

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

REVISED

September 23, 2020

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

Due to the nature of the COVID-19 pandemic and in accordance with Governor Newsom's Executive Order N-29-20, issued on March 17, 2020, the Board members will have the option to attend the meeting and take action on any item telephonically. Members of the public may live stream the meeting from our District website at CAPOUSD.org.

There will be no physical meeting location open to the public. For this meeting, public input will not be facilitated in person. The District has provided the following option for the public to address the Board telephonically. Please submit your 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 4:30 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 M. Vital/Greg 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 20200828
ADR Case Number 20190913
ADR Case Number 20200831
ADR Case Number 20190425
ADR Case Number 20200804
(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 – Four Cases
OAH Case Number 2020050164

EXHIBIT C-1

OAH Case Number 2020050247

OAH Case Number 2020050768

OAH Case Number 2020060266

(Pursuant to Government Code § 54956.9(d)(1))

EXHIBIT C-2

EXHIBIT C-3

EXHIBIT C-4

D. 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 D-1

E. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

District Negotiators: Kirsten M. Vital/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 E-1

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.

PUBLIC HEARING

1. PUBLIC HEARING: RESOLUTION NO. 2021-21, STATEMENT OF ASSURANCE FOR INSTRUCTIONAL MATERIALS SUFFICIENCY, FISCAL YEAR 2020-2021: Page 1
EXHIBIT 1

The Board will conduct a public hearing on Resolution No. 2021-21, Statement of Assurance for Instructional Materials Sufficiency, Fiscal Year 2020-2021. Supporting documentation is located in Exhibit 42.

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

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

Staff Recommendation

It is recommended the Board President open the public hearing, determine if members of the public have submitted requests to speak on the item, and after hearing any speakers, formally close the public hearing.

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

- 2. DONATION OF FUNDS AND EQUIPMENT:** Page 5
EXHIBIT 2
Approval of donations of funds and equipment. A number of gifts have been donated to the District, including \$87,144.47 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

- 3. PURCHASE ORDERS, COMMERCIAL WARRANTS AND PREVIOUSLY BOARD-APPROVED BIDS AND CONTRACTS:** Page 7
EXHIBIT 3
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 \$7,445,016.98 and the commercial warrants total \$24,584,165.79. 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

- 4. INDEPENDENT CONTRACTOR, PROFESSIONAL SERVICES, FIELD SERVICE, AND MASTER CONTRACT AGREEMENTS:** Page 80
EXHIBIT 4
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 58 new agreements totaling \$17,528,679 and 11 amendments to existing agreements totaling \$561,283. 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

- 5. CHANGE ORDER NO. 2, BID NO. 1920-07, TESORO HIGH SCHOOL TURF AND SAND VOLLEYBALL COURT PROJECT:** Page 405
EXHIBIT 5
Approval of Change Order No. 2, Bid No. 1920-07 for the Tesoro High School Turf and Sand Volleyball Court Project related to restriping as well as changes requested by the District in order to assist in preventative maintenance related to the project. 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 \$916,295. The new contract sum including Change Order No. 2 is \$976,617.36 funded by gift funds, Las Flores CFD 92-1 and deferred maintenance. With this change order, the project remains under budget.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

