

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

REVISED

December 16, 2020

Closed Session 4:00 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.

AGENDA

CLOSED SESSION AT 4:00 P.M.

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

A. PUBLIC HEALTH EMERGENCY

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

EXHIBIT A-1

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Gregory Merwin/Kathy Purcell
Attorney – Justin Shinnfield
Significant Exposure to Litigation – Five Cases
ADR Case Number 20200922
ADR Case Number 20200923
ADR Case Number 20201003
ADR Case Number 20201008
ADR Case Number 20201012
(Pursuant to Government Code § 54956.9(d)(2))

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

C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Gregory Merwin/Kathy Purcell
Attorney – Justin Shinnfield
Significant Exposure to Litigation – Three Cases
OAH Case Number 2019050932
OAH Case Number 2019110519
OAH Case Number 2020100009
(Pursuant to Government Code § 54956.9(d)(1))

EXHIBIT C-1
EXHIBIT C-2
EXHIBIT C-3

D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

District Negotiators: Kirsten M. Vital and Clark Hampton
Attorney: Andreas Chialtas
Property: South Transportation and Groundskeeping Facility; 5.51 acre property located at 26126 Victoria Blvd, Dana Point, CA 92624
Negotiating Party: Toll Brothers, Inc.
Under Negotiation: Price and Terms of Payment
(Pursuant to Education Code § 54956.8)

EXHIBIT D-1

E. CONFERENCE WITH LABOR NEGOTIATORS

District Negotiators: Kirsten M. Vital/Tim Brooks/Clark Hampton
Employee Organizations:
1) Capistrano Unified Education Association (CUEA)
2) California School Employees Association (CSEA)
3) Teamsters
4) Capistrano Unified Management Association (CUMA)
(Pursuant to Government Code § 54957.6)

EXHIBIT E-1

F. PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT

Tim Brooks
Chief Technology Officer
(Pursuant to Government Code § 54957)

EXHIBIT F-1

RECORDING OF SCHOOL BOARD MEETINGS

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

AGENDA

PUBLIC CEREMONIAL OATH OF OFFICE

*Trustee Pamela Braunstein, Trustee Krista Castellanos, Trustee Lisa Davis, and Trustee Amy Hanacek
(The official Oath of Office was administered by the Superintendent)*

OPEN SESSION AT 7:00 P.M.

CALL TO ORDER – ROLL CALL

PLEDGE OF ALLEGIANCE

OATH OF OFFICE

ADOPTION OF THE AGENDA

REPORT ON CLOSED SESSION ACTION

1. REORGANIZATION OF BOARD – ELECTION OF PRESIDENT:

The Capistrano Unified School District Board of Trustees is conforming to Education Code requirements by holding its annual organizational meeting at the December 16, 2020 meeting.

**DISCUSSION/
ACTION**

Board Policy 9100, *Annual Organizational Meeting*, presents the order of business for this meeting. Agenda items 1 through 3 may be completed under this agenda item. 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: Kirsten M. Vital, Superintendent

Staff Recommendation

AGENDA ITEM 1

The current presiding Board member, Vice President Martha McNicholas, will facilitate the election of the Board President. The Board may do this by oral nominations and voting, or by ballot after oral nominations are made.

Nominations _____ Vote _____

AGENDA ITEM 2 AND ITEM 3

As soon as the new Board President is elected, that person will immediately assume the role of President and will commence with the election of the Vice President and Clerk, then proceed with the other items on the evening's agenda.

- 2. REORGANIZATION OF BOARD – ELECTION OF VICE PRESIDENT: DISCUSSION/
ACTION**

Nominations _____ Vote _____

- 3. REORGANIZATION OF BOARD – ELECTION OF CLERK: DISCUSSION/
ACTION**

Nominations _____ Vote _____

- 4. SELECTION OF TRUSTEE PARTICIPATION ON VARIOUS COMMITTEES: DISCUSSION/
ACTION**
Page 1
EXHIBIT 4

Every year at the organizational meeting in December, Trustee assignments are made to various committees and other groups in which there is an expectation of Board representation. The exhibit is a listing of appointment, with tentative meeting date information, and the name or names of the Trustee(s) who served on the committee during 2020. This agenda item allows for the Board of Trustees to select a member or members to serve on one or more of the committees outlined in the exhibit for the 2021 calendar year. There is no financial impact.

