the agenda no later than ten days before the scheduled meeting date. Board members may request that a topic be placed on the agenda which has been recently considered and acted upon by the Board, providing there is new and relevant information on the topic, **but only for the purpose of Board members deciding whether or not to reconsider the topic.** If the Board decides to reconsider the agenda topic, it shall do so at a future regular Board meeting. A Trustee has requested the Board take action to reconsider the Temporary Board Policy T6146.1, *High School Graduation Requirements* which was passed at the July 15, 2020 regular Board meeting by a 7-0 roll call vote. If the majority of the Board votes to reconsider this agenda topic, then Board Policy T6146.1 will be agendized for action at the August 19, 2020 Regular Board meeting.

***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: Amy Hanacek, Board of Trustees***

Trustee Recommendation

It is recommended the Board President recognize Amy Hanacek, Board of Trustees, to present this item.

Following discussion, it is recommended by Trustee Hanacek that the Board of Trustees hear her Request to Reconsider Agenda Item #30, Temporary Board Policy T6146.1, High School Graduation Requirements from the July 15, 2020 Board Meeting and bring it back for discussion action at the August 19, 2020 Regular Board meeting.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

**ADJOURNMENT**

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS  
WEDNESDAY, AUGUST 19, 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](http://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.*