

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES OF REGULAR MEETING
MARCH 17, 2021
EDUCATION CENTER – BOARD ROOM

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.

President Bullockus called the meeting to order at 4:05 p.m.

**Call to Order/
Adjourn to Closed
Session**

ROLL CALL:

Present: Trustees Braunstein, Bullockus, Davis, and Hanacek
Absent: Trustees Castellanos, Jones and McNicholas

The Following speakers addressed the Board:

- *Elizabeth Drury spoke regarding students returning to school full day and how extended learning is valuable*
- *Diana Weber spoke regarding school reopening to full day instruction*
- *Jessica Geyer spoke regarding smaller class sizes and suggestions for one-time COVID relief funds*
- *Michele Ploessel-Campbell spoke regarding Women’s History Month and the need for more women’s history in the District’s curriculum*

Trustees Castellanos and McNicholas joined the meeting at 4:07 p.m.
Trustee Jones joined the meeting at 4:09 p.m.

The Board recessed to closed session to discuss: Public Health Emergency; Conference with Legal Counsel – Anticipated Litigation; Conference with Legal Counsel – Existing Litigation; Conference with Real Property Negotiators; Conference with Labor Negotiators; Public Employee Performance Evaluation

**Closed Session
Comments**

The regular meeting of the Board of Trustees was called to order by President Bullockus at 7:09 p.m.

ROLL CALL:

Present: Trustees Braunstein, Bullockus, Castellanos, Davis, Hanacek, Jones, McNicholas and Student Advisor Bhaskar
Absent: None

The Pledge of Allegiance was led by Krista Castellanos, Vice President, Board of Trustees.

**Pledge of
Allegiance
Permanent Record**

The Board meeting discussion related to each of the items on the public agenda is on file in the Superintendent’s office as a matter of the permanent record. An audio recording of the meeting is available on the District website: www.capousd.org

Colleen Hayes, Manager II, Board Operations/Superintendent’s Office, announced that staff pulled Item #25, Selection of Most Beneficial Proposal, and Approval of Agreement for Purchase and Sale and Joint Escrow Instructions (“Las Ramblas Property”).

**Adoption of the
Board Agenda**

It was moved by Trustee Davis and seconded by Trustee McNicholas and motion carried by a 7-0 roll call vote to adopt the Regular Board agenda.

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AYES: Trustees Braunstein, Bullockus, Castellanos, Davis, Hanacek, Jones,
and McNicholas
NOES: None
ABSENT: None

Student Adviser Bhaskar voted aye to adopt the Regular Board agenda.

President Bullockus asked Colleen Hayes, Manager II - Board Operations/
Superintendent's Office to read the report out of closed session:

**President's Report
from Closed
Session Meeting**

Agenda Item #3A– Public Health Emergency

Trustees gave direction to staff

Agenda Item #3B– Conference with Legal Counsel – Anticipated Litigation

Trustees voted 7-0 to approve the staff recommendation on the following cases:

ADR Case Number 20191120M
ADR Case Number 20191206M
ADR Case Number 20200710
ADR Case Number 20201118
ADR Case Number 20210122
ADR Case Number 20210128
ADR Case Number 20210203
ADR Case Number 20210210

On Agenda Item B-9, Trustees gave direction to staff.

On Agenda Item B-10, no reportable action.

On Agenda Item B-11, Trustees provided direction to staff to remove the 5th Grade Family
Life video and accompanying instruction from the 2020-2021 school year instructional
plan. Staff was directed to revisit instruction on these topics in the fall.

Agenda Item #3C – Conference with Legal Counsel – Existing Litigation

Trustees voted 7-0 to approve staff recommendation on the following cases:

OAH Case Number 2019020057

Agenda Item #3D – Conference with Real Property Negotiators

On Agenda item D-1 Property: Pacifica San Juan

Trustees gave direction to staff.

On Agenda Item D-2 Property: South Transportation and Groundskeeping Facility

Trustees gave direction to staff.

