

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

October 20, 2021

Closed Session 5:30 p.m.
Open Session 7:00 p.m.

AGENDA

*Members of the public may attend the meeting in person. As a K-12 Public School District, we must follow the guidelines established by the California Department of Public Health specifically for schools. These guidelines act as our standard of care. Per CDPH and Cal/OSHA guidelines, masks are optional for fully COVID-19 vaccinated staff and members of the public when indoors at the District Office. Any individual who is not fully vaccinated (defined as two weeks after the last vaccination shot) will be required to wear a mask while indoors. By entering these premises without a mask, you are attesting that you are fully vaccinated with a COVID-19 vaccine. As of July 28, 2021, CDPH is recommending universal masking indoors statewide. If participants choose to not attend the Board meeting in person the District has provided the following option for the public to address the Board telephonically. Please submit a request to address the Board telephonically by clicking [here](#), **register only if you are not attending in person**. Those who have registered to comment will receive an email prior to the meeting with information on how to join and comment via a Zoom link. If you are attending in person, a speaker card will need to be submitted prior to the agenda item per Bylaws of the Board 9323, Meeting Conduct. Members of the public shall have an opportunity to address the Board regarding items on the agenda to be considered during Closed Session prior to the Board adjourning the meeting to Closed Session. Individual presentations are limited to a maximum of three (3) minutes; however, the time assigned for individual presentations could be fewer than three minutes depending upon the total number of speakers who wish to address a specific agenda topic. Detailed guidelines and information on what to do if you wish to address the Board of Trustees is provided at the end of this agenda. Members of the public may live stream the meeting from our District website at [CAPOUSD.org](#).*

CLOSED SESSION AT 5:30 P.M.

1. CALL TO ORDER

2. CLOSED SESSION COMMENTS

3. CLOSED SESSION (as authorized by law)

A. PUBLIC HEALTH EMERGENCY

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

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Gregory Merwin/Kathy Purcell
Attorney – Justin Shinnfield
Significant Exposure to Litigation – Eight Cases
ADR Case Number 20201209M2
ADR Case Number 20210611
ADR Case Number 20210727
ADR Case Number 20210812
ADR Case Number 20210819
ADR Case Number 20210827
ADR Case Number 20210917
ADR Case Number 20210919
(Pursuant to Government Code § 54956.9(d)(2))

EXHIBIT B-1
EXHIBIT B-2
EXHIBIT B-3
EXHIBIT B-4
EXHIBIT B-5
EXHIBIT B-6
EXHIBIT B-7
EXHIBIT B-8

C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Gregory Merwin/Kathy Purcell
Attorney – Justin Shinnfield
Significant Exposure to Litigation – Five Cases
OAH Case Number 2021050006
OAH Case Number 2021050154
OAH Case Number 2021070184
OAH Case Number 2021080321
OAH Case Number 2021090083
(Pursuant to Government Code § 54956.9(d)(1))

EXHIBIT C-1
EXHIBIT C-2
EXHIBIT C-3
EXHIBIT C-4
EXHIBIT C-5

D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

District Negotiators: Kirsten Vital Brulte/Clark Hampton
Attorney: Andreas Chialtas, AALRR
Property: Pacifica San Juan property, a 7.292 acre property located at the north east corner of Camino Las Ramblas and Avenida California
Negotiating Parties: One or more potential buyers who may purchase the District’s option to purchase the property through the District’s prior request for proposals process
Under Negotiation: Price and Terms of Payment
(Pursuant to Government Code § 54956.8)

EXHIBIT D-1

E. STUDENT READMISSION

Mike Beekman
One Case
Case # 2019-013

EXHIBIT E-1

F. STUDENT EXPULSION

Mike Beekman
One Case
Case # 2022-001

EXHIBIT F-1

G. CONFERENCE WITH LABOR NEGOTIATORS

District Negotiators: Kirsten Vital Brulte/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)
5) Unrepresented Employees
(Pursuant to Government Code § 54957.6)

EXHIBIT G-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

SPECIAL RECOGNITIONS

Extra Miler

Kristen Chetakian, Licensed Vocational Nurse (LVN), Mitch Colapinto, Teacher, and Ana Conroy, Paraeducator of Truman Benedict Elementary School, for their bravery in saving the life of a first grade student during an emergency medical situation.