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

Staff Recommendation

It is recommended the Board of Trustees review the various committees as listed in the exhibit and reach a consensus and/or take a formal vote on which Trustees will participate on the various committees.

Motion by _____ Seconded by _____

SPECIAL RECOGNITIONS

Golden Bell Celebration

Winter Music Program

Tesoro High School Choral Music Program

Under the direction of Keith Hancock, *Director of Choral Music*

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

5. DONATION OF FUNDS AND EQUIPMENT:

Approval of donations of funds and equipment. A number of gifts have been donated to the District, including \$107,922.83 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

Page 5

EXHIBIT 5

6. PURCHASE ORDERS, COMMERCIAL WARRANTS AND PREVIOUSLY BOARD-APPROVED BIDS AND CONTRACTS:

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 \$5,103,404.50 and the commercial warrants total \$13,452,105.79. 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

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EXHIBIT 6

7. INDEPENDENT CONTRACTOR, PROFESSIONAL SERVICES, FIELD SERVICE, AND MASTER CONTRACT AGREEMENTS:

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 \$392,248.71 and two amendments to existing agreements totaling \$5,000. 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

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EXHIBIT 7

8. ALISO VIEJO COMMUNITY ASSOCIATION LIMITED USE AND MAINTENANCE AGREEMENT FOR ALISO NIGUEL HIGH SCHOOL WINTER/SPRING BASEBALL 2021:

Approval of the Aliso Viejo Community Association (AVCA) Limited Use and Maintenance Agreement (LUMA) for Aliso Niguel High School Winter/Spring Baseball 2021. AVCA owns and maintains Woodfield Park, adjacent to Aliso Niguel High School. The Winter/Spring Baseball 2021 LUMA allows Aliso Niguel High School to use Woodfield Park from January 11, 2021 through May 28, 2021 for a fee of \$675 paid by site funds, as detailed in the LUMA. The Winter/Spring Baseball 2021 LUMA is similar to past years' agreements relating to the use of Woodfield Park.

