

CAPISTRANO UNIFIED SCHOOL DISTRICT  
San Juan Capistrano, CA 92675  
BOARD OF TRUSTEES  
Special Board Meeting

June 23, 2021

Closed Session 4:00 p.m.  
Open Session Immediately Following

*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 telephonically by clicking [here](#), **register only if you are not attending in person**. Those who have registered to comment will receive an email prior to the meeting with information on how to join and comment via a Zoom link. If you are attending in person 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 EMPLOYMENT AND EVALUATION OF PERFORMANCE**  
Superintendent  
(Pursuant to Government Code § 54957(b))

**RECORDING OF SCHOOL BOARD MEETINGS**

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

**OPEN SESSION - IMMEDIATELY FOLLOWING CLOSED SESSION**

**CALL TO ORDER – ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**ADOPTION OF THE AGENDA**

**REPORT ON CLOSED SESSION ACTION**

**DISCUSSION/ACTION ITEMS**

1. **TRUSTEE REQUEST: RESOLUTION NO. 2021-53, REQUEST TO THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH (CDPH) FOR THE EXPEDITIOUS REVISION OF FACE COVERING GUIDANCE FOR SCHOOLS AND SCHOOL-BASED PROGRAMS:**

**DISCUSSION/  
ACTION**  
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**EXHIBIT 1**

At the June 16, 2021 regular Board meeting, the Board voted to appoint a Trustee subcommittee to revise a previous resolution and present the revised version at the June 23, 2021 Special Board Meeting. Trustee Davis requests that the Board take action on Resolution No. 2021-53, Request to the California Department of Public Health (CDPH) for the Expeditious Revision of Face Covering Guidance for Schools and School-Based Programs. The resolution expresses the desire of the Board that the CDPH issue new face covering guidance immediately, and communicates the desire of District parents to lift the mask mandate for California schools.

***CUSD WIG 2: Communications – Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions.  
Contact: Lisa Davis, Board of Trustees***

Staff Recommendation

It is recommended the Board President recognize Lisa Davis, Board of Trustees, to present the item.

Following Discussion, it is recommended by Trustee Davis that the Board of Trustees take action to adopt Resolution No. 2021-53, Request to the California Department of Public Health (CDPH) for the Expeditious Revision of Face Covering Guidance for Schools and School-Based Programs.

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

**ADJOURNMENT**

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

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS  
WEDNESDAY, JULY 21, 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.*

CAPISTRANO UNIFIED SCHOOL DISTRICT  
**BOARD REPORT**

To: Board of Trustees

From: Lisa Davis, Trustee Area 3 Capistrano Unified School District

Date: June 23, 2021

Board Item: Resolution No. 2021-53, Request to the California Department of Public Health (CDPH) for the Expeditious Revision of Face Covering Guidance for Schools and School-Based Programs

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**HISTORY**

At the June 16, 2021 regular Board meeting, the Board voted to appoint a Trustee subcommittee to revise a previous resolution and present the revised version at the June 23, 2021 Special Board Meeting. CDPH requires students, classified staff, and teachers to wear masks indoors in all District classrooms. CDPH also requires students, classified staff, and teachers to wear masks outside if not socially distanced at six feet.

**BACKGROUND INFORMATION**

On behalf of many families and students who have expressed their strong desire for masking requirements to be lifted, this resolution proposes that the Board of Trustees of Capistrano Unified School District advocate to CDPH to change the mask mandate and allow for students, classified staff and teachers to make mask wearing optional.

**CURRENT CONSIDERATIONS**

The resolution will be transmitted to Governor Gavin Newsom; Director and State Public Health Officer CDPH, Dr. Tomas J. Aragon; Dr. Mark Ghaly, California Health and Human Services; Doug Parker, Chief, Cal/OSHA; Orange County Board of Supervisors; and Dr. Clayton Chao, Orange County Health Care Agency (OCHCA); Assemblywoman Laurie Davies; Senator Pat Bates; and the Orange County Board of Education to make known the concerns of District parents and families regarding the school masking mandate.