Associated Student Body

Aliso Niguel High School

Michael Hatcher, *Principal*

Alison Nero, *Activities Director*

Kyle Jamora, *Associated Student Body President*

BOARD AND SUPERINTENDENT COMMENTS

STUDENT BOARD MEMBER REPORT

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: AUTHORIZING AGREEMENT WITH ELECTRIC SERVICE PROVIDER: Page 1 **EXHIBIT 1**

The Board will conduct a public hearing on the intention to request approval to award an energy service contract for the procurement of electricity within Southern California Edison territory in accordance with Government Code § 4217.12. The basis of the award is a competitive RFP process for electric service providers held by the School Project for Utility Rate Reduction (SPURR). Supporting documentation is located in Exhibit 35.

***CUSD WIG 2: Communications – Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services***

Staff Recommendation

It is recommended the Board President 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 2 **EXHIBIT 2**

This is a monthly item. Approval of donations of funds and equipment. A number of gifts have been donated to the District, including \$154,443.65 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 5
EXHIBIT 3
 This is a monthly item. 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 \$14,388,699.72 and the commercial warrants total \$30,651,690.91. 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 115
EXHIBIT 4
 This is a monthly item. 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 21 new agreements totaling \$2,015,218.01 and 3 amendments to existing agreements totaling \$12,000. 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
5. **CORONA-NORCO UNIFIED SCHOOL DISTRICT BID NO. 2018/19-021, JUST-IN-TIME POOL CHEMICAL SUPPLY – WATERLINE TECHNOLOGIES, INCORPORATED:** Page 246
EXHIBIT 5
 This is a regular business item. Approval to utilize the Corona-Norco Unified School District Bid No. 2018/19-021 awarded to Waterline Technologies, Incorporated and any subsequent revisions, amendments, and extensions for Just-In-Time pool chemical supplies. The District can utilize such contracts pursuant to California Public Contract Code § 20118 without going to bid. The prices offered by the contractor have been assessed to be fair, reasonable, and competitive. Staff determined it is in the best interest of the District to utilize the Corona-Norco Unified School District Bid No. 2018/19-021 for the purchase of various pool chemicals and supplies. Anticipated annual expenditures utilizing this contract are approximately \$150,000 funded by the general fund. Actual expenditures will vary depending on District needs and availability of funds. Due to the size of the contract and award, the documentation is posted online on the District’s Board Agendas and Supporting Documentation page [here](#).
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
6. **RIVERSIDE UNIFIED SCHOOL DISTRICT REQUEST FOR PROPOSALS NO. 2017/18-11 FRESH BREAD AND TORTILLA PRODUCTS – GOLD STAR FOODS, INCORPORATED:** Page 249
EXHIBIT 6
 This is a regular business item. Approval to utilize the Riverside Unified School District’s Request for Proposals No. 2017/18-11 Fresh Bread and Tortilla Products and any subsequent revisions, amendments, and extensions awarded to Gold Star Foods, Incorporated for the purchase and delivery of fresh bread and tortilla products, as needed by the District. The District can utilize such contracts through other public agencies pursuant to California Public Contract Code § 20118 without going to bid. The prices offered by the vendor have been assessed to be fair, reasonable, and competitive. Staff determined it is in the best interest of the District to utilize the contract for the purchase and delivery of fresh bread and tortilla products. Anticipated annual expenditures utilizing this contract are approximately \$500,000 funded by the cafeteria fund. Actual expenditures will vary depending on District needs and availability of funds. Due to the size of the contract and award, the documentation is posted online on the District’s Board Agendas and Supporting Documentation page [here](#).
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

7. **SECOND AMENDMENT OF BID NO. 1617-07, ELECTRICAL FIRE PROTECTION, AND LOW VOLTAGE SYSTEMS SERVICES – GILBERT AND STEARNS, INCORPORATED:** Page 252
EXHIBIT 7
- This is a regular business item. Approval of the Second Amendment of Bid No. 1617-07, Electrical, Fire Protection, and Low Voltage Systems Services with Gilbert and Stearns Incorporated. The vendor requested rate increases due to increased fuel costs and anticipated prevailing wage hourly rate increases on December 27, 2021. The District agrees to the proposed rate increases for the applicable contract terms. Annual expenditures utilizing this contract are estimated to be \$125,000 funded by the general fund. Actual expenditures may vary depending on availability of funds and District needs.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