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

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EXHIBIT 8

9. **ALISO VIEJO COMMUNITY ASSOCIATION LIMITED USE AND MAINTENANCE AGREEMENT FOR ALISO NIGUEL HIGH SCHOOL WINTER/SPRING LACROSSE 2021:** Page 148
EXHIBIT 9
Approval of the Aliso Viejo Community Association (AVCA) Limited Use and Maintenance Agreement (LUMA) for Aliso Niguel High School Winter/Spring Lacrosse 2021. AVCA owns and maintains Foxborough Park, adjacent to Aliso Niguel High School. The Winter/Spring Lacrosse 2021 LUMA allows Aliso Niguel High School to use Foxborough Park from January 11, 2021 through May 28, 2021 for a fee of \$675 paid by site funds, as detailed in the LUMA. The Winter/Spring Lacrosse 2021 LUMA is similar to past years' agreements relating to the use of Foxborough Park.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
10. **CHANGE ORDER NO. 2, BID NO. 2021-07, BRIDGES COMMUNITY DAY HIGH SCHOOL RESTROOM PORTABLE PROJECT:** Page 169
EXHIBIT 10
Approval of Change Order No. 2, Bid No. 2021-07 for the Bridges Community Day High School Restroom Portable Project related to alterations to the proposed potable water utility line for the new portable restroom building due to unforeseen existing conditions. This change order consists of additions, deletions, or other revisions now being presented to the Board for approval. All such changes in the work are performed under applicable conditions of the change in contract documents. The original contract sum was \$214,000. The new contract sum including Change Order No. 2 is \$244,307.35 funded by developer fees. With this change order, the project remains under budget.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
11. **CONTRACT FOR E-RATE COMPLIANCE SERVICES – CSM CONSULTING, INC.:** Page 184
EXHIBIT 11
Approval of the Contract for E-Rate Compliance Services with CSM Consulting, Inc., for the purposes of assisting the District with applying for E-Rate funds for Category 1 and Category 2 services. The consultant group will assist the District to ensure all timelines are met, forms are completed, and the greatest amount of discount is achieved through the Universal Service Administrative Company program. The contract term is from December 16, 2020 through June 30, 2021. Annual expenditures under this contract are limited to \$41,000 funded by the general fund.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
12. **FINAL ACCEPTANCE AND FILING OF NOTICE OF COMPLETION FOR ALISO NIGUEL HIGH SCHOOL SOLAR PROJECT RELATED TO RESOLUTION NO. 1718-28 – REC SOLAR COMMERCIAL CORPORATION:** Page 190
EXHIBIT 12
Approval of the Final Acceptance and filing of the Notice of Completion for the Aliso Niguel High School Solar Project related to Resolution No. 1718-28. In order to obtain Division of State Architect closeout with certification, Notice of Completion is required. All work has been inspected and completed to the satisfaction of staff. The project was funded by Clean Renewable Energy Bonds (CREB).
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
13. **FINAL ACCEPTANCE AND FILING OF NOTICE OF COMPLETION FOR BID NO. 1920-07, TESORO HIGH SCHOOL TURF AND SAND VOLLEYBALL COURT PROJECT:** Page 193
EXHIBIT 13
Approval of the Final Acceptance and filing of the Notice of Completion for Bid No. 1920-07 for the Tesoro High School Turf and Sand Volleyball Court Project. In order to obtain Division of State Architect closeout with certification, Notice of Completion is required. All work has been inspected and completed to the satisfaction of staff. The project was funded by gift funds, Las Flores CFD 92-1 and deferred maintenance.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

14. MEMORANDUM OF UNDERSTANDING WITH CALIFORNIA DEPARTMENT OF PUBLIC HEALTH AND USE OF VALENCIA REGIONAL LABORATORY FOR SARS-CoV-2 TESTING: Page 197
EXHIBIT 14

Approval of the ratification of a Memorandum of Understanding (MOU) with the California Department of Public Health (CDPH) and use of Valencia Regional Laboratory for SARS-CoV-2 testing. The MOU allows the District to send collected samples to the CDPH's Valencia Regional Laboratory for testing. The term of the MOU is from the date of execution until 30 days after the lifting of the declaration of the COVID-19 state of emergency. The state intends to cover the costs of, and seek reimbursement for, all costs of lab processing at the Valencia Regional Lab. The parties will each bear their own costs in providing services under the MOU. The District costs for staff, shipping, and personal protective equipment are estimated at approximately \$63,000 from the start of testing to June 30, 2021 funded by the CARES Act.

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

15. OLIVER EQUIPMENT LEASE – OLIVER PACKAGING AND EQUIPMENT COMPANY: Page 204
EXHIBIT 15

Approval of the Oliver Equipment Lease with Oliver Packaging and Equipment Company to lease a heat sealing machine. According to Orange County Health Care Agency Environmental Health Department, all District elementary school kitchens are considered pre-packaged food facilities. The District requires packaging equipment to ensure food is wrapped appropriately. The use of the sealing machine will increase the visual appeal and environmental sustainability of the food packaging and provide the ability to grow current menu selections while maintaining pre-packaged status. The lease is effective upon full execution and will continue indefinitely as long as the District orders enough product to support the agreement. Oliver Packaging and Equipment Company will waive the equipment rental fee based on the District's monthly food tray and film volume of \$6,500. The cafeteria fund will cover the food tray and film costs and one-time machine shipping cost of \$1,000.