Agenda Item #3E – Conference with Labor Negotiators

Trustees gave direction to staff.

Agenda Item #3F – Public Employee Performance Evaluation

Trustees gave direction to staff.

Superintendent Vital Brulte reported on the various activities at our sites in the past weeks.

**Board and
Superintendent
Comments**

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Student Adviser to the Board, Anchal Bhaskar, gave feedback from high school students on how they feel hopeful for the first time in a long time, especially with sports reopening. Students are also excited for the possibility of in-person graduation.

**Student Board
Member Report**

The following speakers addressed the Board:

- *Jamie Hanson spoke regarding the Cultural Proficiency lessons*
- *Susan Saucedo spoke regarding support for the Cultural Proficiency curriculum*
- *Noah Rodriguez spoke in support of the Cultural Proficiency curriculum*
- *Amanda Earnest spoke regarding Cultural Proficiency and Sex Ed curriculums*
- *Diana Rojas Menghini spoke regarding support for Cultural Proficiency lessons*
- *Vanessa Santos spoke regarding support for Cultural Proficiency lessons*
- *Pilar March spoke regarding support for Cultural Proficiency lessons*
- *Rachael Davidson spoke regarding support for Cultural Proficiency that it represents the cultural diversity of this country and community*
- *Leanne Williams spoke regarding support for the Cultural Proficiency curriculum*
- *Ann Segovia spoke regarding support for the Cultural Proficiency lessons and giving our students the tools to succeed*
- *Darcy Ure spoke regarding the need for students to be in school everyday*
- *Sharon Williams spoke regarding support for the Cultural Proficiency curriculum*
- *Chalone Warman spoke requesting the Board postpone the Cultural Proficiency lessons and focus on learning loss due to COVID this past year*
- *Michele Ploessel-Campbell spoke regarding the new Zoom timer not showing online, PTA and PTSA holding elections for their Executive Board and questioned if PE clothes will be needed when the District schools reopen*
- *Susana Sarmiento spoke regarding support for Cultural Proficiency lessons*
- *Michelle McNutt spoke regarding support for Cultural Proficiency and her experience being a nurse and Cultural Competency*
- *Stacy Tran spoke regarding reopening schools, especially in high school, asked the Board to allow students to come back to school*
- *Stephanie Smith spoke regarding online schooling not working and learning loss due to COVID, and students transferring to private schools that are fully open*

**Oral
Communications**

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, staff, or the public 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.

Consent Calendar

The following speakers addressed the Board:

- *Joy Schnapper spoke representing CUEA and reconsidering teacher and staff layoffs*
- *Michele Ploessel-Campbell spoke regarding the restructuring plan and the new positions/job descriptions, especially the Director II, Cultural Proficiency, and the fiscal impacts of these new positions*

President Bullockus asked Trustees for items they wished to pull from the Consent Calendar. Staff pulled agenda items #20 and #25. Trustee Hanacek pulled agenda item #17.

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It was moved by Trustee McNicholas and seconded by Trustee Jones, motion carried by a 7-0 roll call vote to approve the following Consent Calendar with the exception of items pulled.

AYES: Trustees Braunstein, Bullockus, Castellanos, Davis, Hanacek, Jones,
and McNicholas
NOES: None
ABSENT: None

Student Advisor Bhaskar voted aye to approve the Consent Calendar.

Approval of donations of funds and equipment.

Approval of purchase orders (Attachment 1) and commercial warrants (Attachment 2).

Approval of the District standardized Independent Contractor, Professional Services, Field Service and Master Contract agreements.

Approval of Change Order No. 1, Bid No. 2021-09 for the Philip Reilly Elementary School Shade Structure Project related to re-routing the existing storm drain around the new footing locations.

Approval of Change Order No. 6, Bid No. 1920-04 for the Aliso Niguel High School STEM Building.

Approval of the Final Acceptance and filing of the Notice of Completion for Bid No. 2021-09 for the Philip Reilly Elementary School Shade Structure Project.