CURRICULUM AND INSTRUCTION

8. **SERVICE AGREEMENT WITH PAPER EDUCATION COMPANY TO PROVIDE AN ONLINE CHAT-BASED PLATFORM FOR STUDENTS AND EDUCATORS:** Page 308
EXHIBIT 8
- This is a new item. Approval of the ratification of the Service Agreement with Paper Education Company, October 1, 2021 through September 30, 2023. Paper Education is an online chat-based program that provides live tutoring for students in grades 3-12, 24 hours a day, 7 days a week. The District has approximately 33,400 students in grades 3-12 who will have this service available to them. Tutors are vetted and trained by the company to ensure student safety. Students can access the tutoring in the contexts that they thrive in, using either mobile apps or the internet. The tutors are trained to use the Socratic method to help students build their own learning and create student agency. Developed by a classroom teacher in 2014 to promote equity and close opportunity gaps for his students, Paper connects individual student learning with the classroom teacher, providing insight via a teacher dashboard. Teachers may use this tool to see where students are struggling and focus support. Paper provides support in 200 topics including Math, Science, Social Science, English-language arts, Spanish, French, Mandarin, and Arabic, and writing. Paper’s Essay Review component allows students to upload their essays and receive feedback within 24 hours. The estimated total expenditure for this agreement is \$1,656,000 funded by Expanded Learning Opportunity Grant funds.
Contact: Gregory Merwin, Associate Superintendent, Education and Support Services
9. **AGREEMENT FOR SERVICES WITH CONVERSA TO PROVIDE SPANISH LANGUAGE INSTRUCTION AT CARL HANKEY K-5 INTERNATIONAL BACCALAUREATE ACADEMY IN 2021-2022:** Page 333
EXHIBIT 9
- This is an annual item. Approval of the ratification of the Agreement for Services with Conversa 2021-2022 to provide Spanish language instruction to students at Carl Hankey International Baccalaureate (IB) Academy. Students at Carl Hankey K-5 IB Academy are required, being a Primary Years IB school in grades K-5, to receive instruction in a second language. Conversa has been providing this instruction at Carl Hankey for the past 5 years. Students receive one 30-minute class each week for 25 weeks. The estimated total expenditure for this agreement is \$20,622 funded by site gift funds.
Contact: Gregory Merwin, Associate Superintendent, Education and Support Services
10. **ADDENDUM TO THE AGREEMENT FOR ADDITIONAL SCHOOLS PARTICIPATING IN THE INSIDE THE OUTDOORS SCHOOL PROGRAMS, AGREEMENT NO. 14002, ADDENDUM NO. 1:** Page 340
EXHIBIT 10
- This is an annual item. Approval of the ratification of the Addendum to the Agreement for Additional Schools Participating in the Inside the Outdoors School Program, Agreement No.14002, Addendum No. 1. 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**.

Esencia Elementary School has expressed interest in adding 1 session and Wood Canyon Elementary School has expressed interest in adding 2 sessions of the “Traveling Scientist” program for the 2021-2022 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: *Gregory Merwin, Associate Superintendent, Education and Support Services*

11. AMENDMENT TO AGREEMENT NO. 51667 WITH THE ORANGE COUNTY SUPERINTENDENT OF SCHOOLS:

Page 344

EXHIBIT 11

This is an amendment to recently approved item on July 21, 2021. Approval of the ratification of the Amendment to Agreement No. 51667 with the Orange County Superintendent of Schools for use of Orange County Department of Education to provide a consultant that will offer training for kindergarten through grade 5 teachers on the History Social Science Framework, August 2, 2021, through May 5, 2021. This amendment extends the agreement to include an additional three days of training in order to ensure proper substitute coverage for teachers. The cost for the consultant will be amended to \$13,500 funded by Title II.

Contact: *Gregory Merwin, Associate Superintendent, Education and Support Services*

12. YMCA SERVICE AGREEMENT:

Page 348

EXHIBIT 12

This is an annual item at various schools. Approval of the agreement for participation with the YMCA of Orange County, to provide a noontime sports program for students at Marblehead Elementary School. This program will provide students with organized sports during lunch/recess time, four times per week. Other District schools have successfully partnered with the YMCA to provide noontime sports to students. Marblehead Elementary School would like to participate in this program; existing Marblehead Elementary School staff will be utilized. The YMCA will follow all health and safety protocols as outlined in the COVID-19 Safety Plan. The estimated expenditure under this contract is \$10,600 funded by site Title I.

