

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

February 17, 2021

Closed Session 4:30 p.m.
Open Session 7:00 p.m.

AGENDA

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.

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.

CLOSED SESSION AT 4:30 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))

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Gregory Merwin/Kathy Purcell
Attorney – Justin Shinnfield
Significant Exposure to Litigation – Seven 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
(Pursuant to Government Code § 54956.9(d)(2))

EXHIBIT B-1
EXHIBIT B-2
EXHIBIT B-3
EXHIBIT B-4
EXHIBIT B-5
EXHIBIT B-6
EXHIBIT B-7

C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Gregory Merwin/Kathy Purcell
Attorney – Justin Shinnfield
Significant Exposure to Litigation – Two Cases
OAH Case Number 2020100593
OAH Case Number 2020120284
(Pursuant to Government Code § 54956.9(d)(1))

EXHIBIT C-1
EXHIBIT C-2

D. STUDENT EXPULSION

Mike Beekman
One Case
Case # 2021-002

EXHIBIT D-1

E. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

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

EXHIBIT E-1
EXHIBIT E-2

F. CONFERENCE WITH LABOR NEGOTIATORS

District Negotiators: Kirsten Vital Brulte/Tim Brooks/Clark Hampton
Attorney – Anthony De Marco
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 F-1

G. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

District Negotiators: Kirsten Vital Brulte/Clark Hampton
Attorney: Andreas Chialtas, AALRR
Property: Pacifica San Juan property. 7.292 acre property located at the north east corner of Camino Las Ramblas and Avenida California
Negotiating Party: One or more potential buyers for the Property who may purchase the District’s option to purchase the Property through a request for proposals process; and Taylor Morrison of California LLC who may enter into an amendment of the existing option agreement terms

EXHIBIT G-1

Property: South Transportation and Groundskeeping Facility; 5.51 acre property located at 26126 Victoria Blvd, Dana Point, CA 92624
Negotiating Party: Toll Brothers, Inc.

Property: Paseo de Colinas property. 2.47 acre property located on Paseo de Colinas adjacent to Niguel Hills Middle School
Negotiating Party: One or more potential buyers for the Property who may purchase the Property through a surplus property bid auction process

Under Negotiation: Price and Terms of Payment
(Pursuant to Education Code § 54956.8)

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

ORAL COMMUNICATIONS (Non-Agenda Items)

Oral Communications will occur immediately following Board and Superintendent Comments. The total time for Oral Communications shall be twenty (20) minutes. Individual presentations are limited to a maximum of three (3) minutes per individual.

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. DONATION OF FUNDS AND EQUIPMENT:** Page 1
EXHIBIT 1
Approval of donations of funds and equipment. A number of gifts have been donated to the District, including \$280,344.91 in cash. These funds will be deposited in the appropriate school accounts. Items other than cash have no financial impact on the budget. The District does not guarantee maintenance of items or the expenditure of any District funds for continued use.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
- 2. PURCHASE ORDERS, COMMERCIAL WARRANTS AND PREVIOUSLY BOARD-APPROVED BIDS AND CONTRACTS:** Page 4
EXHIBIT 2
Approval of purchase orders (Attachment 1) and commercial warrants (Attachment 2). The expenditures related to the listed purchase orders and commercial warrants included in this item were previously authorized as part of the District’s budget approval process. The purchase orders total \$4,906,104.56 and the commercial warrants total \$59,675,358.37. Attachment 3 is a list of previously Board-approved bids and contracts to assist in the review of the purchase order and commercial warrant listings. Attachment 4 is a list of previously Board-approved warrants, by vendor, exceeding \$250,000.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
- 3. INDEPENDENT CONTRACTOR, PROFESSIONAL SERVICES, FIELD SERVICE, AND MASTER CONTRACT AGREEMENTS:** Page 100
EXHIBIT 3
Approval of the District standardized Independent Contractor, Professional Services, Field Service and Master Contract agreements. The expenditures related to the listed agreements were previously authorized as part of the District’s budget approval process. The exhibit shows seven new agreements totaling \$281,742.37 and six amendments to existing agreements totaling \$399,782. Due to the size of the contract documents, the General Conditions for each type of agreement are posted online on the District’s Board Agendas and Supporting Documentation page [here](#).
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
- 4. AWARD OF REQUEST FOR PROPOSALS NO. 2-2021, E-RATE CATEGORY 2 – CDW GOVERNMENT LLC:** Page 261
EXHIBIT 4
Approval of Award of Request for Proposals No. 2-2021, E-Rate Category 2 to CDW Government LLC (CDWG). The awarded vendor was selected based on criteria specified in the Request for Proposals No. 2-2021 (RFP) documents.

