

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

REVISED

July 21, 2021

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

AGENDA

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

*Members of the public may attend the meeting in person. 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, fully COVID-19 vaccinated staff and members of the public will not be required to wear a mask 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. 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.*

CLOSED SESSION 4:00 P.M.

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

A. PUBLIC HEALTH EMERGENCY

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

EXHIBIT A/B-12

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Gregory Merwin/Kathy Purcell
Significant Exposure to Litigation – Eight Cases
ADR Case Number 20201023M
ADR Case Number 20201102M2
ADR Case Number 20201209M
ADR Case Number 20210521
ADR Case Number 20210602
ADR Case Number 20210603
ADR Case Number 20210604
ADR Case Number 20210610
(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

Clark Hampton/John Forney
Attorney – Terry Tao
Significant Exposure to Litigation – One Case
(Pursuant to Government Code § 54956.9 (d) (2) or (3))

EXHIBIT B-9

Kirsten M. Vital Brulte/Clark Hampton
Attorney – Anthony De Marco
Significant Exposure to Litigation – Two Cases
(Pursuant to Government Code § 54956.9 (d) (2) or (3))

EXHIBIT B/G-10
EXHIBIT B-11

Kirsten M. Vital Brulte/Clark Hampton
Attorney – Anthony De Marco
Initiation of Litigation – One Case
(Pursuant to Government Code § 54956.9 (d) (4))

EXHIBIT A/B-12

C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Gregory Merwin/Kathy Purcell
Significant Exposure to Litigation – Three Cases
OAH Case Number 2019120601
OAH Case Number 2021040399
OAH Case Number 2021050185
(Pursuant to Government Code § 54956.9(d)(1))

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

D. STUDENT READMISSION

Mike Beekman
One Case
Case # 2020-038

EXHIBIT D-1

E. STUDENT EXPULSION

Mike Beekman
One Case
Case # 2021-004

EXHIBIT E-1

F. 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 F-1

G. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Tim Brooks
One Case
(Pursuant to Government Code § 54957)

EXHIBIT G-1

Kirsten M. Vital Brulte/Clark Hampton
Attorney – Anthony De Marco
One Case
(Pursuant to Government Code § 54957)

EXHIBIT B/G-10

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: SECONDARY HISTORY SOCIAL SCIENCE INSTRUCTIONAL MATERIALS, GRADES 6-12 AND SECONDARY INTERNATIONAL BACCALAUREATE CHINESE STANDARD LEVEL: Page 1 EXHIBIT 1

The Board will conduct a public hearing on instructional materials recommended for adoption: secondary History/Social Science grades 6-12, and secondary Language Arts/Mandarin Immersion Program, grade 10. Instructional materials are on display for public inspection at the Capistrano Unified School District, Instructional Materials Center, between the hours of 8:30 a.m. and 3:30 p.m.

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

Contact: Gregory Merwin, Associate Superintendent, 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 3 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 \$181,027.14 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 6 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 \$12,973,709.30 and the commercial warrants total \$20,192,153.91.

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 107
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 77 new agreements totaling \$7,678,505.09 and 8 amendments to existing agreements totaling \$77,240. 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. ASSEMBLY BILL 841 CALSHAPE PROGRAM – ENPOWERED SOLUTIONS: Page 499
EXHIBIT 5

This is a new item. Approval of Empowered Assembly Bill 841 (AB 841) California Schools Healthy Air, Plumbing and Efficiency Ventilation (CALSHAPE) program with Empowered Solutions. On September 30, 2020, Governor Newsom signed AB 841 creating the School Energy Efficiency Stimulus (SEES) program with an estimated budget of \$275 million. This grant program is designed to provide funds to California K-12 public schools for assessments, repairs, and upgrades to Heating, Ventilation and Air Conditioning (HVAC), and plumbing systems. The agreement with Empowered Solutions includes HVAC assessment of system conditions, aiming to improve the operations, maintenance and efficiency of the HVAC systems at ten school sites. Empowered Solutions will also conduct assessments to identify non-compliant plumbing fixtures for water use reduction. The AB 841 School Reopening, Ventilation, and Energy Efficiency Verification and Repair (SRVEVR) and the School Noncompliant Plumbing Fixture and Appliance (SNPFA) programs require assessment reports to be submitted with the application as supporting documentation for approval of AB 841 grant funds. The grant funds will cover the cost of assessments and improvements to HVAC and plumbing fixtures at ten schools. The agreement with Empowered Solutions is effective upon execution. There is no financial impact to the District.

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

6. AWARD BID NO. 2122-04, MILK, JUICE, AND DAIRY PRODUCTS – HOLLANDIA DAIRY, INCORPORATED: Page 502
EXHIBIT 6

This is a regular business item. Approval of Award of Bid No. 2122-04, Milk, Juice, and Dairy Products to Hollandia Dairy, Incorporated. One bid was received and opened on June 29, 2021 and is listed on Exhibit A. The bid award was determined by the bid that had the highest number of lowest priced items. Hollandia Dairy, Incorporated is the lowest responsive, responsible bidder. The initial contract term is July 1, 2021 through June 30, 2022 with two one-year renewal terms, at the option of the Board of Trustees, for a total contract term not-to-exceed three years. Milk, juice, and dairy products will be funded by the cafeteria fund. Annual expenditures utilizing this contract are estimated to be \$450,000; however, will vary dependent on District needs and availability of funds. Due to the size of the award documentation, the documentation is posted online on the District Board Agendas and Supporting Documentation page [here](#).