6. **CHANGE ORDER NO. 3, BID NO. 1920-04, ALISO NIGUEL HIGH SCHOOL STEM BUILDING PROJECT:** Page 418
EXHIBIT 6
Approval of Change Order No. 3, Bid No. 1920-04 for the Aliso Niguel High School STEM Building Project related to changes to increase the size of a utility detection line, increase the size of the incoming gas line and an increase in the resolution of the new marquee display to match the other marquees in the District. 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 \$10,954,576. The new contract sum including Change Order No. 3 is \$11,012,547.19 funded by CFD 87-1 and if necessary, earned interest and land sale revenue. With this change order, the project remains under budget.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
7. **CHANGE ORDER NO. 4, BID NO. 1920-05, NEWHART MIDDLE SCHOOL STEAM BUILDING PROJECT:** Page 459
EXHIBIT 7
Approval of Change Order No. 4, Bid No. 1920-05 for the Newhart Middle School STEAM Building Project related to Americans with Disabilities Act compliance for the existing slopes and changes to the basketball hoop in order to meet District standards. 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 \$10,249,000. The new contract sum including Change Order No. 4 is \$10,416,790.73 funded by Redevelopment Agency Mission Viejo. With this change order, the project remains under budget.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
8. **FINAL ACCEPTANCE AND FILING OF NOTICE OF COMPLETION FOR CAPISTRANO VALLEY HIGH SCHOOL, DANA HILLS HIGH SCHOOL, SAN CLEMENTE HIGH SCHOOL, TESORO HIGH SCHOOL AND DISTRICT OFFICE SOLAR PROJECTS RELATED TO RESOLUTION NO. 1718-28 – REC SOLAR COMMERCIAL CORPORATION:** Page 477
EXHIBIT 8
Approval of the Final Acceptance and filing of the Notice of Completion for the Capistrano Valley High School, Dana Hills High School, San Clemente High School, Tesoro High School and District Office Solar Projects 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
9. **FIRST AMENDMENT TO FACILITIES USE AGREEMENT – RIGHT AT SCHOOL, LLC:** Page 489
EXHIBIT 9
Approval of the First Amendment to Facilities Use Agreement with Right at School. The amended Facilities Use Agreement outlines the terms to operate a child care program at Bernice Ayer, Carl Hankey, Ladera Ranch, Shorecliffs, Vista Del Mar, and Marco Forster Middle Schools during the 2020-2021 school year. Programming will be offered from 6:45 a.m. to 6:00 p.m. Right at School will pay a facilities use fee on a monthly basis equivalent to five percent of all revenue from the program.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
10. **FOOD SERVICE AGREEMENT – COMMUNITY ROOTS ACADEMY:** Page 513
EXHIBIT 10
Approval of the Food Service Agreement for the District’s Food and Nutrition Services (FNS) department vending National School Lunch Program (NSLP) compliant meals for Community Roots Academy (CRA) during the 2020-2021 school year. In August 2020, CRA charter school contacted the District regarding FNS providing school meals including Free and Reduced–Priced (FRP) meals for eligible students at CRA.

As required by the United States Department of Agriculture (USDA) Policy Memorandum SP 03-2019, Charters need to provide FRP meals starting in the 2019-2020 school year. The school meal program at CRA will be similar to District elementary school meal programs for the 2020-2021 school year. Proceeds from the agreement will be deposited into the cafeteria fund.

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

- 11. FOURTH EXTENSION OF BID NO. 1617-02, TREE TRIMMING MAINTENANCE SERVICE — WEST COAST ARBORISTS, INCORPORATED:** Page 521
EXHIBIT 11
Approval of Fourth Extension of Bid No. 1617-02, Tree Trimming Maintenance Service with West Coast Arborists, Incorporated. Bid No. 1617-02 was awarded to the lowest responsive, responsible bidder on September 14, 2016 for the initial term of September 27, 2016 through September 26, 2017, with optional renewal terms. On September 13, 2017, the Board approved Extension No. 1 through September 26, 2018. On October 10, 2018, the Board approved the Second Extension through September 26, 2019. On January 15, 2020, the Board approved the Third Extension through September 26, 2020. The vendor agrees to maintain the same pricing as the initial bid award term for the proposed renewal period of September 27, 2020 through September 26, 2021. Annual expenditures utilizing this contract are estimated to be \$350,000 funded by the general fund and deferred maintenance. Actual expenditures may vary depending on availability of funds and District needs.
Contact: *Clark Hampton, Deputy Superintendent, Business and Support Services*
- 12. ASSOCIATION OF EDUCATIONAL PURCHASING AGENCIES IFB BID NO. 020-D, FACILITY MANAGEMENT SOFTWARE – DUDE SOLUTIONS, INC.:** Page 540
EXHIBIT 12
Approval to utilize the Association of Educational Purchasing Agencies IFB Bid No. 020-D for the purchase of facility management software (SchoolDude) from Dude Solutions Inc., as needed, under the same terms and conditions of the public agency’s contract. The contract provides set pricing for a facilities management software program for all the District sites. School boards have the authority to “piggyback” on another public agency’s bid, per Public Contract Code § 20118, when it is in the best interest of a district. It is often advantageous to utilize piggyback bids when contract items are identical to the District’s specifications. Using piggyback contracts save time and often provide lower prices than a single jurisdiction would be able to obtain. Anticipated annual expenditures utilizing this contract are approximately \$100,000 funded by the general fund. Due to the size of the contract and award, the documentation is posted online on the District Board Agendas and Supporting Documentation page [here](#).
Contact: *Clark Hampton, Deputy Superintendent, Business and Support Services*
- 13. SERVICES PRICING AGREEMENT – TURNITIN, LLC:** Page 543
EXHIBIT 13
Approval of the ratification of Services Pricing Agreement with Turnitin, LLC to purchase anti-plagiarism and writing instruction support from Turnitin, LLC. The agreement provides set pricing for three years and avoids proposed significant price increases. The District has purchased the Turnitin.com instructional online program since 2010 on an annual basis. School boards have the authority to purchase instructional computer software packages in any amount needed for the operation of the schools of the district without taking estimates or advertising for bids per Public Contract Code § 20118.3, when it is in the best interest of a district. The agreement is effective August 12, 2020 with a term of July 27, 2020 through July 26, 2023. Anticipated expenditure utilizing this agreement is \$126,309 across three years funded by the general fund.
Contact: *Clark Hampton, Deputy Superintendent, Business and Support Services*