The District is seeking to procure wireless access points (WAPs) and switches to support the adoption of digital content delivery, mobile technologies and the implementation of Smarter Balanced Assessments. Category 2 of RFP No. 2-2021 encompasses various network switching platforms and wireless access devices, such as switches and WAPs, where three proposals were timely received from CDW Government LLC, Development Group Incorporated (DGI), and GigaKOM. CDWG was determined to be the lowest priced and highest scoring proposal. The total estimated fiscal impact for category 2 before any E-Rate discounts is \$1.5 million, of which the District is anticipated to fund 49 percent or an estimated \$750,000. The projects will be funded by a combination of permitted Community Facilities District funds and the general fund and is effective July 1, 2021 through June 30, 2022. The proposals, evaluation criteria, and rating sheets are available in the Purchasing Department for review.

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

- 5. SECOND EXTENSION OF BID NO. 1819-11, FIRE ALARM INSPECTION SERVICES – CAL BUILDING SYSTEMS, AND TIME AND ALARM SYSTEMS:** Page 287
EXHIBIT 5
Approval of Second Extension of Bid No. 1819-11, Fire Alarm Inspection Services with two vendors, CAL Building Systems, and Time and Alarm Systems. Bid 1819-11 was awarded to the lowest responsive, responsible bidders per category on March 13, 2019 for the initial term of April 1, 2019 through March 31, 2020, with optional renewal terms. On July 15, 2020, the Board approved the First Extension through March 31, 2021. The vendors agree to extend the proposed extension, at the same pricing under the initial bid award term for categories 1, 2 and 3 as provided in Exhibit 2 of the respective agreements, for the proposed renewal period of April 1, 2021 through March 31, 2022. Annual expenditures utilizing this contract are estimated to be \$222,000 funded by the general fund and the deferred maintenance fund. Actual expenditures may vary based on District needs and the availability of funds.
Contact: *Clark Hampton, Deputy Superintendent, Business and Support Services*
- 6. THIRD AMENDMENT TO LEASE AGREEMENT – SCHOOLSFIRST FEDERAL CREDIT UNION:** Page 320
EXHIBIT 6
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. The Third Amendment presented to the Board authorizes an extension of the agreement through March 1, 2026. Any further extensions are subject to mutual agreement between the parties. The Third Amendment also amends the portions of the District property to be leased by the Credit Union – a portion of which will remain leased to the Credit Union and a portion of which will be returned to the District. The Third Amendment sets rent at \$2.90 per square foot per month or \$2,494 per month, based on the revised square footage of the District property to be leased to the Credit Union. The rent will be adjusted at a rate of 2.5 percent per year on July 1 of each year. The proposed amendment has been reviewed and approved by the District’s legal counsel.
Contact: *Clark Hampton, Deputy Superintendent, Business and Support Services*
- 7. MASTER JOINT USE LEASE AGREEMENT – WELLNESS AND PREVENTION CENTER:** Page 352
EXHIBIT 7
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. This Master Joint Use Lease Agreement outlines the terms to operate prevention education, therapeutic interventions, post substance use education services, and in-class education. There is no financial impact.
Contact: *Clark Hampton, Deputy Superintendent, Business and Support Services*