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

7. **AWARD BID NO. 2122-05, COMPRESSED NATURAL GAS STATION – SANDERS CONSTRUCTION SERVICES, INCORPORATED:** Page 505
EXHIBIT 7
This is a new item. Approval of Award of Bid No. 2122-05, Compressed Natural Gas Station (CNG) to Sanders Construction Services, Incorporated. Three bids were received and opened on June 29, 2021 and are listed on Exhibit A.
The bidder offering the lowest base price was used to determine the lowest responsive bidder. Sanders Construction Services, Incorporated is the lowest responsive, responsible bidder at \$274,000. The project includes the installation of 20 additional CNG fueling dispensers at the Aliso Viejo Transportation Center. This project will be funded by 2015 2 Liberty in Aliso Viejo land sale revenue and interest earnings.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
8. **AWARD BID NO. 2122-06, WEED ABATEMENT – E. STEWART AND ASSOCIATES, INCORPORATED:** Page 536
EXHIBIT 8
This is a regular business item. Approval of Award of Bid No. 2122-06, Weed Abatement to E. Stewart and Associates, Incorporated. One bid was received and opened on June 29, 2021 and is listed on Exhibit A. The bid award was determined by the bid with the lowest price based on weighted average of job scenarios representing the most common District projects. E. Stewart and Associates, Incorporated is the lowest responsive, responsible bidder. The initial contract term is July 1, 2021 through June 30, 2022 with four one-year renewal terms, at the option of the Board of Trustees, for a total contract term not-to-exceed five years. Bid No. 2122-06, Weed Abatement will be funded by the general fund. Annual expenditures utilizing this contract are estimated to be \$250,000; however, will vary dependent on District needs and availability of funds.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
9. **AWARD BID NO. 2122-07, FENCE REPAIRS AND MAINTENANCE – QUALITY FENCE COMPANY, INCORPORATED:** Page 568
EXHIBIT 9
This is a regular business item. Approval of Award of Bid No. 2122-07, Fence Repairs and Maintenance to Quality Fence Company, Incorporated. Two bids were received and opened on June 24, 2021 and are listed on Exhibit A. The bid award was determined using select line items at weighted percentages based upon projected District repair and maintenance usage Districtwide. Quality Fence Company, Incorporated is the lowest responsive, responsible bidder. The initial contract term is July 1, 2021 through June 30, 2022 with four one-year renewal terms, at the option of the Board of Trustees, for a total contract term not-to-exceed five years. Annual expenditures utilizing this contract are estimated to be \$150,000 funded by the general fund and deferred maintenance; however, may vary dependent on District needs and availability of funds.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
10. **AWARD BID NO. 2122-09, COLLEGE AND CAREER ADVANTAGE CLASSROOM PORTABLE ADDITION – IBUILD SPECTRUM, INCORPORATED:** Page 589
EXHIBIT 10
This is a new item. Approval of Award of Bid No. 2122-09, College and Career Advantage (CCA) Classroom Portable Addition to iBuild Spectrum, Incorporated. Seven bids were received and opened on June 30, 2021 and are listed on Exhibit A. The bidder offering the lowest base price was used to determine the lowest responsive bidder. iBuild Spectrum, Incorporated is the lowest responsive, responsible bidder at \$408,000. The project includes the construction of two relocatable classroom buildings and related site work at San Juan Elementary School–CCA site for use by a charter school. The bid award is named CCA as this is how the site is named with Division of State Architect (DSA). The District correlates the bid name to match the plans for DSA approval. This project is for OCASA College Prep in San Juan Capistrano per the Facilities Use Agreement for the 2021-2022 school year to add two new portable classrooms. The portables will not be for CCA use. This project will be funded by developer fees.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

11. CHANGE ORDER NO. 9, BID NO. 1920-04, ALISO NIGUEL HIGH SCHOOL STEM BUILDING PROJECT:

Page 624
EXHIBIT 11

This is a regular business item. Approval of Change Order No. 9, Bid No. 1920-04 for the Aliso Niguel High School Science, Technology, Engineering and Mathematics (STEM) Building related to the steel Division of the State Architect (DSA) requirement adjustments and additional storm drain installation and the installation of fire water backflow control devices. 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. With Change Order No. 9 in the amount of \$35,081.25, the new contract sum will be \$11,416,537.95 funded by CFD 87-1 and if necessary, 2015 2 Liberty in Aliso Viejo land sale revenue and interest earnings. With this change order, the project remains under budget.

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

12. EMPLOYEE MILEAGE ALLOWANCE:

Page 660
EXHIBIT 12

This is a regular business item. Approval of the updated employee mileage allowance. Certain District-based and site-based employees have been designated by the Board of Trustees to be paid a monthly mileage allowance for use of a personal vehicle for District business-related travel in lieu of reimbursement for actual mileage. Employees assigned a District vehicle are not eligible to receive a stipend. Due to the requirement for some employees to respond to District emergencies or work extended hours, certain positions require significantly higher rates of travel between sites, specifically, the area of Facilities Services. The Board is being asked to add the job title of Executive Director, Maintenance, Operations, and Transportation to the list of employees to receive a monthly mileage allowance. This job title would receive a monthly mileage allowance of \$400 effective July 1, 2021. Outdated job titles are also being removed and revised titles are being updated. Changes are underlined; deletions are struck through.

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

13. FOURTH EXTENSION OF BID NO. 1718-09, REFRIGERATION AND ICE MACHINE REPAIR SERVICES AND PREVENTATIVE MAINTENANCE – REFRIGERATION CONTROL COMPANY, INCORPORATED:

Page 662
EXHIBIT 13

This is a regular business item. Approval of the Fourth Extension of Bid No. 1718-09, Refrigeration and Ice Machine Repair Services and Preventative Maintenance awarded to Refrigeration Control Company, Incorporated. Bid No. 1718-09 was awarded to the lowest responsive, responsible bidder on September 13, 2017 for the initial term of September 1, 2017 through August 31, 2018, with optional renewal terms. On July 25, 2018, the Board approved the First Extension through August 31, 2019. On July 17, 2019, the Board approved the Second Extension through August 31, 2020. On July 15, 2020, the Board approved the Third Extension through August 31, 2021. The vendor agrees to maintain the rates of the initial contract term for the proposed renewal period of September 1, 2021 through August 31, 2022. Annual expenditures utilizing this contract are estimated to be \$250,000 funded by the cafeteria fund, 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

14. 2021-2022 INTERNET ACCESS AGREEMENT NO. 51413 – ORANGE COUNTY SUPERINTENDENT OF SCHOOLS:

Page 683
EXHIBIT 14

This is an annual item. Approval of 2021-2022 Internet Access Agreement No. 51413 with Orange County Superintendent of Schools to provide Internet access services to the District. The District has been receiving internet access from Orange County Department of Education (OCDE) since 2004. The term of this agreement is July 1, 2021 through June 30, 2022. Internet access is provided at no cost to the District.