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

16. TEMPORARY EMPLOYEE CELL PHONE ALLOWANCE: Page 209
EXHIBIT 16

Approval of the ratification of a temporary employee cell phone allowance for assistant principals, confidential secretaries, and specific directors and coordinators. Certain District management employees have been designated by the Board of Trustees to be paid a \$35 monthly allowance for the use of a personally owned cell phone or mobile communication device for District-related business. During the COVID-19 pandemic, additional staff are requested to use personal devices for communication. The temporary allowance would be effective July 1, 2020 through June 30, 2021. The cost of approximately \$31,500 would be paid from the general fund.

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

CURRICULUM AND INSTRUCTION

17. MEMBERS OF THE SPECIAL EDUCATION LOCAL PLAN AREA COMMUNITY ADVISORY COMMITTEE: Page 211
EXHIBIT 17

Approval of the appointment of Ann Carroll, Mina Carson, Janelle Stever, Jillian Stewart and Rachel Sutherland to serve as a Community Advisory Committee (CAC) voting member for the 2021 and 2022 calendar years. In accordance with the California Education Code § 56190, each Special Education Local Plan Area (SELPA) shall establish a CAC with parents of special education students forming the majority. Based on the bylaws of the SELPA, a committee of voting members is established annually, comprised of District parents, teachers, administrators, and community representatives who serve District students. The term of appointment for voting members is two years, staggered annually. There is no financial impact.

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

18. COLLEGE AND CAREER ACCESS PATHWAYS PARTNERSHIP AGREEMENT ADDENDUM WITH SOUTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT: Page 212
EXHIBIT 18

Approval of the College and Career Access Pathways Partnership Agreement Addendum with South Orange County Community College District, beginning December 19, 2020. The first College and Career Access Pathways (CCAP) agreement with Saddleback College, a college of the South Orange County Community College District, was approved in 2018. This agreement allows for the addition of eight courses for the Spring of 2021. A CCAP addendum and appendix is needed to include the Spring 2021 courses being offered, and to extend the CCAP agreement term through December 2021. Expenditures under this addendum are estimated to be \$2,950 funded by lottery funds.

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

19. MEMORANDUM OF UNDERSTANDING WITH WESTED FOR THE CALIFORNIA HEALTHY KIDS SURVEY 2020-2021: Page 219
EXHIBIT 19

Approval of Memorandum of Understanding with WestEd for the California Healthy Kids Survey (CHKS) 2020-2021. This is an annual agreement which outlines conditions to be met by the District as they relate to access to and the administration of the CHKS and the California School Parent Survey.

Data from the surveys is intended to help schools foster a positive school climate including, student learning engagement; prevent risky behaviors and other impediments to academic achievement; and to promote positive health habits and behaviors. The surveys have multiple modules. The administration is planned for mid-January to early February 2021, where students in grades 5, 7, 9, and 11 will complete the core module of the survey. The California School Parent Survey will be conducted for the fourth year. A District letter will be sent in January 2021 to notify parents/guardians; this letter reflects current survey questions and all survey questions, timelines, and procedures have been posted online at the following link, <https://tinyurl.com/y42ffhob>.

The grade level surveys, created by WestEd, will include all of the questions, per grade level, as included on the District's CHKS website. The survey will not be altered from the original survey; no questions will be intentionally removed or added. Parents of middle and high school students will be able to return a form to have their child opt out. Parents of elementary students will be required to return a permission form to have their child participate. Collecting permission forms for elementary students is an Education Code requirement. Student personally identifiable information is not collected or released. Parents will be notified multiple times through multiple means, and will have access to the survey questions and content for their full review online, and in hard copy. The District will receive approximately \$9,000 to help offset the anticipated cost of \$19,000 associated with survey administration, and reports. The net cost to the District is anticipated to be \$10,000 funded by general funds.