Contact: *Gregory Merwin, Associate Superintendent, Education and Support Services*

13. CONTRACT FOR SCHOOL ASSEMBLY PERFORMANCE WITH BUILDING BLOCK ENTERTAINMENT AT MARBLEHEAD ELEMENTARY SCHOOL:

Page 353

EXHIBIT 13

This is a new item. Approval of the ratification of the Contract for School Assembly Performance with Building Block Entertainment, October 14, 2021. The Contract for School Assembly Performance will be for two 45-minute “Bye Bye Bully” performances for students in grades 1-5 at Marblehead Elementary School. The focus of the presentations will be on anti-bullying. The cost of \$995 will be funded by school site Title I.

Contact: *Gregory Merwin, Associate Superintendent, Education and Support Services*

14. MEMORANDUM OF UNDERSTANDING AND AGREEMENT FOR USE OF EMERALD COVE OUTDOOR SCIENCE INSTITUTE, FACILITIES, SUPPLIES, EQUIPMENT, AND SERVICES, PUBLIC SCHOOL DISTRICTS, SCHOOL YEAR 2021-2022:

Page 355

EXHIBIT 14

This is an annual item. Staff will bring outdoor science school contracts to the Board two times a year. The final round of contracts will be presented at the January 19, 2022 Board meeting. Approval of Memorandum of Understanding and Agreement for Use of Emerald Cove Outdoor Science Institute, Facilities, Supplies, Equipment, and Services Public School Districts School Year 2021-2022. Bathgate, George White, San Juan, Castille, Palisades, Wood Canyon, Las Palmas, Viejo, Oso Grande, Reilly, Oak Grove and Vista Del Mar schools. Elementary schools have expressed an interest in attending the outdoor science camp for their fifth grade students, for a period of three - five days.

The total cost of these contracts vary, depending on the period of time that the students are attending the camp, and the total number of fifth grades at each site. The total estimated expenditure is \$401,269.95 funded by gift funds from each school site.

Contact: *Gregory Merwin, Associate Superintendent, Education and Support Services*

15. **AGREEMENT WITH EUREKA, THE CALIFORNIA CAREER INFORMATION SYSTEM:** Page 376
EXHIBIT 15
This is an annual item. Approval of the ratification of the contract renewal agreement with EUREKA, The California Career Information System, September 15, 2021, through September 14, 2022, to provide a software based career interest survey, and research resource to District students, which will be available in each college and career center. This resource will help students identify their career attributes and interests, explore occupations, and work with District counselors to plan steps they can take to reach career goals. Counselors will assist in identifying the training and pathway planning they will need, and researching financial aid opportunities. Students will also learn valuable job search information to guide them in their efforts. 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: Gregory Merwin, Associate Superintendent, Education and Support Services
16. **OUTDOOR SCIENCE SCHOOL CONTRACTS WITH HIGH TRAILS:** Page 379
EXHIBIT 16
This is an annual item. Staff will bring outdoor science school contracts to the Board two times a year. The final round of contracts will be presented at the January 19, 2022 Board meeting. Approval of the Outdoor Science School contract with High Trails to provide an overnight outdoor science school trip aligned with grade-level science standards, October 26, 2021 through October 29, 2021. Ladera Ranch Elementary School has expressed an interest in sending their fifth grade students to this camp. Expenditures under this contract are estimated to be \$20,000 funded by site gift funds.
Contact: Gregory Merwin, Associate Superintendent, Education and Support Services
17. **MEMORANDUM OF AGREEMENT WITH SAN DIEGO COUNTY OFFICE OF EDUCATION FOR THE 2021-2023 MIGRANT EDUCATION PROGRAM:** Page 384
EXHIBIT 17
This is a bi-annual agreement. Approval of the ratification of the Memorandum of Agreement with San Diego Office of Education, July 1, 2021, through June 30, 2023. The Memorandum of Agreement is with the San Diego County Office of Education for the 2021-2022, and 2022-2023 Migrant Education Program. This is a two-year agreement in which the District is required to outline and offer services to meet federal mandates. Authorized through the Every Student Succeeds Act, supplemental educational and support services are available to migrant students. Migrant Education programs target students from migrant families who may have gaps in their schooling due to parent or guardian work schedules and work locations. The goal of this service agreement is to outline the partnership and services that will be provided to students within the Migrant Education Program in the District, offered by the San Diego County's Regional Office of Migrant Education. Estimated value of services is \$32,405. There is no financial impact.
Contact: Gregory Merwin, Associate Superintendent, Education and Support Services
18. **MEMORANDUM OF UNDERSTANDING WITH PARENTIS FOUNDATION AND DEL OBISPO AND KINOSHITA ELEMENTARY SCHOOLS 2021-2022:** Page 396
EXHIBIT 18
This is an annual item. Approval of the Memorandum of Understanding with Parentis Foundation and Del Obispo and Kinoshita Elementary Schools, 2021-2022. The Memorandum of Understanding with Parentis Foundation for the Experience Corps Intergenerational Literacy Intervention Program. Experience Corps Orange County is an intergenerational, volunteer-based, program that supports students to become fluent readers through **virtual** literacy tutoring. Under supervision, tutors will work **virtually**, one-on-one, with students. The anticipated cost of \$16,360 for Del Obispo Elementary School and \$32,720 for Kinoshita Elementary School will be funded by school site Title I.
Contact: Gregory Merwin, Associate Superintendent, Education and Support Services