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

15. **2021-2022 NETWORK SUPPORT AND CYBER SECURITY SERVICES AGREEMENT NO. 51578 – ORANGE COUNTY SUPERINTENDENT OF SCHOOLS:** Page 689
EXHIBIT 15
- This is an annual item. Approval of 2021-2022 Network Support and Cyber Security Services Agreement No. 51578 with Orange County Superintendent of Schools to provide network support services and cyber security services to the District from July 1, 2021 through June 30, 2022. The District has been receiving internet access from Orange County Department of Education (OCDE) since 2004. Annual expenditures under this contract are limited to \$16,600 funded by the general fund.
- Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*
16. **STATE OF CALIFORNIA MULTIPLE AWARD SCHEDULE CONTRACT NO. 4-20-78-0089C, GENERAL SERVICES ADMINISTRATION BASE SCHEDULE NO. 47QSMA20D08P7, PURCHASE, WARRANTY, INSTALLATION, MAINTENANCE, AND REPAIR OF PARK AND PLAYGROUND EQUIPMENT – KYA SERVICES, LLC:** Page 700
EXHIBIT 16
- This is a regular business item. Approval to utilize the State of California Multiple Award Schedule (CMAS) Contract No. 4-20-78-0089C, GSA Base Schedule No. 47QSMA20D08P7, and any subsequent revisions, amendments, and extensions awarded to KYA Services, LLC, for the purchase, warranty, installation, maintenance, and repair of park and playground equipment, as needed by the District. The District can utilize such contracts pursuant to California Public Contract Code §§ 10298, 10299, and 12100 et. seq. 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 state contract for the purchase, warranty, installation, maintenance, and repair of park and playground equipment. Anticipated annual expenditures utilizing this contract are approximately \$500,000 funded by the general fund and deferred maintenance. Actual expenditures will vary depending on District needs and availability of funds.
- Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*
17. **SAN BERNARDINO COUNTY SUPERINTENDENT OF SCHOOLS BID NO. 19/20-1273, FURNITURE SYSTEMS AND STAND ALONE – CULVER-NEWLIN, INCORPORATED:** Page 743
EXHIBIT 17
- This is a regular business item. Approval to utilize the San Bernardino County Superintendent of Schools Bid No. 19/20-1273, Furniture Systems and Stand Alone for the purchase of furniture and accessories from Culver-Newlin, Incorporated under the same terms and conditions of the public agency’s contract. This contract provides competitive set pricing for furniture and accessories and incidental services as needed by the District. 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 saves time and often provides lower prices than a single jurisdiction would be able to obtain. Annual expenditures utilizing this contract are estimated to be \$750,000 funded by various departments, sites, and projects requesting product. Actual expenditures may vary depending on District needs and availability of funding.
- Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*
18. **SCHOOL MEALS AGREEMENT – ORANGE COUNTY ACADEMY OF SCIENCES AND ARTS, INC.:** Page 762
EXHIBIT 18
- This is a regular business item. Approval of the School Meals Agreement for the District’s Food and Nutrition Services (FNS) department vending National School Lunch Program (NSLP) compliant meals for Orange County Academy of Sciences and Arts (OCASA) and OCASA College Prep during the 2021-2022 school year. In September 2019, OCASA charter school contacted the District regarding FNS providing school meals including Free and Reduced–Priced (FRP) meals for eligible students at OCASA.

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 OCASA and OCASA College Prep will be similar to District elementary and secondary school meal programs for the 2021-2022 school year. Proceeds from the agreement will be deposited into the cafeteria fund.

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

19. SECOND EXTENSION OF BID NO. 1819-13, ASPHALT PAVING, SEALCOATING, AND CONCRETE REPAIRS – BEN’S ASPHALT, INCORPORATED: Page 771
EXHIBIT 19

This is a regular business item. Approval of Second Extension of Bid No. 1819-13, Asphalt Paving, Sealcoating, and Concrete Repairs, Categories 1 and 2 with Ben’s Asphalt, Incorporated. Categories 1 and 2 of Bid No. 1819-13 were awarded to the lowest responsive, responsible bidder on May 22, 2019 for the initial term of July 1, 2019 through June 30, 2020 with optional renewal terms. On June 17, 2020, the Board approved the First Extension through June 30, 2021. The vendor agrees to extend the proposed extension at the same rates under the initial bid award term for the proposed renewal period of July 1, 2021 through June 30, 2022. Annual expenditures utilizing this contract are estimated to be \$1,500,000 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

20. MEMORANDUM OF UNDERSTANDING WITH THE ORANGE COUNTY SUPERINTENDENT OF SCHOOLS: Page 794
EXHIBIT 20

This is an annual item. Approval of the ratification of the Memorandum of Understanding with the Orange County Superintendent of Schools will allow Orange County Department of Education (OCDE) to provide special education programs and services for eligible District students from July 1, 2021 through June 30, 2022. The OCDE Division of Special Education Services operates a special schools program for pupils with exceptional needs who require intensive educational services. These students are referred by their Individualized Education Program (IEP) teams when it is jointly determined by the District and OCDE that the student’s educational needs, as specified in the IEP, can be appropriately met by OCDE programs and services. The District has approximately 70 students enrolled in OCDE programs per year. There are three cost categories for OCDE programs: classroom cost, transportation cost, and special circumstance aide cost. The average classroom cost per student is \$61,120. Based on average enrollment, the estimated District cost for students attending OCDE classes for the 2021-2022 school year is approximately \$4,300,000. The estimated District cost for transportation provided by OCDE is approximately \$925,000. The estimated District cost for required special circumstance aides in classrooms or on buses is approximately \$1,200,000. Annual expenditures under this agreement are funded by special education funds.

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

21. AGREEMENT NO. 51708 WITH THE ORANGE COUNTY SUPERINTENDENT OF SCHOOLS: Page 817
EXHIBIT 21

This is an annual item. Approval of the ratification of Agreement No. 51708 with the Orange County Superintendent of Schools, Strong Workforce Program (SWP) K12 Pathway Improvement Grant (Round 3) Service Agreement, January 1, 2021, through June 30, 2023. The agreement will be implemented in accordance with the conditions defined in the SWP K12 Pathway Improvement Grant Service Agreement (Round 3) and sets forth the responsibilities of the District and the Orange County Superintendent of Schools. There is no financial impact.