CURRICULUM AND INSTRUCTION

8. AGREEMENT NO. 50985 QUALITY START ORANGE COUNTY QUALITY RATING AND IMPROVEMENT SYSTEM PARTICIPATION AGREEMENT 2020-2021: Page 381
EXHIBIT 8

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. Under the California Department of Education and Quality Counts California, Quality Start OC is the local branch that supports districts in providing high quality educational experiences in early childhood education. The QRIS is the system that Quality Start OC operates with to focus on quality improvement in classrooms. The agreement allows the parties to implement the OC QRIS program for quality improvement based on a tiered rating structure, satisfying grant requirements. The District will receive incentive funds of \$190,500 and access covered information in compliance with federal and state laws and regulations related to student privacy. The agreement establishes participation in the tiered rating system, QRIS, for quality purposes and allows for funding for materials for the District's fee-based preschool classrooms. Partnering with Quality Start OC allows the District to improve practices within the District's early childhood classrooms; Quality Start OC provides a layer of coaching to teachers on providing high quality education to the youngest learners, as well as promoting a high quality classroom environment in early childhood settings, while using the QRIS. Quality Start OC also provides opportunities for families with resources for them and their children. The District enters into this agreement annually.

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

9. 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: Page 489
EXHIBIT 9

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. Bathgate and Castille Elementary Schools have expressed an interest in attending the outdoor science camp, **virtually**. Bathgate Elementary School fifth grade students will attend ECOS **Virtual** Science Camp from February 16 - 19, 2021, and Castille Elementary School fifth grade students will **virtually** attend from May 17 – 21, 2021. The total estimated expenditure is \$6,800 funded by gift funds from each school site.

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

10. ADDENDUM TO THE AGREEMENT FOR ADDITIONAL SCHOOLS PARTICIPATING IN THE INSIDE THE OUTDOORS SCHOOL PROGRAMS, AGREEMENT NUMBER 13017, ADDENDUM NO. 1 AND 2: Page 495
EXHIBIT 10

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. District schools routinely participate in the Orange County Department of Education's outdoor science school/field trip programs and "Traveling Scientist" programs and assemblies. This year the sessions will all be **virtual**. Wood Canyon Elementary School has expressed interest in adding 2 additional sessions of the "Traveling Scientist" program for the 2020-2021 school year, which will provide a **virtual** school assembly by naturalists on various science topics. There is no financial impact; there is no charge or fee this year.