This is a compliance item for the already approved Elementary and Secondary School Emergency Relief (ESSER) budget. Approval of the ESSER III Safe Return to In-Person Instruction and Continuity of Services Plan and Expenditure Plan. The State Board of Education adopted required ESSER Safe Return to In-Person Instruction and Continuity of Services Plan and Expenditure Plan templates for districts to use.

The California Department of Education (CDE) released the assurances for the ESSER III funds, which were authorized by the American Rescue Plan Act. Local Educational Agencies (LEAs) that are eligible for ESSER III funds must complete the assurances and a Safe Return to In-Person Instruction Plan.

The Safe Return Plan describes:

- how districts will maintain the health and safety of its students and staff, inclusive of the policies adopted for each of the California Department of Public Health (CDPH) safety recommendations
- how districts will ensure continuity of services, including, but not limited to, students’ academic needs and the social, emotional, and mental health needs of its students and staff.

School districts that receive ESSER III funds, are also required to develop an Expenditure Plan for how they will use ESSER III funds to address students’ academic, social, emotional, and mental health needs, as well as the opportunity gaps that existed before, and were exacerbated by the COVID-19 pandemic. As a condition of receiving funds, the local governing board must adopt a plan at a public meeting on or before October 29, 2021. Information includes:

- the District’s plan for strategies for continuous and safe in-person learning
- addressing lost instructional time
- ensuring interventions are addressing student needs
- a description of how the District consulted with community members in the development of the plan
- planned supplemental instruction and support
- an expenditure plan

It is projected that the District will receive \$35,287,875 from ESSER III funding. The Board approved the use of the ESSER III funding for the 2021-2022, and 2022-2023 school years in the Reopening of Schools 2.0 Final Plan for the 2021-2022 School Year at the May 19, 2021 Board meeting.

Contact: Gregory Merwin, Associate Superintendent, Education and Support Services

HUMAN RESOURCE SERVICES

This is a biannual item. Approval of teachers who are credentialed in subjects other than Physical Education (PE) to provide PE credit to students in that respective sport. Districts may assign a teacher with a credential in a subject area other than PE to coach a competitive sport and award PE credit to students. State law requires that such teachers be full-time employees of a district who have completed a minimum of 20 hours of first-aid instruction, and have been approved by the Board of Trustees. It has been determined all teachers who do not hold a physical education credential, but are assigned coaching activities for which such credit is given, are full-time employees of the District, and have completed cardiopulmonary resuscitation, first-aid instruction and concussion training. There is no financial impact.