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

22. **AGREEMENT NO. 51667 WITH THE ORANGE COUNTY SUPERINTENDENT OF SCHOOLS:** Page 839
EXHIBIT 22
This is a new item. Approval of 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 the completion of training on January 27, 2022.
This agreement will support implementation of the Studies Weekly one-year pilot which was approved by the Board at the June 16, 2021 Board meeting. The cost for the consultant will be \$10,800 funded by Title II funds.
Contact: Gregory Merwin, Associate Superintendent, Education and Support Services
23. **PERSONNEL REIMBURSEMENT AGREEMENT WITH LAGUNA BEACH UNIFIED SCHOOL DISTRICT:** Page 849
EXHIBIT 23
This is an annual item. 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 2021-2022 school year. District staff has provided these services to LBUSD from the time both districts were part of the same South Orange County Special Education Local Plan Area (SELPA). LBUSD will pay the employee salary and benefit costs for the days of instruction. There is no financial impact.
Contact: Gregory Merwin, Associate Superintendent, Education and Support Services
24. **PERSONNEL REIMBURSEMENT AGREEMENT WITH SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT:** Page 853
EXHIBIT 24
This is an annual item. 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 2021-2022 school year. District staff has provided these services to SVUSD from the time both districts were part of the same South Orange County Special Education Local Plan Area (SELPA). SVUSD will pay the employee salary and benefit costs for the days of instruction. There is no financial impact.
Contact: Gregory Merwin, Associate Superintendent, Education and Support Services
25. **MEMORANDUM OF UNDERSTANDING WITH BIG BROTHERS BIG SISTERS OF ORANGE COUNTY 2021-2022:** Page 857
EXHIBIT 25
This is an annual item. Approval of the Memorandum of Understanding (MOU) and amendment with Big Brothers Big Sisters of Orange County for the 2021-2022 school year. This MOU outlines the roles and responsibilities for the High School Bigs Mentoring Program. The goal is to pair a maximum of 80 at-promise students (Littles) from Kinoshita, RH Dana and San Juan Elementary Schools with 80 high school mentors (Bigs) in one-to-one mentoring relationships that provide positive modeling that leads to school and lifetime success. There is no financial impact.
Contact: Gregory Merwin, Associate Superintendent, Education and Support Services
26. **SPRING 2021-2022 DATA COLLECTIONS OF THE CONSOLIDATED APPLICATION AND REPORTING SYSTEM:** Page 863
EXHIBIT 26
This is an annual item. Approval of the Spring 2021-2022 Data Collections of the Consolidated Application and Reporting System (CARS). The CARS is a two-part application and reporting process for multiple state and federal formula-driven categorical program funds, submitted annually to the California Department of Education (CDE) to fund supplemental programs. The Consolidated Application is used by the CDE to distribute categorical funds from various federal programs.

In the spring of each year, districts are required to submit part of the application to document program participation in categorical programs and provide assurances of compliance with legal requirements of each program. Due to the pandemic, the 2021-2022 CARS data collection release was delayed and are due in August. The federal programs, coordinated through the Consolidated Application, include Title I, Part A; Title II, Part A; Title III, Part A, and Title IV, Part A. The complete Consolidated Application is on file for review in the State and Federal Programs office. As required by the CDE, the District English Learner Advisory Committee also reviewed this document. Submitting the CARS data collections to the CDE will enable the District to receive an estimated \$5.9 million in Title I, II, III and IV federal funding for 2021-2022.

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

27. **COLLEGE AND CAREER ACCESS PATHWAYS PARTNERSHIP AGREEMENT ADDENDUM WITH SOUTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT APPENDIX – FALL 2021:** Page 866
EXHIBIT 27
This is an annual item. Approval of the addendum to the College and Career Access Pathways Partnership Agreement to add new courses to the appendix (course list) for the 2021-2022 school year. Additional courses and locations in Fall 2021 will enable high school students in the District who enroll in these approved courses to receive both college credit and high school credit. Costs related to instructional materials not to exceed \$20,000 funded by K-12 Strong Workforce Grant funds.
Contact: *Gregory Merwin, Associate Superintendent, Education and Support Services*
28. **MEMORANDUM OF UNDERSTANDING WITH COLLEGE AND CAREER ADVANTAGE FOR PARTICIPATION IN THE CALIFORNIA CAREER TECHNICAL EDUCATION INCENTIVE GRANT PROGRAM:** Page 873
EXHIBIT 28
This is an annual item. 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, 2021, through June 30, 2023. The purpose of the California CTEIG Program is to encourage and maintain the delivery of career technical education programs during implementation of the District’s Local Control Funding Formula. The MOU establishes a cooperative and mutually beneficial relationship between the District and College and Career Advantage and sets forth the responsibilities as related to the implementation of the California CTEIG Program. There is no financial impact.
Contact: *Gregory Merwin, Associate Superintendent, Education and Support Services*
29. **RESOLUTION NO. 2122-01 FOR SIGNATURE AND ACCEPTANCE OF STATE AGREEMENT:** Page 878
EXHIBIT 29
This is an annual item. Approval of Resolution No. 2122-01 for signature and acceptance of state agreement. The District authorizes personnel to be designated to sign the California Department of Education Local Agreement for Child Development Services, and approves the local agreement for California State Preschool Program 0341 with the California Department of Education. The agreement awards a total of \$3,115,575, from July 1, 2021, through June 30, 2022, for the purpose of providing services related to early childhood development and school readiness for state funded programs.
Contact: *Gregory Merwin, Associate Superintendent, Education and Support Services*
30. **2021-2022 TITLE III EVERY STUDENT SUCCEEDS ACT LOCAL CONTROL ACCOUNTABILITY PLAN FEDERAL ADDENDUM:** Page 886
EXHIBIT 30
This is an annual item. Approval of the 2021-2022 Title III Every Student Succeeds Act (ESSA) Local Control Accountability Plan (LCAP) Federal Addendum. Districts applying for ESSA funding must complete the Title III LCAP Federal Addendum, annually, as part of meeting the requirements for the ESSA Local Educational Agency (LEA) Plan. The LCAP Federal Addendum is meant to supplement the LCAP to ensure that eligible districts have the opportunity to meet the LEA Plan provisions of the ESSA.