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

11. **MEMORANDUM OF UNDERSTANDING AGREEMENT NO. 50814 WITH ORANGE COUNTY SUPERINTENDENT OF SCHOOLS FOR MENTAL HEALTH STUDENT SERVICES ACT PARTNERSHIP 2020-2024:** Page 501
EXHIBIT 11
- 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. This MOU will formalize an agreement with Orange County Department of Education to utilize MHSSA grant funds for the provision of Regional Mental Health Student Services Coordinators. The goal of the joint venture, in conjunction with other districts in the county, is to expand access to mental health services for children and youth, including campus-based mental health services, and to facilitate linkage and access ongoing sustained services. There is no financial impact.
- Contact: Susan Holliday, Chief Administrative Officer, Education and Support Services*
12. **MEMORANDUM OF UNDERSTANDING WITH PARENTIS FOUNDATION AND DEL OBISPO ELEMENTARY SCHOOL:** Page 511
EXHIBIT 12
- 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. Experience Corps OC is an intergenerational, volunteer-based, program that supports students to become fluent readers through **virtual** literacy tutoring. Under supervision, tutors will work **virtually**, one-on-one, with students during Extended Learning. The cost is being underwritten by the Parentis Foundation. Estimated value of services is \$7,150. There is no financial impact.
- Contact: Susan Holliday, Chief Administrative Officer, Education and Support Services*
13. **MEMORANDUM OF UNDERSTANDING WITH THE ORANGE COUNTY UNITED WAY 2020-2021, ADDENDUM 1:** Page 532
EXHIBIT 13
- Approval of the ratification of the Memorandum of Understanding (MOU) with the Orange County United Way 2020-2021, Addendum 1. Addendum 1 of the MOU adds Palisades Elementary School for the Orange County United Way financial literacy program, from January 25, 2021 through December 31, 2021. Adding one school (Palisades Elementary School) is the only change to the MOU. The United Way financial literacy program helps low-income residents gain free access to financial coaching and resources. This program is a collaboration with the United Way, City of Dana Point, and the District. The goal is to provide 20 parents at Palisades Elementary School with financial literacy skills to assist with improving credit, increasing income, and building assets. Parents will be provided with personal coaching on a step-by-step financial plan to achieve personal goals and long-term financial stability including job development, debt and credit management, and savings planning. There is no financial impact.
- Contact: Susan Holliday, Chief Administrative Officer, Education and Support Services*
14. **TALKING POINTS SOFTWARE SERVICES AND SUPPORT AGREEMENT:** Page 539
EXHIBIT 14
- Approval of the Talking Points Software Services and Support Agreement, February 18, 2021 through June 30, 2024. Talking Points is a 2-way, multi-lingual texting platform that allows for fast and accessible communication between staff and parents. This is the Board's follow-up item to provide greater support to families that do not use email and to provide increased translation support for parents and guardians with a primary language other than English. Schools use a web application to send text messages to parents who receive them in their own language. Parents can reply in their own language and staff receive the message back in English. This service is available in over 100 languages and will increase parent access to important school information to be able to support their child's education. The cost is \$5.85, per student, and is being prorated for the remaining school year and a discount is applied for a multi-year agreement. The service is being provided for the parents of approximately 4,400 students who are English learners.

The anticipated cost is \$22,000 per year (\$19,360 for 2020-2021) funded by Local Control Formula Funding supplemental funding.

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

15. **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:** Page 552
EXHIBIT 15

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. This program will provide students with organized sports during lunch/recess time, three times per week, for approximately two hours per day. Other District schools have successfully partnered with the YMCA to provide lunchtime PE instruction to students. Marblehead Elementary School would like to participate in this program; existing Marblehead Elementary School staff will be utilized. The YMCA will follow all health and safety protocols as outlined in the Standard Operating Procedures. Students will be divided into four cohorts, each in a different quadrant of the playground, and will not be mixed.

Students must keep masks on at all times unless they are able to maintain a six foot distance from other students. The estimated expenditure under this contract is \$4,800 funded by site or gift funds.

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

HUMAN RESOURCE SERVICES

16. **AMENDMENT TO MASTER SERVICES AGREEMENT – STRATEGIC KIDS:** Page 560
EXHIBIT 16

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. The term of this agreement is extended from December 31, 2020 through June 30, 2021. Expenditures under this agreement are not-to-exceed \$1,137,600 funded by CARES Act.

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

17. **ANNUAL REPORT – EMPLOYMENT OF RELATIVES:** Page 568
EXHIBIT 17

Approval of Annual Report – Employment of Relatives 2020-2021 School Year. Board Policy 4112.8, 4212.8, 4312.8, Employment of Relatives, requires the Board of Trustees be provided the names, positions and work locations of close relatives employed within the same department or work location. The purpose of this policy is to ensure that assignments do not interfere with the orderly supervision, security or morale of the school, department or work location. For purposes of this policy, relative includes the individual's spouse, domestic partner, parents, grandparents, great-grandparents, children, stepchildren, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse or domestic partner. District department administrators and principals were asked to provide information regarding the names and positions of close relatives employed within their work location. The information provided confirms that the assignment of close relatives at the identified work locations is not interfering with the orderly supervision, security or morale of those work locations.

