

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES OF REGULAR MEETING
FEBRUARY 17, 2021
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 Bullockus called the meeting to order at 4:35 p.m.

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

ROLL CALL:

Present: Trustees Braunstein, Bullockus, Castellanos, Davis, Hanacek, Jones, and
McNicholas

Absent: None

The Following speakers addressed the Board:

- *Rocky Brown, teacher at NHMS, spoke regarding restoring letter grades to middle school physical education classes*

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

**Closed Session
Comments**

The regular meeting of the Board of Trustees was called to order by President Bullockus at 7:10 p.m.

ROLL CALL:

Present: Trustees Braunstein, Bullockus, Castellanos, Davis, Hanacek, Jones,
McNicholas and Student Advisor Bhaskar

Absent: None

The Pledge of Allegiance was led by Pamela Braunstein, Board of Trustees.

**Pledge of
Allegiance
Permanent Record**

The Board meeting discussion related to each of the items on the public agenda is on file in the Superintendent's office as a matter of the permanent record. An audio recording of the meeting is available on the District website: www.capousd.org

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

**Adoption of the
Board Agenda**

AYES: Trustees Braunstein, Bullockus, Castellanos, Davis, Hanacek, Jones,
and McNicholas

NOES: None

ABSENT: None

Student Advisor Bhaskar voted aye to adopt the agenda.

President Bullockus 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 – Seven Cases

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

- ADR Case Number 20201006
- ADR Case Number 20201102
- ADR Case Number 20201208
- ADR Case Number 20201209
- ADR Case Number 20201213
- ADR Case Number 20201216
- ADR Case Number 20210120

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

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

- OAH Case Number 2020100593
- OAH Case Number 2020120284

Agenda Item #3D – Student Expulsion

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

- Case # 2021-002

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

On Agenda Item E-1, the Board took action to issue a notice of non-reelection to probationary certificated employee(s) identified by Employee No(s). 35985, and 36055, pursuant to Education Code section 44929.21(b), effective at the end of the 2020-2021 school year, and directed the Superintendent or designee to send out appropriate legal notices. Trustees voted 7-0 by a roll call vote to approve the staff recommendation.

On Agenda Item E-2, Trustees voted 7-0 to approve the staff recommendation.

Agenda Item #3F – Conference with Labor Negotiators

Trustees gave direction to staff

Agenda Item #3G – Conference with Real Property Negotiators

Property: Pacifica San Juan property. 7.292 acre property located at the north east corner of Camino Las Ramblas and Avenida California

Trustees gave direction to staff

Property: South Transportation and Groundskeeping Facility; 5.51 acre property located at 26126 Victoria Blvd, Dana Point, CA 92624

Trustees gave direction to staff

Property: Paseo de Colinas property. 2.47 acre property located on Paseo de Colinas adjacent to Niguel Hills Middle School

Trustees gave direction to staff

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

**Board and
Superintendent
Comments
Oral
Communications**

The following speakers addressed the Board:

- *Sarah Kang spoke regarding diverse books and inclusive book adoptions*
- *Leslie Power spoke regarding instructional materials for middle school*
- *Eliza Wellman spoke regarding curriculum and choices for students*
- *Chelsy Erickson spoke regarding a teacher at VDMES*