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

20. AGREEMENT NO. 50915 WITH THE ORANGE COUNTY SUPERINTENDENT OF SCHOOLS: Page 227
EXHIBIT 20

Approval of the ratification of Agreement No. 50915 with the Orange County Superintendent of Schools for interpreting and translation services, July 1, 2020 through June 30, 2021. District staff are able to provide interpretation and translation services for parent Individualized Education Program meetings and reports in Spanish and Farsi. However, occasionally there are interpretation and translation needs in other languages, including but not limited to Mandarin, Korean, and Japanese. Agreement No. 50915 with the Orange County Superintendent of Schools will provide these services on an as needed basis. The estimated cost of \$5,000 will be funded by Local Control Funding Formula Supplemental funds.

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

21. **AGREEMENT NO. 13017 WITH THE ORANGE COUNTY SUPERINTENDENT OF SCHOOLS:** Page 238
EXHIBIT 21
- Approval of the ratification of Agreement No. 13017 with the Orange County Superintendent of Schools, for participation with Inside the Outdoors Virtual School Program, July 1, 2020 through August 31, 2021.
- 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. Multiple sites have expressed interest in the “Traveling Scientist” program for the 2020-2021 school year, which will provide virtual school assemblies 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*

HUMAN RESOURCE SERVICES

22. **CALIFORNIA STATE UNIVERSITY, FULLERTON FALL 2020 MASTER TEACHER HONORARIUM:** Page 248
EXHIBIT 22
- Approval of payment of honorarium to District master teachers who supported a California State University, Fullerton (CSUF) Student Teacher during the Fall 2020 semester. Universities pay master teachers a nominal payment for their supervision and support of student teachers. CSUF reimburses the District for these master teacher payments. The compensation amounts vary based on the nature of the assignments.
- Contact: Tim Brooks, Associate Superintendent, Human Resource Services*
23. **INTERNSHIP CONTRACT AGREEMENT WITH BRANDMAN UNIVERSITY:** Page 252
EXHIBIT 23
- Approval of Internship Contract Agreement with Brandman University, effective January 1, 2021 and expiring January 1, 2024. Teachers in hard-to-fill positions may be hired on an internship credential. Credential candidates will be employed by the District as a teacher of record and paired with a site-supervising teacher to fulfill requirements to earn their preliminary credential. There is no financial impact.
- Contact: Tim Brooks, Associate Superintendent, Human Resource Services*
24. **SUPERVISED FIELDWORK AGREEMENT WITH BRANDMAN UNIVERSITY:** Page 264
EXHIBIT 24
- Approval of Supervised Fieldwork Agreement with Brandman University, effective January 1, 2021 and expiring January 1, 2024. During the school year, credential candidates will be paired with District credentialed employees to fulfill practicum/fieldwork requirements to earn their credential. There is no financial impact.
- Contact: Tim Brooks, Associate Superintendent, Human Resource Services*
25. **SUPERVISED INTERNSHIP AGREEMENT WITH BRANDMAN UNIVERSITY:** Page 273
EXHIBIT 25
- Approval of the Supervised Internship Agreement with Brandman University, effective January 1, 2021 and expiring January 1, 2024. During the school year, credential candidates in the areas of school psychology, educational administration, and school counseling may be hired for any open position that is unable to be filled by a fully credentialed candidate. Credential candidates will be employed by the District in an open position and supported by the university and a site-supervisor to fulfill requirements to earn their credential. There is no financial impact.
- Contact: Tim Brooks, Associate Superintendent, Human Resource Services*
26. **FIELD PLACEMENT AGREEMENT WITH THE ARIZONA BOARD OF REGENTS, THE UNIVERSITY OF ARIZONA:** Page 282
EXHIBIT 26
- Approval of Field Placement Agreement with the Arizona Board of Regents, The University of Arizona, effective January 1, 2021 and expiring June 30, 2023. During the school year, credential candidates will be paired with District credentialed employees to fulfill practicum/fieldwork requirements to earn their teaching credential. There is no financial impact.
- Contact: Tim Brooks, Associate Superintendent, Human Resource Services*