Contact: Tim Brooks, Associate Superintendent, Human Resource Services

21. **FIRST QUARTER REPORT – WILLIAMS SETTLEMENT LEGISLATION UNIFORM COMPLAINT:** Page 451
EXHIBIT 21
This is a quarterly item. Acceptance of Williams Settlement Legislation Uniform Complaint 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 § 35186 requires any deficiencies or complaints be reported to the Board of Trustees at a regularly scheduled public meeting each quarter. No complaints were received during the first quarter.
Contact: Tim Brooks, Associate Superintendent, Human Resource Services
22. **MEMORANDUM OF UNDERSTANDING AND AGREEMENT WITH CAL STATE TEACH:** Page 463
EXHIBIT 22
This is an annual item. Approval of the Memorandum of Understanding and Agreement with Cal State TEACH, effective September 15, 2021 through August 31, 2024. During the school year, teaching credential candidates from the university will be paired with District credentialed employees to fulfill practicum/fieldwork requirements to earn their teaching credential. There is no fiscal impact.
Contact: Tim Brooks, Associate Superintendent, Human Resource Services
23. **AGREEMENT FOR CONSULTANT SERVICES FOR PHYSICAL EDUCATION PROFESSIONAL LEARNING:** Page 458
EXHIBIT 23
This is a new item. Approval of Nate Folan Consulting agreement for a one-day Physical Education Professional Learning Program. With the support of teachers and CUEA President, this agreement provides a one-day professional learning program for K-8 Physical Education teachers. Training course to take place on November 1, 2021 as part of the pupil-free professional learning day. Expenditures of \$3,475 will be funded by Title II.
Contact: Tim Brooks, Associate Superintendent, Human Resource Services
24. **STUDENT TEACHER AGREEMENT WITH UNITED STATES UNIVERSITY:** Page 474
EXHIBIT 24
This is an annual item. Approval of the Student Teacher Agreement with United States University, effective October 20, 2021 through June 30, 2024. During the school year, teaching credential candidates from the university will be paired with District credentialed employees to fulfill practicum/fieldwork requirements to earn their teaching credential. There is no fiscal impact.
Contact: Tim Brooks, Associate Superintendent, Human Resource Services
25. **AGREEMENT FOR CONSULTANT SERVICES FOR THE BREAKTHROUGH COACH:** Page 478
EXHIBIT 25
This is an annual item. Approval of The Breakthrough Coach agreement for a two-day management development program. This Agreement provides a two-day management development program for local area school administrators and their secretaries. Training course to take place in the District Office Board Room on March 10 and 11, 2022. The District will receive four complimentary tuitions valued at \$3,300 total. Expenditures of \$10,825 funded by Title II.
Contact: Tim Brooks, Associate Superintendent, Human Resource Services
26. **RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CERTIFICATED EMPLOYEES:** Page 485
EXHIBIT 26
This is a monthly item. 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

27. **RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CLASSIFIED** Page 527
EMPLOYEES: EXHIBIT 27
 This is a monthly item. 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

28. **SCHOOL BOARD MINUTES:** Page 560
 Approval of the September 15, 2021 Regular Board meeting minutes. EXHIBIT 28
Contact: Colleen Hayes, Manager II, Board Operations/Superintendent's Office
29. **SCHOOL BOARD MINUTES:** Page 571
 Approval of the July 21, 2021 Board Workshop meeting minutes. EXHIBIT 29
Contact: Colleen Hayes, Manager II, Board Operations/Superintendent's Office
30. **SCHOOL BOARD MINUTES:** Page 573
 Approval of the June 23, 2021 Revised Special Board meeting minutes. EXHIBIT 30
Contact: Colleen Hayes, Manager II, Board Operations/Superintendent's Office
31. **SCHOOL BOARD MINUTES:** Page 576
 Approval of the June 23, 2021 Board Workshop meeting minutes. EXHIBIT 31
Contact: Colleen Hayes, Manager II, Board Operations/Superintendent's Office