Completing the 2021-2022 Title III ESSA LCAP Federal Addendum will enable the District to receive an estimated \$519,898 in Title III ESSA federal funding for 2021-2022. This funding is highly restrictive and can only be spent on programs and services to support students who are English learners. Examples of planned expenditures for 2021-2022 include Bilingual Community Services Liaisons to assist with document translation and meeting interpretation needs, additional hours for school site teacher advisors to facilitate annual reclassification procedures, and parent education programs including Parent Institute for Quality Education.

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

31. **AGREEMENT FOR SERVICES WITH STRATEGIC KIDS FOR STEAM PROGRAMMING AT DON JUAN AVILA ELEMENTARY SCHOOL:** Page 891
EXHIBIT 31
This is a new item. Approval of agreement for services with Strategic Kids to provide a hands-on Science, Technology, Engineering, Arts, and Math (STEAM) Education program for students at Don Juan Avila Elementary School, July 1, 2021, through June, 30, 2022. Students would receive 27 sessions of STEAM instruction delivered by Strategic Kids instructors that incorporates enriching experiences in subjects such as chess, LEGO, Origami, magic, field games, and speech/debate. Students would access the program weekly on a rotating schedule. The program would supplement the core curriculum and provide additional enrichment for students. The estimated total expenditure would be \$23,890 for 34 weeks of STEAM related programming, funded by site gift funds.
Contact: *Gregory Merwin, Associate Superintendent, Education and Support Services*
32. **SALES AND SERVICES AGREEMENT WITH THE UNIVERSITY OF CALIFORNIA IRVINE:** Page 896
EXHIBIT 32
This is a new item. Approval of the ratification of the Sales and Services Agreement with the University of California Irvine (UCI) Science Project. The term of the agreement, July 22, 2021, through June 30, 2022, provides training for staff related to the Next Generation Science Standards. The cost would include professional learning facilitation from the UCI Science Project and substitute teachers for two release days. Expenditures under this agreement are \$57,925 funded by Title II funds.
Contact: *Gregory Merwin, Associate Superintendent, Education and Support Services*
33. **PROPOSED SCHOOL START AND DISMISSAL TIMES FOR THE 2021-2022 SCHOOL YEAR:** Page 900
EXHIBIT 33
This is an annual item. Approval of the start and dismissal times for the 2021-2022 school year. Per Board Policy 6111, *School Calendar*, this item seeks approval of the start and dismissal times for each school site for the 2021-2022 school year. There is no financial impact.
Contact: *Gregory Merwin, Associate Superintendent, Education and Support Services*
34. **ORANGE COUNTY OPERATIONAL AREA AGREEMENT:** Page 903
EXHIBIT 34
This is a delayed annual item. Approval of the ratification of the Orange County Operational Area (OA) Agreement. This agreement formally organizes the County of Orange and its political subdivisions as the Orange County OA for purposes of emergency management coordination. In 2017, the Orange County Sheriff's Department Emergency Management Division began a process to revise the OA Agreement to account for changes in emergency operations plans, incorporate advances and new perspectives in the emergency management discipline and ease administration of OA functions. The District first signed the agreement in 1995. The County of Orange is now requesting that the District sign the first revision of the agreement since the initial version, effective May 19, 2020. Due to delays because of COVID-19, the revised agreement was not sent to the District until May 24, 2021. In the event of a countywide disaster, communications between Orange County Emergency Management and school districts are facilitated through the OA radio emergency communications system. The county will contact each district to assess the casualties and damage each district has sustained.

Emergency resources will be deployed to the affected sites to provide assistance. The OA radio system is tested monthly to ensure complete operability. Entering into the OA Agreement with the County of Orange will allow the District to continue to participate in the OA radio emergency communications program. There is no financial impact.

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

HUMAN RESOURCE SERVICES

35. **CONSIDER AND APPROVE REVISED JOB DESCRIPTION:** Page 931
This is a revised item. Approval of revised job description for the position of Chief Facilities Officer. On April 21, 2021, Trustees approved the updated job description for Chief Facilities Officer, as amended. However, staff has discovered information was inadvertently left out of the job description. The revised job description reflects expanded duties for oversight of Transportation Services and greater efficiencies in Business and Support Services beginning fiscal year 2021-2022.
EXHIBIT 35
Contact: *Tim Brooks, Associate Superintendent, Human Resource Services*
36. **EXTENSION OF SUBSTITUTE DAILY RATE OF PAY INCREASE:** Page 935
This is a new item. Approval of the extension of the temporary substitute daily rate of pay increase. The emergency temporary increase of substitute daily rate of pay was ratified at the October 21, 2020 Board meeting and extended at the December 16, 2020 meeting. Raising the daily rate for substitute teachers made the District more competitive with neighboring districts. It is anticipated the needs for substitute coverage will be significant due to professional learning needs in 2021-2022. This agenda item presents an extension of the increased daily rate of pay. This extension will be effective through June 30, 2022. The total cost increase will depend on the need for subs estimated to be up to \$1,850,000.
EXHIBIT 36
Contact: *Tim Brooks, Associate Superintendent, Human Resource Services*
37. **RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CERTIFICATED EMPLOYEES:** Page 936
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.
EXHIBIT 37
Contact: *Tim Brooks, Associate Superintendent, Human Resource Services*
38. **RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CLASSIFIED EMPLOYEES:** Page 971
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.
EXHIBIT 38
Contact: *Tim Brooks, Associate Superintendent, Human Resource Services*

GENERAL FUNCTIONS

39. **SCHOOL BOARD MINUTES:** Page 1020
Approval of the June 7, 2021 Special Board meeting minutes.
EXHIBIT 39
Contact: *Colleen Hayes, Manager II, Board Operations/Superintendent's Office*
40. **SCHOOL BOARD MINUTES:** Page 1002
Approval of the June 16, 2021 Regular Board meeting minutes.
EXHIBIT 40
Contact: *Colleen Hayes, Manager II, Board Operations/Superintendent's Office*
41. **SCHOOL BOARD MINUTES:** Page 1046
Approval of the June 23, 2021 Special Board meeting minutes.
EXHIBIT 41
Contact: *Colleen Hayes, Manager II, Board Operations/Superintendent's Office*

DISCUSSION/ACTION ITEMS

42. ONE-TO-ONE STUDENT CHROMEBOOK PROJECT UPDATE:

This is a new item. The Board will receive an information presentation from the Chief Technology Officer. The presentation is an overview of the District's one-to-one student Chromebook project. During Spring 2021 and continuing into Fall 2021, the District began implementing a one-to-one student Chromebook program.