27. **AMENDMENT TO MASTER SERVICES AGREEMENT – STRATEGIC KIDS:** Page 288
EXHIBIT 27
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
28. **EXTENSION OF EMERGENCY SUBSTITUTE DAILY RATE OF PAY INCREASE:** Page 296
EXHIBIT 28
Approval of the extension of the temporary emergency substitute daily rate of pay increase. As planning for reopening schools in person began, the substitute fill rate dropped significantly to close to 50 percent. Furthermore, many of the District’s active substitutes were hired as Para Educators to support extended learning, which further impacted the existing substitute pool. The emergency temporary increase of substitute daily rate of pay was ratified at the October 21, 2020 Board meeting. Raising the daily rate for substitute teachers to \$175 made the District more competitive with neighboring districts. This agenda item presents an extension of the increased daily rate of pay. This extension will be effective through June 4, 2021. The total cost increase will depend on the need for subs, but is estimated to be up to \$725,000, funded by the general fund.
Contact: Tim Brooks, Associate Superintendent, Human Resource Services
29. **ORANGE COUNTY DEPARTMENT OF EDUCATION FIRST QUARTER REPORT – WILLIAMS SETTLEMENT LEGISLATION:** Page 297
EXHIBIT 29
Acceptance of Williams Settlement Legislation Orange County Department of Education (OCDE) First 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 § 1240 requires OCDE to report visits and reviews of District schools conducted by OCDE, if any. Additionally, the law requires the report be provided to the Board of Trustees at a regularly scheduled public meeting each quarter.
Contact: Tim Brooks, Associate Superintendent, Human Resource Services
30. **RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CLASSIFIED EMPLOYEES:** Page 301
EXHIBIT 30
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
31. **RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CERTIFICATED EMPLOYEES:** Page 329
EXHIBIT 31
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

GENERAL FUNCTIONS

32. **2021 - 2022 BOARD MEETING SCHEDULE:** Page 351
EXHIBIT 32
Approval of the Board Meeting Schedule for the 2021-2022 school year.
Contact: Colleen Hayes, Manager II, Board Operations/Superintendent’s Office

33. **RESOLUTION NO. 2021-28, ROLE OF THE BOARD: POWERS AND RESPONSIBILITIES:** Page 355
EXHIBIT 33
 Approval of Resolution No. 2021-28, Role of the Board: Powers and Responsibilities, reaffirms the role of the Board.
Contact: Kirsten M. Vital, Superintendent

34. **SCHOOL BOARD MINUTES:** Page 356
EXHIBIT 34
 Approval of the November 18, 2020 Regular Board meeting minutes.
Contact: Colleen Hayes, Manager II, Board Operations/Superintendent’s Office

DISCUSSION/ACTION ITEMS

35. **CULTURAL PROFICIENCY PLAN:** **DISCUSSION/
ACTION**
Page 368
EXHIBIT 35
 In October 2019, the Board approved an Education Services goal, to create a Cultural Proficiency Task Force, to develop a three-year plan. The 2019-2020 school year was spent building staff capacity with various forms of training, including a book study, workshop attendance, meetings, and networking with community-based agencies. The work has continued in the 2020-2021 school year and a three-year action plan has been developed, based on input from stakeholders, including the Cultural Proficiency Task Force, CUSD Against Racism core organizers, Capistrano Unified Management Association, representatives from the District English Learner Advisory Committee, and Native American Parent and Student Committee. Staff provided an update at the November 4, 2020 Board workshop on work that has been accomplished over the past year, and a draft of the Cultural Proficiency Plan was shared. Board and stakeholder feedback, as well as expenditure and funding source information, has been incorporated into the final plan.
CUSD WIG 1: Teaching and Learning – Engage students in meaningful, challenging, and innovative educational experiences to increase post-secondary options for all students.
CUSD WIG 2: Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions.
CUSD WIG 3: Optimize facilities and learning environments 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 information on this item.

Following discussion, it is recommended the Board of Trustees approve the Cultural Proficiency Plan.