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- *Courtney Bucho spoke regarding the Spanish Immersion Program at SJES*
- *Katie Crockett spoke regarding the Cultural Proficiency Lessons*
- *Michele Ploessel-Campbell spoke regarding the Cultural Proficiency Lessons*
- *Deborah Stapley spoke regarding the curriculum and the need for a community based review on the Cultural Proficiency Lessons*
- *Amanda Earnest spoke regarding the Cultural Proficiency Lessons*
- *Julie McDonnell spoke regarding the Cultural Proficiency Lessons*
- *Anna Scaife spoke regarding the Cultural Proficiency Lessons*
- *Brian Nedry spoke regarding reopening the schools and grateful for hybrid*
- *Andrea Dustin spoke regarding the Cultural Proficiency Lessons*
- *Michelle McNutt spoke regarding the Cultural Proficiency Lessons*
- *Pilar March spoke regarding the curriculum and the Cultural Proficiency Lessons*
- *Jessica Geyer spoke regarding her appreciation for all the work staff has done on the Cultural Proficiency Lessons*
- *Glen Goodsell spoke regarding a need for curriculum that is fair and appropriate and respects all students*
- *Olivia Fu spoke on behalf of CUSD Against Racism and asked for all novels up for adoption this evening to be passed by the Board*
- *April Daems spoke regarding the future of extended learning and outdoor classrooms and a need for portables*
- *Paul Duncan spoke regarding the Cultural Proficiency Lessons and a need for parent involvement*

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.

President Bullockus asked Trustees for items they wished to pull from the Consent Calendar. Staff pulled agenda item 14.

The following speakers addressed the Board:

- *Susan Parmelee spoke regarding the Wellness Prevention Center*

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

AYES: Trustees Braunstein, Bullockus, Castellanos, Davis, Hanacek,
Jones, and McNicholas
NOES: None
ABSENT: None

Student Advisor Bhaskar voted aye to approve the Consent Calendar.

Approval of donations of funds and equipment.

**Donation of Funds
and Equipment
Agenda Item 1**

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Approval of purchase orders (Attachment 1) and commercial warrants (Attachment 2).	Purchase Orders, Commercial Warrants and Previously Board- Approved Bids and Contracts Agenda Item 2
Approval of the District standardized Independent Contractor, Professional Services, Field Service and Master Contract agreements.	Independent Contractor, Professional Services, Field Service, and Master Contract Agreements Agenda Item 3
Approval of Award of Request for Proposals No. 2-2021, E-Rate Category 2 to CDW Government LLC (CDWG).	Award of Request for Proposals No. 2-2021, E-Rate Category 2 – CDW Government LLC Agenda Item 4
Approval of Second Extension of Bid No. 1819-11, Fire Alarm Inspection Services with two vendors, CAL Building Systems, and Time and Alarm Systems.	Second Extension of Bid No. 1819- 11, Fire Alarm Inspection Services – CAL Building Systems, and Time and Alarm Systems Agenda Item 5
Approval of Third Amendment to the Lease Agreement with SchoolsFirst Federal Credit Union, formerly Orange County Teachers Federal Credit Union, a non-profit financial institution dated April 24, 2006.	Third Amendment to Lease Agreement – SchoolsFirst Federal Credit Union Agenda Item 6
Approval of the Master Joint Use Lease Agreement with the Wellness and Prevention Center for use of space at Aliso Niguel High School, San Clemente High School and, San Juan Hills High School from February 18, 2021 through June 30, 2026.	Master Joint Use Lease Agreement – Wellness and Prevention Center Agenda Item 7
Approval of the ratification of Agreement No. 50985 Quality Start Orange County (OC) Quality Rating and Improvement System (QRIS) Participation Agreement 2020-2021, July 1, 2020 through June 30, 2021	Agreement No. 50985 Quality Start Orange County Quality Rating and Improvement System Participation

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Agreement 2020-2021

Approval of the Memorandum of Understanding and Agreement for Use of Emerald Cove Outdoor Science (ECOS) Institute, Facilities, Supplies, Equipment, and Services Public School Districts School Year 2020-2021

**Agenda Item 8
Memorandum of Understanding and Agreement for Use of Emerald Cove Outdoor Science Institute, Facilities, Supplies, Equipment, and Services, Public School Districts, School Year 2020-2021**

Approval of Addendums to the Agreement for Additional Schools Participating in the Inside the Outdoors School Program, Agreement Number 13017, Addendum No. 1 and 2.