**Donation of Funds
and Equipment
Agenda Item 1
Purchase Orders,
Commercial
Warrants and
Previously Board-
Approved Bids
and Contracts
Agenda Item 2
Independent
Contractor,
Professional
Services, Field
Service, and
Master Contract
Agreements
Agenda Item 3
Change Order No.
1, Bid No. 2021-
09, Philip Reilly
Elementary
School Shade
Structure Project
Agenda Item 4
Change Order No.
6, Bid No. 1920-
04, Aliso Niguel
High School Stem
Building Project
Agenda Item 5
Final Acceptance
and Filing of
Notice of
Completion for
Bid No. 2021-09,
Philip Reilly
Elementary
School Shade
Structure Project
Agenda Item 6**

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Approval of First Extension of Bid No. 1920-01, Pest Management with Animal Pest Management Services, Incorporated.	First Extension of Bid No. 1920-01, Pest Management – Animal Pest Management Services, Incorporated Agenda Item 7
Approval of the Member Program Agreement for participation in the mobile school pantry with Second Harvest Food Bank of Orange County.	Member Program Agreement for Mobile School Pantry – Second Harvest Food Bank of Orange County Agenda Item 8
Approval of the Second Amendment of Purchase and Sale Agreement (PSA) would amend the existing PSA approved in 2016 with Pacific Point Development Partners, the developer of Community Facilities District (CFD) 98-1A and 98-1B.	Second Amendment of Purchase and Sale Agreement (“Las Ramblas Property”) – Pacific Point Development Partners Agenda Item 9
Approval of the ratification of the California Career Technical Education Incentive Grant (CTEIG) Program Memorandum of Understanding (MOU) with College and Career Advantage, July 1, 2020 through June 30, 2022.	Memorandum of Understanding with College and Career Advantage for Participation in the California Career Technical Education Incentive Grant Program Agenda Item 10
Approval of the Memorandum of Understanding and Agreement for Use of Emerald Cove Outdoor Science Institute, Facilities, Supplies, Equipment, and Services Public School Districts School Year 2020-2021.	Memorandum of Understanding and Agreement for Use of Emerald Cove Outdoor Science Institute, Facilities, Supplies, Equipment, and Services, Public School Districts, School Year 2020-2021 Agenda Item 11

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Approval of Addendums to the Agreement for Additional Schools Participating in the Inside the Outdoors School Program, Agreement Number 13017, Addendum No. 3, No. 4, No. 5 and No. 6.

Addendum to the Agreement for Additional Schools Participating in the Inside the Outdoors School Programs, Agreement Number 13017, Addendum No. 3, No. 4, No. 5 and No. 6

Approval of the Memorandum of Understanding (MOU) for a consortium established to participate in the Strengthening Career and Technical Education for the Twenty-first Century Act of the Carl Perkins Grant with Laguna Beach Unified School District (LBUSD) and Coronado Unified School District (Coronado USD).

Agenda Item 12 Memorandum of Understanding for a Consortium Established to Participate in the Strengthening Career Technical Education for the Twenty-First Century Act with Laguna Beach Unified School District and Coronado Unified School District

Approval of the plan will satisfy the District's requirement to adopt a three-year Expulsion Plan that is developed in collaboration with Orange County school districts and the Orange County Department of Education (OCDE).

Agenda Item 13 Three-Year Expulsion Plan 2021-2024

Approval of the Memorandum of Understanding with Concordia University Irvine, effective March 18, 2021 and expiring June 30, 2021.

Agenda Item 14 Memorandum of Understanding with Concordia University Irvine

Acceptance of Williams Settlement Legislation Orange County Department of Education (OCDE) Second Quarter Report.

Agenda Item 15 Orange County Department of Education Second Quarter Report – Williams Settlement Legislation

Approval of the activity list for employment, separation, and additional assignments of classified employees.