CURRICULUM AND INSTRUCTION

14. AGREEMENT WITH ELLEVATION:

Approval of the ratification of the Agreement with Ellevation, July 24, 2020 through October 31, 2020, for a Getting Started with Ellevation Online Training. Two online training sessions, for three hours each, will support teachers and administrators with understanding the platform and data to enhance the appropriate placement and monitoring of students who are English learners. The subscription agreement fee of \$5,000 will be funded by Title III.

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

Page 546

EXHIBIT 14

15. BIOTECHNOLOGY COLLEGE AND CAREER ACCESS PATHWAYS PARTNERSHIP AGREEMENT WITH SOUTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT:

Approval of the ratification of the agreement with College and Career Access Pathways Partnership agreement with South Orange County Community College District (SOCCCD), August 22, 2020 through August 31, 2023. This agreement will enable Dana Hills High School students who take Biotechnology to receive college credit for the course and qualify to apply to receive the Biotechnology Lab Assistant Certificate of Achievement at Irvine Valley College. Per SOCCCD and the Orange County Pathway grant, it is required that the District first conduct a public hearing, which was held on August 19, 2020, and in a separate meeting, on September 23, 2020, adopt the course of study. There is no financial impact.

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

Page 554

EXHIBIT 15

16. AGREEMENT WITH EUREKA, THE CALIFORNIA CAREER INFORMATION SYSTEM:

Approval of the agreement with EUREKA, The California Career Information System, September 15, 2020 through September 14, 2021, to offer career interest and research resources to District students. This agreement will help students identify their skills, explore occupations, and plan steps they can take to reach career goals by finding the training they will need, and researching financial aid opportunities. Students will also learn valuable job search information to guide them in their efforts. Students are able to share the information with Futureology counselors and others who can support them. The cost of 1,500 licenses is \$1,295 funded by Local Control Funding Formula Supplemental funding, reserved for Multi-Tiered Systems of Support.

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

Page 570

EXHIBIT 16

17. RESOLUTION NO. 2021-03, FOR ACCEPTANCE OF AGREEMENT WITH CHILDREN AND FAMILIES COMMISSION OF ORANGE COUNTY:

Approval of the ratification of Resolution No. 2021-03 for acceptance of the agreement with Children and Families Commission of Orange County (Commission). The agreement will award a total of \$1,055,200 over three years to support and promote early learning initiatives within the District and local community. The Commission's repurposed scope of work calls for funds to be prioritized to focus on leadership, community, parent engagement, and data, with the goal of ensuring greater readiness for kindergarten for all preschool students. The agreement will cover the period of July 1, 2020 through June 30, 2023. This agreement will facilitate the implementation of an integrated, comprehensive, and collaborative system of information by providing early learning services to enhance school readiness initiatives and optimal early childhood development as set forth in the California Children and Families Act of 1998.