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

18. **BIANNUAL AUTHORIZATION OF COACHES TO PROVIDE SECOND SEMESTER PHYSICAL EDUCATION CREDIT:** Page 570
EXHIBIT 18

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. Districts may assign a teacher with a credential in a subject area other than PE to coach a competitive sport and award PE credit to students.

State law requires that such teachers be full-time employees of a district who have completed a minimum of 20 hours of first-aid instruction, and have been approved by the Board of Trustees. It has been determined all teachers who do not hold a physical education credential, but are assigned coaching activities for which such credit is given, are full-time employees of the District, and have completed cardiopulmonary resuscitation, first-aid instruction and concussion training. There is no financial impact.

Contact: Tim Brooks, Associate Superintendent, Human Resource Services

19. CONTRACT FOR CLINICAL AND INSTRUCTIONAL PROGRAMS WITH LOMA LINDA UNIVERSITY: Page 572
EXHIBIT 19

Approval of the Contract for Clinical and Instructional Programs with Loma Linda University, effective the date of last signature and expiring after five years. University students enrolled in Speech and Language Pathology and Speech and Language Pathology Assistant programs will be paired with a veteran District Speech and Language Pathologist as they complete practicum/fieldwork hours required to earn their credential or certificate. There is no fiscal impact

Contact: Tim Brooks, Associate Superintendent, Human Resource Services

20. SECOND QUARTER REPORT – WILLIAMS SETTLEMENT LEGISLATION UNIFORM COMPLAINT: Page 584
EXHIBIT 20

Acceptance of Williams Settlement Legislation Uniform Complaint Second Quarter Report. As a result of the Williams Settlement, Education Code § 35186 mandates school districts establish policies and procedures to resolve deficiencies related to textbooks and instructional materials, teacher vacancies or misassignments, and facility conditions posing a threat to student/staff health or safety. Furthermore, Education Code § 35186 requires any deficiencies or complaints be reported to the Board of Trustees at a regularly scheduled public meeting each quarter. No complaints were received during the second quarter.

Contact: Tim Brooks, Associate Superintendent, Human Resource Services

21. RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CERTIFICATED EMPLOYEES: Page 587
EXHIBIT 21

Approval of the activity list for employment, separation, and additional assignments of certificated employees. These positions will be charged to the appropriate fund and are included in the adopted budget.

Contact: Tim Brooks, Associate Superintendent, Human Resource Services

22. RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CLASSIFIED EMPLOYEES: Page 619
EXHIBIT 22

Approval of the activity list for employment, separation, and additional assignments of classified employees. These positions will be charged to the appropriate fund and are included in the adopted budget.

Contact: Tim Brooks, Associate Superintendent, Human Resource Services

GENERAL FUNCTIONS

23. SCHOOL BOARD MINUTES: Page 645
EXHIBIT 23

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

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

DISCUSSION/ACTION ITEMS

24. FIRST READING – TEMPORARY BOARD POLICY T5121.1, GRADES/EVALUATION OF STUDENT ACHIEVEMENT: DISCUSSION/
ACTION

As the 2020-2021 school year continues, local and state health orders modify how instruction may be provided. Due to the ongoing COVID-19 pandemic, staff recommends the temporary policy to create maximum flexibility in how teachers monitor student progress during distance and hybrid learning.

Page 653
EXHIBIT 24

At the December 16, 2020 Board meeting staff recommended revisions to Board Policy T5121.1 to add temporary language to address the unique difficulty with completing Physical Education (PE) courses online at the secondary level. The policy was updated to add Credit/No Credit language for online APEX PE classes. Since December 2020, staff has received feedback to allow students the choice of a letter grade in place of a CR mark. Staff has developed draft language to provide students the choice to select a letter grade in place of a CR. Staff reviewed the draft language with both high school and middle school PE teachers. Staff recommends the additional policy language, to allow students who fail with the option to make-up the class as well as students who earn an A, B, C or D to select the letter mark in place of CR. This change will support students in middle school to be recognized for the Superintendent’s Honor Roll with the option to have an A on their second quarter report card. Changes are underlined; deletions are struck through. There is no financial impact.