Agenda Item 16 Resignations/Retirements/Employment - Certificated Employees
Agenda Item 18

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Approval of the activity list for employment, separation, and additional assignments of classified employees.

**Resignations/
Retirements/
Employment -
Classified
Employees
Agenda Item 19
School Board
Minutes
Agenda Item 20
School Board
Minutes
Agenda Item 21
School Board
Minutes
Agenda Item 22
Second Reading –
Temporary Board
Policy T5121.1,
Grades/Evaluation
of Student
Achievement
Agenda Item 23**

This item was pulled by staff.

Approval of the March 3, 2021 Special Board Meeting Minutes.

Approval of the revised December 16, 2020 Regular Board Meeting Minutes.

President Bullockus recognized Susan Holliday, Chief Administrative Officer, Education and Support Services to present the item.

The following speakers addressed the Board:

- *Michele Ploessel-Campbell spoke regarding appreciation for staff's hard work for the grades in Physical Education and on this policy revision*

It was moved by Trustee Davis and seconded by Trustee Braunstein to approve option two of Temporary [Board Policy T5121.1, Grades/Evaluation of Student Achievement](#), as amended, motion carried 7-0.

During the 2020-2021 school year, APEX/online physical education courses will be graded using both letter grades and Credit (CR) or No Credit (NC) marks. Physical Education teachers will work with students to provide each student the option to select to be evaluated by the letter grade earned or CR for the current and previous quarters and/or semester where applicable:

- All students who earned an A or B in the current and last semester/quarter will revert to the letter grade. Student who earned an A will receive an A letter grade; CR is not an option. Students who earned a B will receive a B letter grade but will have the option of selecting CR.
- Letter grades of a C or D will be default as CR.
- At the end of each quarter/semester, students who received a C or D letter grade will be provided the opportunity to select a C or D letter grade in lieu of CR.
- All students who earned an F will receive No Credit (NC).

AYES: Trustees Braunstein, Bullockus, Castellanos, Davis, Hanacek, Jones, and McNicholas

NOES: None

ABSENT: None

Student Adviser Bhaskar voted aye to approve option two of Temporary Board Policy T5121.1, *Grades/Evaluation of Student Achievement*, as amended.

President Bullockus recognized Gregory Merwin, Chief Academic Officer, Education and Support Services to present the item.

The following speakers addressed the Board:

**Process for
Reopening of
Schools 2.0 for the
2021-2022 School
Year**

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- *Dr. Jonathan Auth spoke regarding the risks to children not attending school in person* **Agenda Item 24**
- *Rachelle Stephan spoke regarding the need to return to school as normal in the fall*
- *Colleen Bryan spoke regarding distance learning and the harm it is causing to the children and the need to reopen fully in the fall*
- *Darcy Ure spoke regarding the desperation kids are feeling to be normal and reopening the schools to 5 days a week*
- *Lindsay Matthews spoke regarding the need to go back to in person learning as kids are failing and to not wait until next year*
- *Elizabeth Silverthorne spoke regarding distance learning and the need to return students to campus after spring break*
- *Jessica Baggaley spoke regarding mental health issues and taking measures to get children back in school now and not wait until the fall*
- *Julie Robertson spoke regarding the need to take measures now to get students back in the classroom full day*
- *Kelly Hubbard spoke regarding the mental well-being of students and the need to get children back in school now and the CDC new 3' distance guidelines*
- *Katy Manetta-Oportot spoke regarding the Orange Unified School District hybrid model, plastic dividers in classrooms, masks, teachers and Canvas*
- *Miguel Oportot spoke regarding the need to get students back in school fulltime and the impact not being in school is having on children's mental health*

This is an information item only and no Board action is necessary.

This item was pulled by staff.

Selection of Most Beneficial Proposal, and Approval of Agreement for Purchase and Sale and Joint Escrow Instructions ("Las Ramblas Property")
Agenda Item 25

President Bullockus recognized Clark Hampton, Deputy Superintendent, Business and Support Services, to present the item.