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

Page 579

EXHIBIT 17

- 18. MASTER SERVICE AGREEMENT AND STATEMENT OF WORK WITH LANGUAGE LINE SERVICES, INC.:** Page 645
EXHIBIT 18
Approval of Master Service Agreement and Statement of Work with Language Line Services, Inc., September 24, 2020 through June 30, 2021, for on-demand phone interpretation services in over 200 languages. The District has bilingual staff who conduct interpretation in Spanish and Farsi for parent meetings, however, there are students and parents from various other languages including Korean, Mandarin, French, Japanese, Russian, Vietnamese, German, and Italian, to name a few. Language Line Services will provide on-demand phone interpretation services in these languages, as needed. The usage fee for phone interpreting is \$0.94 per minute. An estimated annual usage cost of \$12,000 will be funded by Title III.
Contact: Susan Holliday, Chief Administrative Officer, Education and Support Services
- 19. RATIFICATION OF THE 2020-2021 SCHOOL CALENDAR:** Page 652
EXHIBIT 19
Approval of the ratification of the 2020-2021 school calendar. The revised school calendar reflects a change to the middle and high school Back to School Nights, from August 25, 2020 through August 27, 2020 to August 31, 2020 through September 4, 2020 for middle school, and from September 8, 2020 through September 10, 2020 to October 19, 2020 through October 22, 2020 for high school.
Contact: Susan Holliday, Chief Administrative Officer, Education and Support Services
- 20. SERVICE ORDER WITH ROSETTA STONE:** Page 655
EXHIBIT 20
Approval of the ratification of the Service Order with Rosetta Stone, September 1, 2020 through August 30, 2021, to support improved student outcomes for middle and high school, newly enrolled English learner students, through online English language development activities to support distance and summer learning. The cost per license is \$117. The total service order for 100 licenses is \$11,700 funded by Title III.
Contact: Susan Holliday, Chief Administrative Officer, Education and Support Services
- 21. AGREEMENT WITH SILICON VALLEY MATHEMATICS INITIATIVE:** Page 659
EXHIBIT 21
Approval of the ratification of the agreement with Silicon Valley Mathematics Initiative, July 1, 2020 through June 30, 2021, will provide licenses for middle school students enrolled in Math support classes. These licenses will enable student access to Silicon Valley Mathematics Initiative online resources and tutorials to build Mathematical competency. Estimated expenditures under this agreement are \$6,300 funded by CARES Act.
Contact: Susan Holliday, Chief Administrative Officer, Education and Support Services
- 22. AGREEMENT WITH THE COLLEGE BLUEPRINT:** Page 665
EXHIBIT 22
Approval of the ratification of the agreement with The College Blueprint, July 1, 2020 through June 30, 2021, to provide college planning and guidance to American Indian students in grades 9 through 12, participating in the Indian Education Formula Grant program, and to provide college planning, guidance and college entrance test preparation to select students in grade 12 from low-income households. The total cost is \$25,550 funded by Indian Education Formula Grant and Local Control Funding Formula Supplemental funds.
Contact: Susan Holliday, Chief Administrative Officer, Education and Support Services

23. **MEMORANDUM OF UNDERSTANDING WITH LAGUNA BEACH UNIFIED SCHOOL DISTRICT:** Page 675
EXHIBIT 23
Approval of the ratification of the Memorandum of Understanding (MOU) with Laguna Beach Unified School District (LBUSD) for the purpose of implementing special education services and programs to students referred by their Individual Education Program team. This agreement will allow the District to provide Adult Transition Program services to students whose current residence is within LBUSD boundaries for the term of July 1, 2020 through June 30, 2021. Services will include access to local community supports and independent living. The District will provide oversight of the program and collaborate in decisions related to educational services. The annual rate paid by LBUSD to the District is approximately \$60,000 deposited into the general fund. There is no financial impact to the District.
Contact: Gregory Merwin, Chief Academic Officer, Education and Support Services

24. **PERSONNEL REIMBURSEMENT AGREEMENT WITH LAGUNA BEACH UNIFIED SCHOOL DISTRICT:** Page 682
EXHIBIT 24
Approval of a Personnel Reimbursement Agreement with Laguna Beach Unified School District (LBUSD) to provide five days of instruction by a qualified Orientation and Mobility Specialist to LBUSD during the 2020-2021 school year. District staff has provided these services to LBUSD from the time both districts were part of the South Orange County Special Education Local Plan Area. LBUSD will pay the employee salary and benefit costs for the days of instruction. There is no financial impact.
Contact: Gregory Merwin, Chief Academic Officer, Education and Support Services