DISCUSSION/ACTION ITEMS

32. **ENGLISH LEARNER ANNUAL EVALUATION:** INFORMATION/
 This is a new item that will be presented annually. Development of an evaluation of DISCUSSION
 whether a district's comprehensive English Language Development (ELD) program has Page 578
 been implemented effectively, and whether adjustments are needed to assist English EXHIBIT 32
 Learners (ELs) in overcoming language barriers within a reasonable amount of time, is a state requirement. An evaluation of the effectiveness of the Title III funded activities is also required. The EL Annual Evaluation includes metric and outcome data and other Local Control and Accountability Plan measures. It also includes a description, metrics, outcomes, and findings of Title III programs and activities and an executive summary with recommendations. In response to the data, the recommendations to improve academic outcomes for ELs are:
1. Implementation of Designated and Integrated ELD with fidelity at all grade spans and content areas to address the academic achievement gaps for both English-language arts and Math.
 2. Provide additional coaching to administrators and teachers to support the Designated and Integrated ELD programs.
 3. Ensure administrators are providing regular coaching and feedback to teachers regarding Designated and Integrated ELD instruction.
 4. Provide additional interventions using small group specific skill instruction, after school and summer programs, tutoring and electronic learning programs for ELs who require learning recovery as a result of the COVID-19 pandemic.
 5. Monitor academic progress of ELs through Ellevation program and provide appropriate interventions if students are faltering or failing to make progress.
 6. Provide training for Education Specialists and Speech Pathologists with incorporating ELD standards into lesson design for Specialized Academic Instruction and guidance and best practices for ELD Individualized Educational Program (IEP) goal writing.

7. Pilot the Talking Points platform to increase two-way communication with parents and guardians who speak languages other than English.
8. Review Bilingual Community Services Liaison school site staffing standard based on the number and percentage of students who are ELs to support translation and English Learner Advisory Committees.
9. Conduct training with preschool and transitional kindergarten teachers on language acquisition and instructional strategies to create a foundation of support for ELs.
10. Explore methods to improve college/career readiness through increased participation in Advanced Placement courses, State Seal of Biliteracy and/or dual credit courses.
11. Strengthen Positive Behavioral Intervention and Supports implementation at sites with high percentage of ELs and high rates of chronic absenteeism in an effort to promote student engagement and school connectedness.

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.

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: Gregory Merwin, Associate Superintendent, Education and Support Services

Staff Recommendation

It is recommended the Board President recognize Gregory Merwin, Associate Superintendent, Education and Support Services, to present this item and answer any questions Trustees may have. This is an information item only and no Board action is necessary.

33. COACHING CREED COMMITTEE PROPOSAL:

This is a new item. Approval of the Coaching Creed Committee Proposal. As the District seeks to employ the very best coaches to serve as leaders and mentors for young student athletes, a Coaching Creed Committee was formed, made up of current District athletic coaches, Athletic Directors, as well as site and District administration. Each high school has at least one representative on this committee. The committee has developed a Districtwide standard of excellence for all District coaches, called the Coaching Creed. The Coaching Creed seeks to clearly articulate expectations for all who serve as coaches in the District. Expenditures under this item include materials, video and professional development training. Expenditures are estimated to be approximately \$10,000 annually, funded by Title IV and the general fund.

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

Contact: Tim Brooks, Associate Superintendent, Human Resource Services

Staff Recommendation

It is recommended the Board President recognize Tim Brooks, Associate Superintendent, Human Resource Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve the Coaching Creed.

Motion by _____ Seconded by _____

**DISCUSSION/
ACTION
Page 600
EXHIBIT 33**

34. SECOND READING - BOARD POLICY 5125, STUDENT RECORDS:

**DISCUSSION/
ACTION
Page 635
EXHIBIT 34**

This is a legal update and aligns Board Policy with legal requirements. Board Policy 5130, *Student Records*, was last revised and approved by the Board in September 2018. In January 2020, Assembly Bill (AB) 711 took effect affirming that former students have the right to update their name and/or gender information on official school records. AB 711 amends Education Code § 49070 and created Education Code § 49062.5 relating to pupil records. Staff has aligned the policy with the California School Boards Association (CSBA) sample language and has updated the policy number to the CSBA number 5125. Staff made significant redactions to this policy. The redacted sections were more appropriately placed in an Administrative Regulation, including the language regarding AB 711 to align with Education Codes.

Changes include the following: updating the policy to align with the CSBA policy number and sample language, adding the Student Records from Social Media section, removing all other language from the Board Policy and creating a Student Records Administrative Regulation. Additional changes were made, as requested by Trustees at the September 15, 2020 Board meeting. All changes have been reviewed by legal counsel. 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: Gregory Merwin, Associate Superintendent, Education and Support Services

Staff Recommendation

It is recommended the Board President recognize Gregory Merwin, Associate Superintendent, Education and Support Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve Board Policy 5125, *Student Records*.