First Reading – Board Policy 1325, Advertising and Promotion
Agenda Item 26

It was moved by Trustee Hanacek and seconded by Trustee Braunstein to waive the second reading of [Board Policy 1325, Advertising and Promotion](#), motion carried 7-0 by a roll call vote.

AYES: Trustees Braunstein, Bullockus, Castellanos, Davis, Hanacek, Jones, and McNicholas

NOES: None

ABSENT: None

Student Adviser Bhaskar voted aye to waive the second reading of Board Policy 1325, *Advertising and Promotion*.

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It was moved by Trustee Davis and seconded by Trustee Jones to approve the first reading of Board Policy 1325, *Advertising and Promotion*, motion carried 7-0 by a roll call vote.

AYES: Trustees Braunstein, Bullockus, Castellanos, Davis, Hanacek, Jones,
and McNicholas
NOES: None
ABSENT: None

Student Adviser Bhaskar voted aye to approve the first reading of Board Policy 1325, *Advertising and Promotion*.

President Bullockus recognized herself to present the item.

It was moved by Trustee McNicholas and seconded by Trustee Jones to approve the revised Trustee participation on various committees as presented in the exhibit with Trustee Bullockus serving as a Delegate on the California Schools Board Association and Trustee Davis serving on the Instructional Materials Review Committee. Motion carried 7-0 by a roll call vote.

**Selection of
Trustee
Participation on
Various
Committees
Agenda Item 27**

AYES: Trustees Braunstein, Bullockus, Castellanos, Davis, Hanacek, Jones,
and McNicholas
NOES: None
ABSENT: None

Student Adviser Bhaskar voted aye to approve the revised Trustee participation on various committees as presented in the exhibit with Trustee Bullockus serving as a Delegate on the California Schools Board Association and Trustee Davis serving on the Instructional Materials Review Committee.

It was moved by Trustee McNicholas and seconded by Trustee Braunstein to approve the job descriptions for the positions of Associate Superintendent, Education and Support Services; Assistant Superintendent, Curriculum and Instruction, Education and Support Services; Executive Director, Curriculum and Instruction, General and Special Education, PK-5; Executive Director, Curriculum and Instruction, General and Special Education, 6-12, ATP; Director II, Cultural Proficiency, Equity, Access and Social Emotional Learning; Director II, Early Childhood General Education and Special Education Programs; Coordinator I, Science, Technology, Engineering, Math (STEM); Administrator on Special Assignment, COVID-19, Health & Safety, and Student Wellness, motion carried 6-1.

**Consider and
Approve Job
Descriptions
Agenda Item 17**

AYES: Trustees Braunstein, Bullockus, Castellanos, Davis, Jones, and
McNicholas
NOES: Trustee Hanacek
ABSENT: None

Student Adviser Bhaskar voted aye to approve the job descriptions for the positions of Associate Superintendent, Education and Support Services; Assistant Superintendent, Curriculum and Instruction, Education and Support Services; Executive Director, Curriculum and Instruction, General and Special Education, PK-5; Executive Director, Curriculum and Instruction, General and Special Education, 6-12, ATP; Director II, Cultural Proficiency, Equity, Access and Social Emotional Learning; Director II, Early Childhood General Education and Special Education Programs; Coordinator I, Science, Technology, Engineering, Math (STEM); Administrator on Special Assignment, COVID-19, Health & Safety, and Student Wellness.

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It was moved by Trustee Jones and seconded by Trustee McNicholas to adjourn the **Adjournment** meeting, motion carried 7-0.


AYES: Trustees Braunstein, Bullockus, Castellanos, Davis, Hanacek, Jones,
McNicholas
NOES: None
ABSENT: None

Student Adviser Bhaskar voted aye to adjourn the meeting.

President Bullockus announced the meeting adjourned at 9:57 p.m.



Board Clerk
Gila Jones, Trustee



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

Minutes submitted by Colleen Hayes, Manager II, Board Operations/Superintendent's Office