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. In addition, staff is recommending the Board take action to waive the second reading of this policy to allow teachers to move forward with the letter grade option and retroactively work with students immediately on their previous marks.

Following discussion, it is recommended the Board of Trustees approve Temporary Board Policy T5121.1, *Grades/Evaluation of Student Achievement*.

Motion by _____ Seconded by _____

25. FIRST READING - TEMPORARY BOARD POLICY T6146.1, HIGH SCHOOL GRADUATION REQUIREMENTS:

The previous policy temporary language provided the District maximum flexibility for reopening, at the time. Per Trustee direction at the January 20, 2021 Board meeting, staff was directed to bring this policy back with draft revisions to increase the credit requirement necessary to graduate. This item provides revisions to Temporary Board Policy T6146.1, *High School Graduation Requirements*; language to reinstate the required 220 credits for high school graduation. The draft revisions increase the elective credits from 50 to 65 credits. Staff has reviewed this draft policy language with high school principals. Principals recommend that the increase in credit requirements be phased in over 3 years so as not to harm the classes of 2022, 2023 and 2024. Staff recommends the proposed revisions. There is no financial impact.

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 temporary Board Policy T6146.1, *High School Graduation Requirements*.

Motion by _____ Seconded by _____

**DISCUSSION/
ACTION
Page 660
EXHIBIT 25**

26. PRESENTATION AND RECEIPT OF THE DISTRICT AND COMMUNITY FACILITIES DISTRICTS ANNUAL FINANCIAL REPORTS FOR THE FISCAL YEAR ENDING JUNE 30, 2020:

**DISCUSSION/
ACTION**
Page 670
EXHIBIT 26

State law requires each school district in California have an annual audit conducted by a state-certified independent auditor. The audit is conducted according to generally accepted auditing standards, specific guidelines and procedures set by the State Controller's office. Under state law, annual fiscal audits are neither accepted nor rejected by a board, but merely received by the District. For record keeping purposes, the Board of Trustees has annually adopted a motion indicating recognition of receipt of the District annual audit report. Additionally, the Board requested staff to provide an audit on the Community Facilities Districts (CFDs). This audit will be conducted annually for all CFDs. This agenda item pertains to the presentation of the 2019-2020 fiscal year Annual Financial Reports to the Board of Trustees. The Annual Financial Reports for the fiscal year ending June 30, 2020 were completed by the firm Nigro and Nigro, PC, Certified Public Accountants.

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

Staff Recommendation

It is recommended the Board President recognize Clark Hampton, Deputy Superintendent, Business and Support Services, who will introduce a partner from the audit firm Nigro and Nigro, PC to present a summary of the audit reports for the year ending June 30, 2020.

Following discussion, it is recommended the Board of Trustees receive the District and Community Facilities Districts Annual Financial Reports for the fiscal year ending June 30, 2020.

Motion by _____ Seconded by _____

27. INSTRUCTIONAL MATERIALS RECOMMENDED FOR ADOPTION: CULTURAL PROFICIENCY LESSONS, GRADES K-12:

**DISCUSSION/
ACTION**
Page 808
EXHIBIT 27

A Districtwide committee has recommended the adoption of the following Cultural Proficiency Lessons for grades K-12: Cultural Proficiency Curriculum. The Cultural Proficiency lessons are aligned with the Fair Accurate Inclusive and Respectful Education Act, Senate Bill 48, Collaborative for Academic, Social, and Emotional Learning (CASEL) standards, American School Counselor Association standards, Teaching Tolerance standards, and Common Core English-language arts, and Social Science standards. The research and evidence-based sources used to develop the lessons include Second Step, Teaching Tolerance, Sanford Harmony, Building Community and Combating Hate Curriculum.