The one-to-one Chromebook program is a device checkout program where students grades Transitional Kindergarten through 12 will be issued a District-provided Chromebook and will be responsible for bringing the Chromebook to school and home, like a textbook. The student Chromebook is intended for school work only to include Canvas, homework, research, communication, electronic content delivery, etc.

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.

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 information on this item and answer any questions Trustees may have. This is an information item only and no Board action is necessary.

43. LEADERSHIP SERVICES TEAM AND PRINCIPAL SUPERVISION:

This is a new item. Traditionally, principal supervisors have focused on ensuring that school leaders, and the buildings they manage, are in compliance with local policies and state regulations. Recent research indicates that principal supervisors can have a positive impact on student achievement by helping principals develop as instructional leaders.

With strategic training and support, principal supervisors can assess and evaluate principals' current leadership practices and identify professional learning opportunities most likely to lead to improvements in the quality of teaching, learning, and student achievement. Moreover, they can ensure that the principals' work and vision align with District goals, and that principal supervisors effectively support school leaders, schools, and student success. This item clarifies the roles and responsibilities of the Assistant Superintendents of School Leadership and Instruction, provides results from principal supervision from 2020-2021, and shares next steps for supporting principals in the 2021-2022 school year.

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, 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.

**INFORMATION/
DISCUSSION**

Page 1049

EXHIBIT 42

**INFORMATION/
DISCUSSION**

Page 1058

EXHIBIT 43

44. INSTRUCTIONAL MATERIALS RECOMMENDED FOR ADOPTION: SECONDARY HISTORY SOCIAL SCIENCE, GRADES 6-8: **DISCUSSION/ ACTION**

This is a new item. A Districtwide teacher committee has recommended the adoption of the Secondary History Social Science (HSS) instructional materials for grades 6-8:

Page 1080
EXHIBIT 44

- *My World* ©2019, Savvas/Pearson
- These materials were piloted in 2020-2021 by 31 teachers representing all middle schools, with digital pilot resources available to every secondary HSS teacher
- These materials would replace the previous adoption from 2007
- The materials were approved by the Instructional Materials Review Committee by a vote of 14 yes, 0 no, and 2 members absent
- Teacher committee included rationale for the adoption, including:
 - Aligned to state standards and HSS Framework;
 - Electronic and supplementary resources are integral to the program, support instruction, connect explicitly, and are interactive;
 - Support for teaching diverse learners, including English learners, advanced readers and students reading below grade level, and students with specific disabilities;
 - Balance of sources are provided, including key primary sources and/or multiple perspectives embedded within the text;
 - Promotes disciplinary literacy; and
 - Materials support Dual Immersion and Two Way Immersion (TWI) programs.

The estimated cost to implement this adoption for 8 years is \$1,633,749.74 funded by District lottery 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, 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 Instructional Materials Recommended for Adoption: Secondary History Social Science, Grades 6-8.

Motion by _____ Seconded by _____

45. INSTRUCTIONAL MATERIALS RECOMMENDED FOR ADOPTION: SECONDARY HISTORY SOCIAL SCIENCE, GRADES 11-12: **DISCUSSION/ ACTION**

This is a new item. A Districtwide teacher committee has recommended the adoption of the Secondary History Social Science instructional materials for grades 11-12:

Page 1083
EXHIBIT 45

- *United States History in the Twentieth Century* ©2019, Savvas/Pearson
- *Economics Principles in Action* ©2019, Savvas/Pearson
- These materials were piloted in 2020-2021 by 10 teachers representing all high schools, with digital pilot resources available to every secondary HSS teacher.
- These materials would replace the previous adoption from 2006.
- The materials were approved by the Instructional Materials Review Committee by a vote of 14 yes, 0 no, and 2 members absent
- Teacher committee included reasons for the adoption, including:
 - Text includes Essential Questions and Enduring Understandings for each topic;
 - Text provides activities that foster skills such as examining change over time, evidence and primary sources, as well as understanding the significance of events and topics;

- Videos introduce each topic, adding relevancy, and video production values are good and include witness testimony;
- *Project Imagine* provides project based learning resources;
- Includes formative and summative exams with test banks; and
- Organization of units is thematic and includes content that aligns with the HSS Framework and the FAIR Act.

The estimated cost to implement this adoption for 8 years is \$1,015,231 funded by District lottery 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, 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 Instructional Materials Recommended for Adoption: Secondary History Social Science, Grades 11-12.

Motion by _____ Seconded by _____

**46. INSTRUCTIONAL MATERIALS RECOMMENDED FOR ADOPTION: DISCUSSION/
 SECONDARY HISTORY SOCIAL SCIENCE, GRADES 10-12: ACTION**

This is a new item. A Districtwide teacher committee has recommended the adoption of the Secondary History Social Science (HSS) instructional materials for grades 10-12:

- *World History, Culture and Geography* ©2019, McGraw Hill Education
- *Principles of American Democracy* ©2019, McGraw Hill Education
- These materials were piloted in 2020-2021 by 10 teachers representing all high schools, with digital pilot resources available to every secondary HSS teacher
- These materials would replace the previous adoption from 200.
- The materials were approved by the Instructional Materials Review Committee by a vote of 14 yes, 0 no, and 2 members absent
- Teacher committee included rationale for the adoption including:
 - There is a balance of sources provided including key primary sources from a variety of perspectives in the textbook, online resources, and the inquiry journal;
 - There is material to support diverse learners including English learners, advanced students and students reading below grade level;
 - Formative assessments are varied and provide time for instructional adjustments;
 - Research and inquiry to develop knowledge is included (e.g., conceptual themes, essential questions, or short projects);
 - Additional resources, including research links, are provided to dive deeper into topics; and
 - The text presents debates within history as well as different interpretations of historical events, so students will understand the importance of debate and reliable evidence in the discipline of history.

Page 1086
EXHIBIT 46

The estimated cost to implement this adoption for 8 years is \$844,247 funded by District lottery 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, 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 Instructional Materials Recommended for Adoption: Secondary History Social Science, Grades 10-12.