**FINANCIAL IMPLICATIONS**

There are no financial implications.

**TRUSTEE RECOMMENDATION**

Following Discussion, it is recommended by Trustee Davis that the Board of Trustees take action to adopt Resolution No. 2021-53, Request to the California Department of Public Health (CDPH) for the Expeditious Revision of Face Covering Guidance for Schools and School-Based Programs.

**PREPARED BY:** Lisa Davis, Trustee Area 3 - Capistrano Unified School District

**RESOLUTION NO. 2021-53**

**RESOLUTION NO. 2021-53, REQUEST TO THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH (CDPH) FOR THE EXPEDITIOUS REVISION OF FACE COVERING GUIDANCE FOR SCHOOLS AND SCHOOL-BASED PROGRAMS**

WHEREAS, The Capistrano Unified School District (CUSD), serving over 47,000 students in Southern Orange County, has been a leader in getting students back in the classroom while following all California Department of Public Health (CDPH) guidelines; and

WHEREAS, California school districts are required to follow best practices as defined by the CDPH Guidelines; and

WHEREAS, CUSD has closely monitored all COVID-19 reported cases and has not had one verified case of transmission on a school campus, per the Orange County Health Care Agency (OCHCA) guidelines; and

WHEREAS, California has already been severely impacted in both economic and education sectors by the state shutdown to curtail the COVID-19 epidemic; and

WHEREAS, School aged children are less likely to contract and transmit COVID-19, and are less likely to have serious outcomes than older populations; and

WHEREAS, Current infection rates have dramatically fallen, along with COVID-19 deaths, with an increasing numbers of individuals being vaccinated and achieving post disease immunity; and

WHEREAS, Students and families have reported an increase of rashes, eye infections, headaches, asthmatic symptoms, and anxiety related to wearing masks; and

WHEREAS, Students who are 12 years of age and older have the option, with parent permission, to be vaccinated, while those younger than 12 may be taught in stable cohorts; and

WHEREAS, Restrictions on capacity, distancing and use of masks in other sectors have been lifted to allow unmasked groups of all ages at both indoor and outdoor venues; and

WHEREAS, face coverings disproportionately impact children who are learning English as a second language, early elementary students who are still learning proper pronunciation and grammar, and those with speech and hearing disabilities; and

WHEREAS, CUSD relies on immediate CDPH guidance to be able to plan for the 2021-2022 school year; and

WHEREAS, many CUSD parents and students have expressed their strong desire for school masking requirements to be lifted; and

NOW, THEREFORE BE IT RESOLVED, That the Board of Trustees of the Capistrano Unified School District requests that the CDPH immediately provide new face covering guidance for schools; and

BE IT FURTHER RESOLVED, That the Board of Trustees of the Capistrano Unified School District, hereby gives voice to the desires expressed by many District families and students by approving this resolution requesting that the CDPH expeditiously lift the mask mandate for California schools and school programs; and

THEREFORE BE IT FINALLY RESOLVED, That the Superintendent of the Capistrano Unified School District is directed to transmit this Resolution to Governor Gavin Newsom; Director and State Public Health Officer CDPH, Dr. Tomas J. Aragon; Dr. Mark Ghaly, California Health and Human Services; Doug Parker, Chief, Cal/OSHA; Orange County Board of Supervisors; and Dr. Clayton Chao, Orange County Health Care Agency (OCHCA); Assemblywoman Laurie Davies; Senator Pat Bates; and the Orange County Board of Education to make known the concerns of District parents and families regarding the school masking mandate.

PASSED AND ADOPTED by the Board of Trustees of the Capistrano Unified School District on June 23, 2021, by the following vote:

AYES	( )
NOES	( )
ABSTAIN	( )
ABSENT	( )

I, Kirsten M. Vital Brulte, Secretary of the Capistrano Unified School District Board of Trustees hereby certify that the above and foregoing Resolution was duly and regularly adopted by the said Board at the meeting on June 23, 2021, by a roll call vote.

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Gila Jones  
Clerk of the Board of Trustees

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