25. **PERSONNEL REIMBURSEMENT AGREEMENT WITH SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT:** Page 686
EXHIBIT 25
Approval of a Personnel Reimbursement Agreement with Saddleback Valley Unified School District (SVUSD) to provide 40 days of instruction by a qualified Orientation and Mobility Specialist to SVUSD during the 2020-2021 school year. District staff has provided these services to SVUSD from the time both districts were part of the South Orange County Special Education Local Plan Area. SVUSD will pay the employee salary and benefit costs for the days of instruction. There is no financial impact.
Contact: Gregory Merwin, Chief Academic Officer, Education and Support Services

HUMAN RESOURCE SERVICES

26. **ORANGE COUNTY DEPARTMENT OF EDUCATION FOURTH QUARTER REPORT – WILLIAMS SETTLEMENT LEGISLATION:** Page 690
EXHIBIT 26
Acceptance of Williams Settlement Legislation Orange County Department of Education (OCDE) Fourth 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. During the fourth quarter, the District received no complaints.
Contact: Tim Brooks, Associate Superintendent, Human Resource Services

27. **CALIFORNIA STATE UNIVERSITY, FULLERTON SPRING 2020 MASTER TEACHER HONORARIUM PAYMENTS:** Page 693
EXHIBIT 27
Approval of payment of Spring 2020 Master Teacher Honorarium payments to District teachers who worked as master teachers to California State University, Fullerton (CSUF) students completing fieldwork requirements for their teaching credential during the Spring 2020 semester.

Current university agreements specify that institutions pay master teachers a nominal payment for their supervision and support of credential students. CSUF has agreed to reimburse the District for the cost of these master teacher honorarium payments. The compensation amounts vary to the nature of the assignments.

Contact: Tim Brooks, Associate Superintendent, Human Resource Services

28. MEMORANDUM OF UNDERSTANDING FOR STUDENT TEACHING WITH HUMBOLDT STATE UNIVERSITY: Page 697
EXHIBIT 28

Approval of the Memorandum of Understanding for Student Teaching with Humboldt State University, effective October 1, 2020 and expiring June 30, 2024. During the school year, credential candidates will work with District teachers to fulfill practicum/fieldwork requirements to earn their credential.

Contact: Tim Brooks, Associate Superintendent, Human Resource Services

29. AVID COLLEGE READINESS SYSTEM SERVICES AND PRODUCTS AGREEMENT: Page 700
EXHIBIT 29

Approval of the Advancement Via Individual Determination (AVID) College Readiness System Services and Products Agreement for AVID elementary and secondary membership. This agreement provides services and products to support 11 secondary AVID Sites, as well as 2 elementary AVID Sites. The contract term is from July 1, 2020 through June 30, 2021. Annual expenditures under this contract for AVID secondary and K-8 memberships and materials are limited to \$44,884 funded by Local Control Funding Formula (LCFF) Supplemental. AVID elementary membership is limited to \$6,198 funded by Title I. Required training is limited to \$20,750 funded by Title II.

Contact: Tim Brooks, Associate Superintendent, Human Resource Services

30. RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CERTIFICATED EMPLOYEES: Page 711
EXHIBIT 30

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

31. RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CLASSIFIED EMPLOYEES: Page 741
EXHIBIT 31

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

32. SCHOOL BOARD MINUTES: Page 767
EXHIBIT 32

Approval of the August 19, 2020 Regular Board meeting minutes.

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

33. SCHOOL BOARD MINUTES: Page 783
EXHIBIT 33

Approval of the August 26, 2020 Special Board meeting minutes.

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

34. SCHOOL BOARD MINUTES: Page 785
EXHIBIT 34

Approval of the September 2, 2020 Special Board meeting minutes.

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

35. SCHOOL BOARD MINUTES:

Approval of the September 16, 2020 Special Board meeting minutes.

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

Page 789

EXHIBIT 35

DISCUSSION/ACTION ITEMS

36. CITIZEN’S REQUEST: NEED FOR BOARD RESOLUTION REGARDING PROPOSITION 15:

Board Policy 9322, *Agenda/Meeting Materials*, states any member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. Citizen requests that the Board of Trustees Adopt a resolution confirming the District will take a neutral stance on the passage of Proposition 15, a Tax on Commercial and Industrial Properties for Education and Local Government Funding Initiative. The Proposition will be on the November 3, 2020 ballot in California as an initiated constitutional amendment.

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

Contact: Mr. John Briscoe, Citizen

**DISCUSSION/
ACTION**

Page 791

EXHIBIT 36

Staff Recommendation

It is recommended the Board President recognize Mr. John Briscoe, citizen, to present this item.