Motion by _____ Seconded by _____

36. **DONATED SPACE AGREEMENT FOR USE OF CERTAIN PROPERTY AT SERRA HIGH SCHOOL FOR COVID-19 TESTING – COUNTY OF ORANGE:** **DISCUSSION/
ACTION**
Page 393
EXHIBIT 36
 In consideration of the Donated Space Agreement, the District would grant the County of Orange rent-free use of certain property described as Serra High School located at 31422 Camino Capistrano, in San Juan Capistrano, parking lot off El Camino Real. The area will be used for the purpose of providing medical testing for COVID-19, administered by employees of the County, State of California and/or their vendors or service providers. The COVID-19 testing will occur on Wednesdays and Saturdays, excluding County and national holidays. The County agrees to set aside time for exclusive testing of District employees as needed. The agreement will be effective upon execution and will continue indefinitely. The agreement may be terminated by either party at any time with a 30 day written notice. The District will provide a custodian to open the site and disinfect restrooms after use.

CUSD WIG 3: Facilities – Optimize facilities and learning environments for all students.

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, to present this item.

Following discussion, it is recommended the Board of Trustees approve the Donated Space Agreement for COVID-19 testing with the County of Orange.

Motion by _____ Seconded by _____

37. SECOND READING – BOARD POLICY 7100, DETERMINING NEEDS:

Approval of Second Reading – Board Policy 7100, *Determining Needs*. The proposed revisions to Board Policy 7100, *Determining Needs* brings language in alignment to suggestions from California School Boards Association (CSBA), other California districts and updated federal and state requirements regarding how the Districts determines needs in alignment with the Facilities Master Plan. The Board policy number and the 7000 Board policy series title is being updated. Staff incorporated recommended changes from Trustees from the first reading on October 21, 2020. Changes are underlined; deletions are struck through.

CUSD WIG 3: Facilities – Optimize facilities and learning environments for all students.

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, to present this item.

Following discussion, it is recommended the Board of Trustees approve the Second Reading - Board Policy 7100, *Determining Needs*.

Motion by _____ Seconded by _____

38. SECOND READING – BOARD POLICY 7110, FACILITIES MASTER PLAN:

Approval of the Second Reading - Board Policy 7110, *Facilities Master Plan* which brings language in alignment to suggestions from California School Boards Association (CSBA), other California districts and updated federal and state requirements regarding the Districts Facilities Master Plan. The policy number is being updated to match CSBA. Staff incorporated recommended changes from Trustees from the first reading on October 21, 2020. Changes are underlined; deletions are struck through.

CUSD WIG 3: Facilities – Optimize facilities and learning environments for all students.

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, to present this item.

Following discussion, it is recommended the Board of Trustees approve Second Reading - Board Policy 7110, *Facilities Master Plan*.

Motion by _____ Seconded by _____

**DISCUSSION/
ACTION
Page 399
EXHIBIT 37**

**DISCUSSION/
ACTION
Page 406
EXHIBIT 38**

39. SECOND READING - BOARD POLICY 5131.2, BULLYING:

**DISCUSSION/
ACTION
Page 411
EXHIBIT 39**

Prior to March 2019, Board Policy 5141, *Conduct*, defined bullying and cyberbullying, identified the responsibilities of all stakeholders to prevent bullying and explained the complaint procedure to report bullying. Staff recommended that a separate policy, specific to bullying, be developed and adopted. On March 13, 2019, the Board approved the new Board Policy 5131.2, *Bullying*. Through the lens of cultural proficiency, staff reviewed the disciplinary Board Policies and Administrative Regulations. A team of administrators and cultural proficiency team members reviewed this Board Policy and made minor revisions.

The revised language more clearly defines bullying, and what groups may potentially be targeted. The proposed policy also aligns with the California School Boards Association sample policy. Staff has made recommended revisions based on Trustee feedback at the November 18, 2020, Board meeting. Legal counsel has reviewed the policy. 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.