**Agenda Item 9
Addendum to the Agreement for Additional Schools Participating in the Inside the Outdoors School Programs, Agreement Number 13017, Addendum No. 1 and 2**

Approval of the ratification of the Memorandum of Understanding (MOU) Agreement No. 50814 with Orange County Superintendent of Schools for participation in the Mental Health Student Services Act (MHSSA) Partnership, September 1, 2020 through August 31, 2024.

**Agenda Item 10
Memorandum of Understanding Agreement No. 50814 with Orange County Superintendent of Schools for Mental Health Student Services Act Partnership 2020-2024**

Approval of the Memorandum of Understanding with Parentis Foundation and Del Obispo Elementary School, February 18, 2021 through June 3, 2021, for the Experience Corps Intergenerational Literacy Intervention Program.

**Agenda Item 11
Memorandum of Understanding with Parentis Foundation and Del Obispo Elementary School**

Approval of the ratification of the Memorandum of Understanding (MOU) with the Orange County United Way 2020-2021, Addendum 1.

**Agenda Item 12
Memorandum of Understanding with the Orange**

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This item was pulled by staff.

Approval of the agreement for participation with the YMCA of Orange County Laguna Niguel, to provide a physical education (PE) noontime sports program for students at Marblehead Elementary School.

Approval of Master Services Agreement Amendment with Strategic Kids to provide supervision and education support services to students engaged in the extended learning program and students during non-instructional minutes.

Approval of Annual Report – Employment of Relatives 2020-2021 School Year.

Approval of teachers who are credentialed in subjects other than Physical Education (PE) to provide second semester PE credit to students in that respective sport.

Approval of the Contract for Clinical and Instructional Programs with Loma Linda University, effective the date of last signature and expiring after five years.

Acceptance of Williams Settlement Legislation Uniform Complaint Second Quarter Report.

County United
Way 2020-2021,
Addendum 1
Agenda Item 13
Talking Points
Software Services
and Support
Agreement
Agenda Item 14
Agreement for
Participation with
the YMCA of
Orange County
Laguna Niguel, to
Provide a Physical
Education
Noontime Sports
Program for
Students at
Marblehead
Elementary
School 2020-2021
Agenda Item 15
Amendment to
Master Services
Agreement –
Strategic Kids
Agenda Item 16
Annual Report –
Employment of
Relatives
Agenda Item 17
Biannual
Authorization of
Coaches to
Provide Second
Semester Physical
Education Credit
Agenda Item 18
Contract for
Clinical and
Instructional
Programs with
Loma Linda
University
Agenda Item 19
Second Quarter
Report – Williams
Settlement
Legislation
Uniform
Complaint
Agenda Item 20

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

**Resignations/
Retirements/
Employment -
Certificated
Employees
Agenda Item 21**

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

**Resignations/
Retirements/
Employment -
Classified
Employees
Agenda Item 22**

Approval of the January 20, 2021 Regular Board Meeting Minutes.

**School Board
Minutes
Agenda Item 23**

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

**First Reading –
Temporary Board
Policy T5121.1,
Grades/
Evaluation of
Student
Achievement
Agenda Item 24**

The following speakers addressed the Board:

- *Michele Ploessel-Campbell spoke regarding the need for grades to be equitable for all students and provide clear communication, in the family's home language, so they understand the process of choosing a CR/NC or a letter grade and have the physical education teachers clearly explain the default process. She encouraged the CR/NC grade default vs. the letter grade option with students being allowed to choose a letter grade option.*

It was moved by Trustee Hanacek and seconded by Trustee Castellanos to waive the second reading on Temporary Board Policy T5121.1, *Grades/Evaluation of Student Achievement*. The motion carried 7-0.

AYES: Trustees Braunstein, Bullockus, Castellanos, Davis, Hanacek, Jones, and McNicholas
NOES: None
ABSENT: None

Student Advisor Bhaskar voted aye to waive the second reading on Temporary Board Policy T5121.1, *Grades/Evaluation of Student Achievement*.