Motion by _____ Seconded by _____

35. RESOLUTION NO. 2122-17, AUTHORIZING AGREEMENT WITH ELECTRIC SERVICE PROVIDER:

**DISCUSSION/
ACTION
Page 650
EXHIBIT 35**

This item is tied to a new item from last month. Results of a competitive Request for Proposals (RFP) process for electric service providers held by the School Project for Utility Rate Reduction (SPURR) will be shared with the Board. The RFP was authorized by the Board at the September 15, 2021 Board meeting following a lottery process that made the District eligible to purchase electricity via competitive RFP within Southern California Edison territory. The Board is asked to consider Resolution No. 2122-17 authorizing the District to enter into an agreement with the winning electric service provider.

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 adopt Resolution No. 2122-17, Authorizing Agreement with Electric Service Provider.

Motion by _____ Seconded by _____

36. TRUSTEE REQUEST TO CONSIDER REVISING BOARD POLICY 4040, EMPLOYEE USE OF TECHNOLOGY:

**DISCUSSION/
ACTION**
Page 655
EXHIBIT 36

This is a new item. Per Board Bylaw 9322, *Agenda/Meeting Materials*, Board members may place any item on the agenda no later than ten days before the scheduled meeting date. If the Board decides to agendaize the agenda topic, it shall do so at a future regular Board meeting. A Trustee requested the District standardize the e-mail signature line for all District employees. In an effort to have one consistent Capistrano Unified School District branded signature line, the Trustee proposes all employees have a professional signature line that only includes the following:

- Name, Title, Address, Phone Number, Fax Number, Email Address
- District or school logo
- CUSD Insider link
- Quotations and/or branding approved by District and/or site administrator

This addition supports the branding and marketing plan for the District. This standardization could be implemented by adding language to Board Policy 4040, *Employee Use of Technology*. This Board policy has not been updated since July 2007. The Trustee requested this item be brought before the Board at the October 20, 2021 Board meeting for consideration.

CUSD WIG 2: Communications – Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions.
Contact: Lisa Davis, Trustee Area 3

Trustee Recommendation

It is recommended the Board President recognize Lisa Davis, Trustee Area 3, to present this item.

Following discussion, it is recommended by Trustee Davis that the Board of Trustees hear her request to revise Board Policy 4040, *Employee Use of Technology*, and bring it back for discussion action at the November 3, 2021 Regular Board meeting.

Motion by _____ Seconded by _____

37. TRUSTEE REQUEST - RESOLUTION NO. 2122-20, URGENT REQUEST TO GOVERNOR GAVIN NEWSOM TO RECONSIDER OR RESCIND THE COVID-19 VACCINE MANDATE FOR PUBLIC AND PRIVATE K-12 STUDENTS AS A REQUIREMENT FOR IN-PERSON INSTRUCTION:

**DISCUSSION/
ACTION**
Page 660
EXHIBIT 37

This is a new item. Per Board Bylaw 9322, *Agenda/Meeting Materials*, Board members may place any item on the agenda no later than ten days before the scheduled meeting date. On October 1, 2021, California Governor Gavin Newsom announced that COVID-19 vaccines would be added to the list of required school vaccinations. Click [here](#) for Governor Newsom’s announcement. The addition of COVID-19 vaccines to the list of required school vaccines may cause California parents to choose to leave traditional in-person K-12 schools. The Board of Trustees believes that traditional in-person instruction provides the best educational and social-emotional outcomes for students.

CUSD WIG 2: Communications – Communicate with, and engage students, parents, employees, and community members in Districtwide and community-specific decisions.
Contact: Gila Jones, Trustee Area 6 and Martha McNicholas, Trustee Area 4

Trustee Recommendation

It is recommended the Board President recognize Gila Jones, Trustee Area 6 and Martha McNicholas, Trustee Area 4, to present this item.

Following discussion, it is recommended by Trustee Jones and Trustee McNicholas that the Board hear their request to adopt Resolution No. 2122-20, Urgent Request to Governor Gavin Newsom to Reconsider and Rescind the COVID-19 Vaccine Mandate for Public and Private K-12 Students as a Requirement for In-Person Instruction.

Motion by _____ Seconded by _____

ADJOURNMENT

Motion by _____ Seconded by _____

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS
WEDNESDAY, NOVEMBER 3, 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.