Following discussion, it is recommended the Board of Trustees approve Board Policy 5131.2, *Bullying*.

Motion by _____ Seconded by _____

40. FIRST READING – BOARD POLICY 6158, INDEPENDENT STUDY:

**DISCUSSION/
ACTION
Page 417
EXHIBIT 40**

The proposed revisions to Board Policy 6158, *Independent Study*, updates language to delineate that short term Independent Study agreements should not be provided to students for more than 20 days per year. To assist teachers and staff with supporting students seeking multiple independent study terms, staff recommends applying the limit to not exceed 20 days, per year, during the 2020-2021 and 2021-2022 school years. Families have been requesting agreements in lieu of changing programs. A written agreement and study plan is required for each Independent Study agreement. Students seeking an alternative program, for multiple extended periods of time beyond the 20 days, should enroll in the District’s approved Independent Study, Virtual or Home School programs – California Preparatory Academy or Capistrano Virtual and Home School and/or transition to this year’s Program C in elementary or Program B in secondary during approved windows. Families concerned about the health and safety of their child being on campus have the option to enroll in one of the District’s 100 percent online options. Changes are underlined; deletions are struck through.

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

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

Staff Recommendation

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

Following discussion, it is recommended the Board of Trustees approve Board Policy 6158, *Independent Study*.

Motion by _____ Seconded by _____

41. FIRST READING - BOARD BYLAW 9110, TERMS OF OFFICE:

**DISCUSSION/
ACTION
Page 422
EXHIBIT 41**

Due to changes in the law, specifically the passage of Assembly Bill 2449, Board Bylaw 9110, *Terms of Office*, is being presented for revision. Under the previous law and District Board Bylaw 9110, the term of office for newly elected Board members commences on the first Friday of December. AB 2449 changed the law for the Term of Office for newly elected Board members to commence on the second Friday of December. This revision to Board Bylaw 9110, brings the policy into alignment with the law. Changes are underlined; deletions are struck through.

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

Staff Recommendation

It is recommended the Board President recognize Kirsten Vital, Superintendent, to present this item.

Following discussion, it is recommended the Board of Trustees approve Board Bylaw 9110, *Terms of Office*.

Motion by _____ Seconded by _____

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

**DISCUSSION/
ACTION
Page 424
EXHIBIT 42**

As we continue with the 2020-2021 school year, local and state health orders continue to modify how instruction may be provided. Due to the ongoing COVID-19 pandemic, staff continue to recommend the temporary policy to create maximum flexibility in how teachers monitor student progress during distance and hybrid learning. In April 2020, Trustees waived Board Policy 5121.1 and replaced it with Emergency Board Policy E5121.2, *Grades/Evaluation of Student Achievement*, to temporarily replace Board Policy 5121.1. On July 15, 2020, Trustees approved Temporary Board Policy T5121.1, *Grades/Evaluation of Student Achievement*. After several months of distance and virtual learning, staff is recommending revisions to Board Policy 5121.1 to add new temporary language to address the unique difficulty with completing Physical Education (PE) courses online at the secondary level. This temporary proposal supports improving high school outcomes, specifically for juniors and seniors. Staff reviewed and discussed the impacts with the Capistrano Unified Education Association. Staff is recommending to add Credit/No Credit language to the temporary policy for only secondary PE courses. Despite many efforts to improve the APEX online PE learning experience, students and staff continue to struggle. Students who would normally be highly successful in PE are not performing well. In order to replace the letter grade with a Credit or No Credit mark, Temporary Board Policy T5121.1, *Grades/Evaluation of Student Achievement*, must be updated. Staff recommends Credit/No Credit language be added to allow students who failed in the first semester with the option to make-up the class. There will be no impact to student grade point average with this change. 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 meet the deadline to input grades for the first semester grading period.

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

Motion by _____ Seconded by _____

ADJOURNMENT

Motion by _____ Seconded by _____

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS
WEDNESDAY, JANUARY 20, 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.