The lessons introduce students to age-appropriate material surrounding empathy, belonging, compassion, anti-racism, being an upstander, conflict resolution, privilege, stereotypes, prejudice, social identity, effective communication, and problem-solving skills. The lessons are posted for the public to view at the following [link](#). The lessons were unanimously approved, with all 16 Instructional Materials Review Committee (IMRC) members voting yes, and 0 members voting no. There is no financial impact.

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, Instructional Materials Recommended for Adoption: Cultural Proficiency Lessons, Grades K-12.

Motion by _____ Seconded by _____

28. INSTRUCTIONAL MATERIALS RECOMMENDED FOR ADOPTION: HIGH SCHOOL ENGLISH-LANGUAGE ARTS AND HISTORY SOCIAL SCIENCE, GRADES 9-12:

**DISCUSSION/
ACTION
Page 865
EXHIBIT 28**

A committee of 27 secondary teachers is requesting the adoption of supplemental titles for high school English-language arts and History Social Science, grades 9-12, to align with state standards and the Fair Accurate Inclusive and Respectful Education Act, Senate Bill 48. The list of proposed novels is included in the exhibit. The committee evaluated the current core reading list and recommended the listed additional novels, and non-fiction text. Recommendations were evaluated against the Common Core State Standards Text Complexity Rubric. The materials are also in alignment with other disciplines and grade level reading standards. These titles were reviewed by the Instructional Materials Review Committee (IMRC), and the majority of the 16 IMRC members approved the recommendations with a total of 3 no votes and 13 yes votes. The supplemental materials may include material or language which might be considered inappropriate for students. The recommended books support the Cultural Proficiency Plan that addresses diversifying the current curriculum by increasing the representation of diverse authors. In addition, the recommended books underscore the importance of the interconnectivity of marginalized and understudied populations in both history and literature. The additional titles will support an inclusive and equitable curriculum that will provide students with diverse perspectives from Black, Indigenous and People of Color (BIPOC), women, and marginalized characters and authors. The novels will be supported with teacher professional development prior to teachers implementing new supplemental materials. Purchase of these supplemental titles will be funded by site funds.

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

Motion by _____ Seconded by _____

29. INSTRUCTIONAL MATERIALS RECOMMENDED FOR ADOPTION: MIDDLE SCHOOL ENGLISH-LANGUAGE ARTS AND HISTORY SOCIAL SCIENCE, GRADES 6-8:

**DISCUSSION/
ACTION
Page 871
EXHIBIT 29**

A committee of 27 secondary teachers is requesting the adoption of supplemental titles for middle school English-language arts, and History Social Science, grades 6-8, to align with state standards and the Fair Accurate Inclusive and Respectful Education (FAIR) Act, Senate Bill 48. The list of proposed novels is included in the exhibit. The committee evaluated the current core reading list and recommended the listed additional novels and non-fiction text. Recommendations were evaluated against the Common Core State Standards Text Complexity Rubric. The materials are also in alignment with other disciplines and grade level reading standards. These titles were reviewed by the Instructional Materials Review Committee (IMRC), and the majority of the 16 IMRC members approved the recommendations, with 4 no votes and 12 yes votes.

The instructional materials may include material or language which might be considered inappropriate for students. The recommended books support the Cultural Proficiency Plan that addresses diversifying the current curriculum by increasing the representation of diverse authors. In addition, the recommended books underscore the importance of the interconnectivity of marginalized and understudied populations in both history and literature. The additional titles will support an inclusive and equitable curriculum that will provide students with diverse perspectives from Black, Indigenous and People of Color (BIPOC), women, and marginalized characters and authors. The novels will be supported with teacher professional development prior to teachers implementing new supplemental materials. Purchase of these supplemental titles will be funded by site funds.

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, Instructional Materials Recommended for Adoption: High School English-Language Arts and History Social Science, Grades 6-8 including the requirement of teacher professional development.