A subsequent motion was made by Trustee Jones.

It was moved by Trustee Jones and seconded by Trustee Braunstein to approve Temporary Board Policy T5121.1, *Grades/Evaluation of Student Achievement*, as amended. The motion carried 5-2.

During the 2020-2021 school year, APEX physical education courses will be graded using a Credit (CR) or No Credit (NC) mark. At the end of each quarter/semester, students will be provided the opportunity to select a letter grade in lieu of Credit (CR) or No Credit (NC) mark. Letter grades of A, B, C or D qualify as CR. A letter grade of an F qualifies for NC. If no selection is made, the grade will default to a CR/NC:

- Physical Education teachers will work with students to provide each student the option to select a letter grade for the previous quarter and/or semester.
- All Students who earned an A in the last semester/quarter will revert to the letter grade.

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- All student who earned an F will receive NC.

AYES: Trustees Braunstein, Bullockus, Castellanos, Hanacek, and Jones
NOES: Trustees Davis and McNicholas
ABSENT: None

Student Advisor Bhaskar voted aye to approve Temporary Board Policy T5121.1, *Grades/Evaluation of Student Achievement, as amended.*

At the request of the Board, this Board Policy will be brought back on the Consent Calendar for ratification, per Board Policy 9311, *Board Policies.*

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

**First Reading -
Temporary Board
Policy T6146.1,
High School
Graduation
Requirements
Agenda Item 25**

The following speakers addressed the Board:

- *Michele Ploessel-Campbell spoke regarding Health classes*
-

It was moved by Trustee McNicholas and seconded by Trustee Davis to waive the second reading and approve Temporary Board Policy T6146.1, *High School Graduation Requirements, as amended.* The motion carried 7-0.

AYES: Trustees Braunstein, Bullockus, Castellanos, Davis, Hanacek, Jones,
and McNicholas
NOES: None
ABSENT: None

Student Advisor Bhaskar voted aye to waive the second reading and approve Temporary Board Policy T6146.1, *High School Graduation Requirements, as amended.*

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

**Presentation and
Receipt of the
District and
Community
Facilities Districts
Annual Financial
Reports for the
Fiscal Year
Ending June 30,
2020
Agenda Item 26**

It was moved by Trustee Hanacek and seconded by Trustee McNicholas to receive the District and Community Facilities Districts Annual Financial Reports for the fiscal year ending June 30, 2020. The motion carried 7-0.

AYES: Trustees Braunstein, Bullockus, Castellanos, Davis, Hanacek, Jones,
and McNicholas
NOES: None
ABSENT: None

Student Advisor Bhaskar voted aye to receive the District and Community Facilities Districts Annual Financial Reports for the fiscal year ending June 30, 2020.

It was moved by Trustee Hanacek and seconded by Trustee McNicholas to extend the Board meeting to 11:30 p.m. The motion carried 7-0.

AYES: Trustees Braunstein, Bullockus, Castellanos, Davis, Hanacek, Jones,
and McNicholas
NOES: None
ABSENT: None

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This item was pulled by staff and the Board directed staff to bring the item back on the April 21, 2021 Board agenda.

**Instructional
Materials
Recommended for
Adoption:
Cultural
Proficiency
Lessons, Grades
K-12
Agenda Item 27
Instructional
Materials
Recommended for
Adoption: High
School English-
Language Arts and
History Social
Science, Grades
9-12
Agenda Item 28**

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

The following speakers addressed the Board:

- *Noah Rodriguez spoke regarding teaching the students cultural diversity*
- *Vanessa Santos spoke regarding cultural competency*
- *Cody Hitchcock spoke regarding diverse text adoptions and advocating for diverse authors*
- *Katie Crockett spoke regarding novels and curriculum*
- *Riya Khetarpal spoke representing CUSD Against Racism and students of color*
- *Michele Ploessel-Campbell spoke regarding support for the novels*
- *Margi Westling spoke regarding the importance of representation and diversity in novels in the curriculum*
- *Lana Schmidt spoke regarding her support for the proposed book adoption and diverse authors*
- *Susan Saucedo spokes regarding her support for diverse authors*

It was moved by Trustee McNicholas and seconded by Trustee Hanacek to approve Instructional Materials Recommended for Adoption: High School English-Language Arts and History Social Science, Grades 9-12 including the requirement of teacher professional development. The motion carried 5-2.