Motion by _____ Seconded by _____

37. CITIZEN’S REQUEST: NEED FOR BOARD RESOLUTION REGARDING EARLY PAYMENT DISCOUNT ON VENDOR INVOICES:

Board Policy 9322, *Agenda/Meeting Materials*, states any member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. Early Payment Discounts on Vendor Invoices: Pursuant to Board Policy 9322, Citizen requests that the Board of Trustees adopt a resolution confirming that the District will attempt to seek vendor discounts for early payment (described by citizen as “Trade Terms Discounting”) and utilize such discounts.

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

Contact: Mr. John Briscoe, Citizen

**DISCUSSION/
ACTION**

Page 799

EXHIBIT 37

Staff Recommendation

It is recommended the Board President recognize Mr. John Briscoe, citizen, to present this item.

Motion by _____ Seconded by _____

~~38. CONSIDERATION AND POSSIBLE APPROVAL OF ADDENDUM #3 REOPENING PLAN FOR 2020-2021 SCHOOL YEAR:~~

~~Staff presents a third addendum to the Reopening of Schools Plan for the 2020-2021 school year. The Reopening Plan provides flexibility and options for families in all grade levels with rigorous, engaging, and consistent educational learning programs, including all special education programs and services, from preschool through grade 12 and Adult Transition Program. The Board Report provides new information on a revised phased in plan for resuming “in person” learning for high school. In this proposal, high schools will continue online for academic classes until the beginning of the second semester of the 2020-2021 school year while opening for “on campus” approved programs such as clubs, athletic conditioning, special education programs and directed and related services, academic intervention, lab courses, tutorial, and learning labs. Starting October 13, 2020 as planned in addendum #2.~~

**~~DISCUSSION/
ACTION~~**

~~Page 812~~

~~**EXHIBIT 38**~~

~~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: Communications – Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions.
Contact: Gregory Merwin, Chief Academic Officer, Education and Support Services~~

Staff Recommendation

~~It is recommended the Board President recognize Gregory Merwin, Chief Academic Officer, Education and Support Services, to present this item.~~

Motion by _____ Seconded by _____

39. **TRUSTEE RECOMMENDATION FOR THE BOARD OF TRUSTEES TO CONSIDER A NAME CHANGE FOR JUNIPERO SERRA HIGH SCHOOL:** DISCUSSION/
ACTION
CUSD WIG 2: Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions. Page 813
Contact: Gila Jones, Board of Trustees EXHIBIT 39

The Board is being asked to consider re-naming Junipero Serra High School. Board Policy 7511 states that the Board shall form a naming committee, comprised of Board members, to bring forward a name recommendation to the full Board for approval. Although BP 7511 is silent on the topic of community input in the school naming process, the Board could solicit community input by publicizing the renaming effort in traditional and social media, and/or by appointing a community task force.

Staff Recommendation

It is recommended the Board President recognize Gila Jones, Trustee, to present this item and answer any questions Trustees may have.

Motion by _____ Seconded by _____

40. **PRESENTATION REGARDING DISTRICT ACCOMPLISHMENTS 2019-2020:** INFORMATION/
DISCUSSION
Staff presents a review of 2019-2020 District accomplishments. These accomplishments align with our mission to prepare our students to meet the challenges of a rapidly changing world, and our vision of an unwavering commitment to student success. Page 814
EXHIBIT 40

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

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

Contact: Kirsten M. Vital, Superintendent

Staff Recommendation

It is recommended the Board President recognize Kirsten M. Vital, Superintendent and the Executive Cabinet to present information on this item and answer any questions Trustees may have. This is an information item only and no Board action is necessary.

41. **PRESENTATION REGARDING 2020-2021 DISTRICT GOALS:** INFORMATION/
DISCUSSION
Staff presents a review of 2020-2021 District goals. These goals align with our mission to prepare our students to meet the challenges of a rapidly changing world, and our vision of an unwavering commitment to student success. Page 833
EXHIBIT 41

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

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

Contact: Kirsten M. Vital, Superintendent

Staff Recommendation

It is recommended the Board President recognize Kirsten M. Vital, Superintendent and the Executive Cabinet to present information on this item and answer any questions Trustees may have. This is an information item only and no Board action is necessary.