Motion by _____ Seconded by _____

30. DESIGNATION OF TITLE I SCHOOL – WOOD CANYON ELEMENTARY SCHOOL:

Wood Canyon Elementary School is in the range of identification and designation as a Title I school. Tentative budget allocations for 2020-2021 have been communicated to current Title I schools, and an allocation was reserved for Wood Canyon Elementary School, if in the event the student percentage of low income exceeds a current Title I school and therefore must be identified for Title I. Current Title I schools will not receive less funding with Wood Canyon Elementary School being designated as Title I school, as funding was reserved. A Title I needs assessment and plan will be developed for Wood Canyon Elementary School which will outline proposed goals, monitoring actions and services tied to the expenditures. This plan will be brought forward at the March 17, 2021 Board meeting. Approximately \$137,000 in Title I funding will be allocated to Wood Canyon Elementary School.

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 Wood Canyon Elementary School as a Title I school.

Motion by _____ Seconded by _____

**DISCUSSION/
ACTION
Page 876
EXHIBIT 30**

31. TITLE I SCHOOLWIDE PROGRAM WAIVERS – CARL HANKEY AND CLARENCE LOBO ELEMENTARY SCHOOLS 2020-2021:

The purpose of a Title I schoolwide program is to improve the academic achievement throughout a school so that all students, particularly the lowest-achieving students, demonstrate proficiency on the state’s academic standards. The improved achievement outcome is based on improving the entire educational program of the school. Title I schools are eligible to operate a schoolwide program if 40 percent or more of the students are from low-income families. Carl Hankey and Clarence Lobo Elementary Schools have been operating Title I schoolwide programs because the low-income percentages have been above 40 percent. In October, 2020, the official enrollment count was taken and certified in the California Longitudinal Pupil Achievement Data System in January 2021. Carl Hankey Elementary School’s low-income percentage is 38.5 percent and Lobo Elementary School’s low-income percentage is 39.7 percent. To continue to operate a schoolwide program, a waiver request may be submitted to the California Department of Education through the Consolidated Application and Reporting System. This item seeks approval of a Title I schoolwide program waiver for Carl Hankey and Clarence Lobo Elementary Schools. The School Plan for Student Achievement (SPSA) with the schoolwide program components that was Board approved at the November 18, 2020 meeting is a required component of the schoolwide program waiver and are included in the exhibits for re-approval with the waivers. The financial impact is in how the funding is allowed to be spent. If the waiver is approved, the funding is allowed to be spent on whole class, grade level, and schoolwide purchases. Without the waiver, expenditures would need to be spent on specific students identified as eligible to participate, based on academic needs.

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 Title I Schoolwide Program Waivers for Carl Hankey and Clarence Lobo Elementary Schools.

Motion by _____ Seconded by _____

32. FIRST READING - BOARD POLICY 6176, EDUCATION OF HOMELESS CHILDREN AND YOUTH:

Board Policy 6176, *Education of Homeless Children and Youth*, was adopted on October 12, 2003. The Every Student Succeeds Act (ESSA) was released in 2016 and new guidance was provided to serve and support students in homeless situations. Board Policy 6176 has been revised to reflect ESSA guidance and brings the policy in alignment with current law. The only revisions are in the areas of academic standards, identifying and removing barriers, Local Control and Accountability Plan (LCAP) goals and actions, designation of a homeless liaison, implementation of a housing questionnaire/homeless enrollment form, staff professional development, educational records, comparable services, and coordination with other agencies and entities. Outdated language related to school of origin and transportation was removed. Changes are underlined; deletions are struck through. There is no financial impact.

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

**DISCUSSION/
ACTION**

Page 879

EXHIBIT 31

**DISCUSSION/
ACTION**

Page 946

EXHIBIT 32

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 6176, *Education of Homeless Children and Youth*.

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

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.