AYES: Trustees Braunstein, Castellanos, Hanacek, Jones, and McNicholas
NOES: Trustees Bullockus and Davis
ABSENT: None

Student Advisor Bhaskar voted aye to approve, Instructional Materials Recommended for Adoption: High School English-Language Arts and History Social Science, Grades 9-12 including the requirement of teacher professional development.

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

The following speakers addressed the Board:

- *Vanessa Santos spoke regarding her support for the books up for adoption*
- *Katie Crockett spoke regarding her support of the adoption of diverse novels*
- *Michele Ploessel-Campbell spoke regarding her support of the diverse reading list and graphic novels and the need to be culturally proficient*

It was moved by Trustee McNicholas and seconded by Trustee Bullockus to approve Instructional Materials Recommended for Adoption: High School English-Language Arts and History Social Science, Grades 6-8 including the requirement of teacher professional development, with the exception of the *All American Boys* novel that can be taught at high school level. The motion carried 6-1.

**Instructional
Materials
Recommended for
Adoption: Middle
School English-
Language Arts and
History Social
Science, Grades
6-8
Agenda Item 29**

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AYES: Trustees Braunstein, Bullockus, Castellanos, Hanacek, Jones, and McNicholas
NOES: Trustee Davis
ABSENT: None

It was moved by Trustee Jones and seconded by Trustee McNicholas to extend the Board meeting to 12:00 a.m. The motion carried 7-0.

AYES: Trustees Braunstein, Bullockus, Castellanos, Davis, Hanacek, Jones, and McNicholas
NOES: None
ABSENT: None

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

**Designation of Title I School – Wood Canyon Elementary School
Agenda Item 30**

It was moved by Trustee Jones and seconded by Trustee Hanacek to approve Wood Canyon Elementary School as a Title I school. The motion carried 7-0.

AYES: Trustees Braunstein, Bullockus, Castellanos, Davis, Hanacek, Jones, and McNicholas
NOES: None
ABSENT: None

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

**Title I Schoolwide Program Waivers – Carl Hankey and Clarence Lobo Elementary Schools 2020-2021
Agenda Item 31**

It was moved by Trustee Davis and seconded by Trustee McNicholas to approve Title I Schoolwide Program Waivers for Carl Hankey and Clarence Lobo Elementary Schools. The motion carried 7-0.

AYES: Trustees Braunstein, Bullockus, Castellanos, Davis, Hanacek, Jones, and McNicholas
NOES: None
ABSENT: None

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

**First Reading - Board Policy 6176, Education of Homeless Children and Youth
Agenda Item 32**

It was moved by Trustee McNicholas and seconded by Trustee Hanacek to waive the second reading and approve Board Policy 6176, *Education of Homeless Children and Youth*. The motion carried 7-0.

AYES: Trustees Braunstein, Bullockus, Castellanos, Davis, Hanacek, Jones, and McNicholas
NOES: None
ABSENT: None

It was moved by Trustee Jones and seconded by Trustee Hanacek to adjourn the meeting, motion carried 7-0.


Adjournment

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AYES: Trustees Braunstein, Bullockus, Castellanos, Davis, Hanacek, Jones,
and McNicholas
NOES: None
ABSENT: None

President Bullockus announced the meeting adjourned at 11:30 p.m.


Board Clerk
Gila Jones, Trustee


Secretary, Board of Trustees
Kirsten M. Vital Brulte, Superintendent

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