Motion by _____ Seconded by _____

47. INSTRUCTIONAL MATERIALS RECOMMENDED FOR ADOPTION: SECONDARY INTERNATIONAL BACCALAUREATE CHINESE STANDARD LEVEL:

**DISCUSSION/
ACTION
Page 1089
EXHIBIT 47**

This is a new item. Capistrano Valley High School has recommended the adoption of the following secondary International Baccalaureate (IB) Chinese Standard Level (SL) instructional materials:

- Grade 10: *Mandarin B Grammar and Skills Workbook* ©2019, Dynamic Learning/Hodder Education. This textbook includes content related to daily life, including application for college, election of a student association, internet advantages and disadvantages, healthy entertainment activities, challenges facing education, and environmental protection.
- Grade 10: *Easy Steps to Chinese Level 7* ©2010, Beijing Language, and Culture University Press. This textbook provides structured language practice through comprehensive coverage of grammar points and in-depth practice of core reading and writing skills based around the main text types.
- Grade 10 Mandarin language Arts class will be offered for the first time in 2021-2022 as the inaugural class of mandarin Immersions students matriculate at Capistrano Valley High School
- These materials were piloted in 2020-2021 by the high school Mandarin immersion teacher
- The pilot teacher recommended this curriculum, and the materials were approved by the Instructional Materials Review Committee with a vote of 14 yes, 0 no, and 2 members absent
- Rationale for the adoption include:
 - All Mandarin core themes are covered;
 - The books have a balance of authentic and modified language; and
 - Materials include a variety of activities and projects for effective language learning

The estimated cost to implement this adoption is \$2,500 funded by District lottery 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, 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 Instructional Materials Recommended for Adoption: Secondary International Baccalaureate Chinese Standard Level, Grade 10.

Motion by _____ Seconded by _____

48. INSTRUCTIONAL MATERIALS RECOMMENDED FOR ADOPTION: SECONDARY WORLD LANGUAGES SUPPLEMENTAL NOVELS, GRADES 9-12:

**DISCUSSION/
ACTION**
Page 1092
EXHIBIT 48

This is a new item. Tesoro High School has recommended the adoption of the following secondary World Language supplemental novels for French, German, and Spanish, grades 9-12:

- *Brandon Brown Veut Un Chien* (French 1) ©2014, by Carol Gaab, Fluency Matters Books
- *Brandon Brown a la Conquete de Quebec* (French 1,2) ©2014, by Lynette St. George, Fluency Matters Books
- *Le Nouvel Houdini/El Nuevo Houdini* (French 2,3 and Spanish 2,3) ©2010, by Carol Gaab, Teaching Proficiency through Reading and Storytelling® (TPRS) Books
- *Le Vol des Oiseaux* (French 2, 3) ©2009, by Kristy Placido, TPRS Books
- *Ou Est Passe Martin?* (French 2, 3, 4) ©2005, by Lisa Ray Turner, TPRS Books
- *Problemes Au Paradis* (French 3, 4) ©2013, by Carol Gaab, TPRS Books
- *Bart Will Eine Katze* (German 1) ©2018, by Senor Jordan and Michael Coxon, TPRS Books
- *Brandon Brown Will Einen Hund* (German 1) ©2015, by Carol Gaab, Fluency Matters Books
- These titles have been recommended by teachers and approved by the Instructional Materials Review Committee.
- The materials were approved by a vote of 14 yes, 0 no, and 2 members absent.
- Rationale from teachers for this adoption include:
 - These readers will help develop reading and listening comprehension, build speaking in a modern and natural way, and support general world language acquisition.

A summary of each novel can be found in the exhibit. Expenditures will be funded by site funds.

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

Contact: 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 Instructional Materials Recommended for Adoption: secondary World Languages supplemental novels.

Motion by _____ Seconded by _____

49. FIRST READING - BOARD POLICY 1312.3 UNIFORM COMPLAINT PROCEDURES:

**DISCUSSION/
ACTION**
Page 1095
EXHIBIT 49

This is a legal update. This proposed revision of Board Policy 1312.3, *Uniform Complaint Procedures* revises this policy to align the use of the Uniform Complaint Procedures in the situations designated by the legislature, which were recently changed. This item is updated as needed based on current legislation. Changes are underlined; deletions are struck through. There is no fiscal impact.

Two changes were made:

- Removing reference to Child Nutrition and Special Education as areas governed by the Uniform Complaint Procedures; and

- Clarifying the law provides alternative dispute procedures for Child Nutrition and Special Education complaints.

These two changes both were made to reflect changes in state law clarifying that the Uniform Complaint Procedures should not be used for these two areas any longer, as other procedures apply.

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

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 revised Board Policy 1312.3, *Uniform Complaint Procedures*.

Contact: Tim Brooks, Associate Superintendent, Human Resource Services

Motion by _____ Seconded by _____

50. FIRST READING - BOARD POLICY 4119.11, SEXUAL HARASSMENT (PERSONNEL):

This is a legal update. This proposed revision of Board Policy 4119.11, *Sexual Harassment (Personnel)* revises this policy with current law, including changes necessitated by the revised Title IX of the Education Amendments Act of 1972 regulations. This item is updated as needed based on current legislation. Changes are underlined; deletions are struck through. There is no fiscal impact.

The specific changes include:

- Modifying that language regarding “confidentiality”;
- Adjusting pronouns to be more inclusive;
- Specifically identifying the District’s Title IX Coordinator, including contact information; and
- Clarifying that the Title IX investigation process will *only* be used in complaints meeting the specific Title IX threshold. For all other complaints, the prior investigation process will remain in place.

These changes reflect the updated Title IX Regulations which require the process for making complaints, who the Title IX Coordinator is, and how to contact that individual, be clear. As there is a new, legally required Title IX Investigation process, the Policy was modified to reflect when that process will be used. The new Title IX Regulations also changed confidentiality requirements. The Policy was modified to reflect that information is “confidential” to the “extent permitted by law.” Finally, the change in pronoun use is a stylistic change to reflect inclusivity.

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

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 revised Board Policy 4119.11, *Sexual Harassment (Personnel)*.

