

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

March 3, 2021

Closed Session 5:00 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).*

*Members of the public may attend the meeting in person, however social distancing practices will be followed. Attendees will need to wear a mask whenever in District facilities. For the safety and well-being of others, speakers will be required to wear a mask when addressing the Board at the podium. If participants choose to not attend the Board meeting in person the District has provided the following option for the public to address the Board telephonically. Please submit a 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 5:00 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 Vital Brulte/Gregory Merwin  
(Pursuant to Government Code § 54957(a))

**EXHIBIT A-1**

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

Gregory Merwin/Susan Holliday  
Attorney – Anthony De Marco  
Significant Exposure to Litigation – One Case  
(Pursuant to Government Code § 54956.9(d)(2))

**EXHIBIT B-1**

**C. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL RELEASE**

Tim Brooks/Gregory Merwin  
Two Cases  
(Pursuant to Government Code § 54957)

**EXHIBIT C-1**  
**EXHIBIT C-2**

## RECORDING OF SCHOOL BOARD MEETINGS

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

### OPEN SESSION 7:00 P.M.

### CALL TO ORDER – ROLL CALL

### PLEDGE OF ALLEGIANCE

### ADOPTION OF THE AGENDA

### REPORT ON CLOSED SESSION ACTION

### 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.

### HUMAN RESOURCE SERVICES

#### 1. **RESOLUTION NO. 2021-35, NON-REELECTION OF TEMPORARY CERTIFICATED EMPLOYEES:** Page 1 **EXHIBIT 1**

Approval of Resolution No. 2021-35, Non-Election of Temporary Certificated Employees. Education Code §§ 44909, 44918 and 44920 permit school districts to hire certificated employees on temporary contracts. The District has appropriately classified 103 certificated employees as temporary for the 2020-2021 school year. These employees are replacing other employees on leave, are serving in programs with expiring categorical funding sources, or are placeholders for regular employees who are released from their normal assignments to work in a categorical program. Education Code § 44954 requires the Board to notify temporary employees in a position requiring certification qualification of the District's decision to release the employees from such positions prior to the next school year. The temporary release of employees, as presented in this item, is an annual process the District must utilize to ensure permanent teachers funded through categorical resources and permanent teachers on leaves of absence have a position for the succeeding school year. As the District begins staffing for the 2021-2022 school year, decisions will be made regarding how many permanent teachers will be funded through categorical resources as well how many permanent teachers will request leaves of absence, part-time contracts, and partnership assignments. As permanent teachers "temporarily" vacate their positions, temporary teachers may be rehired.

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

### DISCUSSION/ACTION ITEMS

#### 2. **CERTIFICATION OF THE 2020-2021 SECOND INTERIM FINANCIAL REPORT:** DISCUSSION/ ACTION

In accordance with Education Code § 42130, school districts are required to prepare and submit Interim Financial Reports to the governing Board. The purpose of these reports is to satisfy appropriate State and County Office of Education officials as to whether or not the District will be able to meet its financial obligations for the remainder of the fiscal year. Additionally, as required by AB 2756, districts must certify that minimum reserve levels are projected to be met in the two subsequent fiscal years.

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

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

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**EXHIBIT 2**

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 approve the Certification of the 2020-2021 Second Interim Financial Report.

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

**3. 2021 BALLOT FOR CALIFORNIA SCHOOL BOARDS ASSOCIATION DELEGATE ASSEMBLY REGION 15:**

The California School Boards Association (CSBA) accepts nominations for their Delegate Assembly and calls upon each school district to take action to cast a vote. The Board may vote for up to the number of vacancies in Region 15 as indicated on the ballot whereby there are nine openings for this delegation. Elected Delegates will serve a two-year term beginning April 1, 2021 – March 31, 2023. Trustees McNicholas and Bullockus are the current Delegates representing the District on CSBA. Together they are requesting the Board take action and vote for the following candidates listed below, incumbents are denoted with an asterisk:

- Bonnie Castrey (Huntington Beach USD)\*
- Jackie Filbeck (Anaheim ESD)\*
- Carrie Flanders (Brea Olinda USD)\*
- Karin M. Freeman (Placentia-Yorba Linda USD)\*
- Al Jabbar (Anaheim Union High SD)\*
- Charlene Metoyer (Newport-Mesa USD)\*
- Suzie R. Swartz (Saddleback Valley USD)\*
- Diana Hill (Los Alamitos USD)
- Arturo Montez (Centralia ESD)

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

***Contact: Martha McNicholas, Board of Trustees***

***Contact: Judy Bullockus, Board of Trustees***

Staff Recommendation

It is recommended the Board President recognize Trustee Martha McNicholas, to present this item.

Following discussion, it is recommended the Board of Trustees approve the recommendation to cast the Board’s vote for the above-named candidates on the 2021 Ballot for CSBA Delegate Assembly Region 15.

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

**4. RESOLUTION NO. 2021-34, PRELIMINARY RESOLUTION REDUCTION OR ELIMINATION OF PARTICULAR KINDS OF SERVICES PERFORMED BY CERTIFICATED EMPLOYEES:**

Resolution No. 2021-34 initiates the process for the proposed reduction or elimination of certain services performed by certificated employees. It authorizes providing notice to impacted employees by the March 15, 2021 deadline required in Education Code § 44949 for the reasons specified in § 44955. All positively assured attrition which has occurred to date, including all releases of temporary certificated employees, deaths, resignations, retirements, and other permanent vacancies, have been considered in reducing these services. In addition to the attrition already assured, the District finds it necessary to reduce additional particular kinds of services. Under the layoff statutes, certificated employees who receive a preliminary layoff notice have the right to request a hearing before an administrative law judge provided by the California Office of Administrative Hearings, who acts as a factfinder on behalf of the Board.

**DISCUSSION/  
ACTION**

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**EXHIBIT 3**

**DISCUSSION/  
ACTION**

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**EXHIBIT 4**

Procedurally, the Board will take action on the reduction or elimination of services, and will be asked to take final action on any layoffs at a meeting to be determined in the month of May.

***CUSD WIG 2: Communications – Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions.  
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 Resolution No. 2021-34, Preliminary Resolution Reduction or Elimination of Particular Kinds of Services Performed by Certificated Employees.

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

**ADJOURNMENT**

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

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS  
WEDNESDAY, MARCH 17, 2021, 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.*