42. LEARNING CONTINUITY AND ATTENDANCE PLAN:

Senate Bill 98 establishes California Education Code § 43509 and the Learning Continuity and Attendance Plan requirements for the 2020-2021 school year. The District is required to complete the Learning Continuity and Attendance Plan, in place of the Local Control and Accountability Plan (LCAP), no later than September 30, 2020. The Learning Continuity and Attendance Plan provides information about how student learning continuity will be addressed during the COVID-19 crisis in the 2020-2021 school year. The Learning Continuity and Attendance Plan is intended to balance the needs of stakeholders, while both streamlining engagement and condensing several preexisting plans. In particular, it combines (1) the intent behind Executive Order N-56-20, published in April 2020, which envisioned an off cycle LCAP due December 15, 2020, and (2) the ongoing need for Local Education Agencies to formally plan to return to school in the midst of the uncertainty and of COVID-19, without requiring 2 plans. A draft plan was shared, and a public hearing was held at the August 19, 2020 Board meeting. This item presents the final Learning Continuity and Attendance Plan, which has been updated based upon Governor Newsom’s August 28, 2020 Blueprint for a Safer Economy, input from District stakeholders, and the Orange County Department of Education. Once approved, the plan will be posted on the District website and sent to the Orange County Department of Education.

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 this item.

Following discussion, it is recommended the Board of Trustees approve the Learning Continuity and Attendance Plan.

Motion by _____ Seconded by _____

43. FIRST READING - BOARD POLICY 5152, SUSPENSION AND EXPULSION/DUE PROCESS:

Board Policy 5152, *Suspension and Expulsion/Due Process*, was revised on May 20, 2020, to bring the policy in alignment with current law.

**DISCUSSION/
ACTION
Page 851
EXHIBIT 42**

**DISCUSSION/
ACTION
Page 879
EXHIBIT 43**

A team, including members of the student lead group, CUSD Against Racism, members of the District cultural proficiency task force, principals, and assistant principals from each level, has been reviewing and updating discipline plans, Board Policies, and Administrative Regulations supporting the Board of Trustees', June 24, 2020, Resolution on the fight against intolerance, racism, and discrimination. The recommended updates support the District's commitment to fostering an inclusive environment where every student can expect to be treated with dignity and respect. Staff has added language to Board Policy 5152, *Suspension and Expulsion/Due Process*, supporting cultural proficiency. Legal counsel has reviewed the policy. 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 5152, *Suspension and Expulsion/Due Process*.

Motion by _____ Seconded by _____

44. RESOLUTION NO. 2021-21, STATEMENT OF ASSURANCE FOR INSTRUCTIONAL MATERIALS SUFFICIENCY, FISCAL YEAR 2020-2021: **DISCUSSION/ ACTION**

Education Code § 60119 specifies a public hearing shall be held in order to determine whether the District has sufficient standards-aligned textbooks and instructional materials, and encourages participation by parents, teachers, members of the community and bargaining unit leaders. The Board of Trustees shall make a determination through a resolution as to whether each pupil, in each school, in the District, has sufficient textbooks and/or instructional materials, in each of the following subject areas: English/Language Arts, History Social Science, Health, Mathematics, Science, World Languages, and science laboratory equipment. There is no financial impact.

Page 885
EXHIBIT 44

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 adopt Resolution No.2021-21, Determining Steps to Ensure Availability of Textbooks and Instructional Materials, 2020-2021.

Motion by _____ Seconded by _____

45. MASTER CONTRACT WITH NEW VISTA SCHOOL FOR 2020-2021: **DISCUSSION/ ACTION**

The Master Contract with New Vista School to provide general education programs and special education instruction for eligible District students as determined by their Individualized Education Program (IEP) team.

Page 891
EXHIBIT 45

The District is currently projected to have 13 students at New Vista School but the approval of this Master Contract allows the District to place additional students as determined by the IEP team or through a settlement agreement. The estimated average cost per student is approximately \$40,000 for educational services. Annual expenditures under this Master Contract are estimated to be \$800,000 funded by special education 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: Gregory Merwin, Chief Academic Officer, Education and Support Services

Staff Recommendation

It is recommended the Board President recognize Gregory Merwin, Chief Academic Officer, Education and Support Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve the Master Contract with New Vista School for 2020-2021.

Motion by _____ Seconded by _____

ADJOURNMENT

Motion by _____ Seconded by _____

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS
WEDNESDAY, OCTOBER 21, 2020 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.