Contact: Tim Brooks, Associate Superintendent, Human Resource Services

Motion by _____ Seconded by _____

**DISCUSSION/
ACTION**

Page 1102

EXHIBIT 50

51. FIRST READING - BOARD POLICY 5183, SEXUAL HARASSMENT (STUDENTS) DISCUSSION/ ACTION

Page 1107
EXHIBIT 51

This is a legal update. This proposed revision of Board Policy 5183, *Sexual Harassment (Students)* revises this policy with current law, including changes necessitated by the revised Title IX of the Education Amendments Act of 1972 regulations. This item is updated as needed based on current legislation. Changes are underlined; deletions are struck through. There is no fiscal impact.

The specific changes include:

- Adding language to clarify who complaints can be made to and eliminating contradictory or unclear language;
- Specifically identifying the District’s Title IX Coordinator, including contact information, as required by law;
- Clarifying that the Title IX investigation process will *only* be used in complaints meeting the specific Title IX threshold. For all other complaints, the prior investigation process will remain in place; and
- Requiring record keeping, “in accordance with legal requirements.”

These changes reflect the updated Title IX regulations which require the process for making complaints, who the Title IX Coordinator is, and how to contact that individual, all be clear. As there is a new, legally required Title IX Investigation process, the Policy was modified to reflect when that process will be used. The new Title IX Regulations also changed record keeping rules, thus the Policy was modified to reflect that records will be kept as required by law.

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

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 revised Board Policy 5183, *Sexual Harassment (Students)*.

Contact: Tim Brooks, Associate Superintendent, Human Resource Services

Motion by _____ Seconded by _____

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

Page 1113
EXHIBIT 52

This is a legal update. On July 1, 2021, Governor Newsom signed Assembly Bill 104 Pupil Instruction: Retention, Grade Changes, and Exemptions. This urgent legislation immediately added §§ 48071, 49066.5, and 51225 to Education Code. These statutes prescribe the following:

- The Local Education Authority (LEA) must grant a request from a high school student to change a letter grade to a Pass or No Pass grade for a course during the 2020-2021 school year, without input from the student’s teacher.
- The number or type of courses eligible for this transcript adjustment cannot be limited by a district.
- A specific application for these requests will be developed by the California Department of Education (CDE). Within 15 calendar days of the CDE’s online posting of the application, LEAs must post a notice on their websites and provide written notice of this option to students and their parents/guardians, along with a copy of the application and a list of postsecondary educational institutions that will accept a Pass or No Pass grade (instead of a letter grade) without prejudice.
- Students will have 15 calendar days following the LEA’s posting and notice to make any grade change requests.

- The LEA will have 15 calendar days after receiving a student’s request to change the transcript and notify the student and the parent/guardian of the change. Staff recommends the proposed revisions.

This temporary policy will expire on June 30, 2022. 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 Temporary Board Policy T5121.1, *Grades/Evaluation of Student Achievement*.

Motion by _____ Seconded by _____

**53. FIRST READING – TEMPORARY BOARD POLICY T5122, DISCUSSION/
PROMOTION/ACCELERATION/RETENTION: ACTION**

Page 1120
EXHIBIT 53

This is a legal update. On July 1, 2021, Governor Newsom signed Assembly Bill 104 Pupil Instruction: Retention, Grade Changes, and Exemptions. This urgent legislation immediately added §§ 48071, 49066.5, and 51225 to Education Code. These statutes prescribe the following:

- The Local Education Agency (LEA) must allow parent/guardians the opportunity to request, in writing, that their child be retained.
- If the school/district receives this written request, a meeting must be held within 30 days that includes the parent/guardian, pupil, a teacher, and an administrator.
- After 10 days, the site/district will notify the parent/guardian as to whether the request to retain is supported.
- Current Board policy requires parents to notify the site/district of an interest in retention 21 days prior to the end of the previous school year. This new statute supersedes that deadline for the 2020-2021 school year, allowing parents to request retention after that deadline.
- This temporary policy will only apply to requests for retention from the 2020-2021 school year.

The temporary policy will expire on June 30, 2022. 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 Temporary Board Policy T5122, *Promotion/Acceleration/Retention*.

Motion by _____ Seconded by _____

54. FIRST READING - TEMPORARY BOARD POLICY T6146.1, HIGH SCHOOL GRADUATION REQUIREMENTS: DISCUSSION/ ACTION

Page 1127
EXHIBIT 54

This is a legal update. On July 1, 2021, Governor Newsom signed Assembly Bill 104 Pupil Instruction: Retention, Grade Changes, and Exemptions. This urgent legislation immediately added §§ 48071, 49066.5, and 51225 to Education Code. These statutes prescribe the following:

- The Local Education Authority (LEA) must allow high school students who were in their third or fourth year of high school during the 2020-2021 school year, and who were not on track to graduate in four years, to be exempt from all of the LEA’s graduation requirements that exceed statewide requirements.
- These students must still meet statewide coursework requirements to graduate and can be provided the opportunity to do so through completion of a fifth year of high school instruction, credit recovery, or some other manner.

Staff recommends the proposed revisions. This temporary policy will expire on June 30, 2022. 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 Temporary Board Policy T6146.1, *High School Graduation Requirements*.

Motion by _____ Seconded by _____

55. FIRST READING – BOARD POLICY 7000, CONCEPTS AND ROLES: DISCUSSION/ ACTION

Page 1137
EXHIBIT 55

This is a new item. The proposed revisions to Board Policy 7000, *Concepts and Roles*, bring language and policy numbering in alignment at the suggestion of the California School Boards Association (CSBA). The policy is to be used as a guideline with how the District determines Board policy requirements as it pertains to Facilities. Changes are underlined; deletions are struck through.

- Board Policy 7000 was adopted on January 8, 1996.
- This policy is an overview of the policies in the 7000 series.
- The Board recognizes one of its major responsibilities is to provide healthful, safe and adequate facilities.
- The Board ensures District facilities fit harmoniously into their neighborhoods.
- The Board strives to regularly review the school facilities master plan to confirm alignment with educational goals.

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

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

Staff Recommendation

It is recommended the Board President recognize Clark Hampton, Deputy Superintendent, Business and Support Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve Board Policy 7000, *Concepts and Roles*.

Motion by _____ Seconded by _____

56. FIRST READING – BOARD POLICY 7111, EVALUATING EXISTING BUILDINGS: DISCUSSION/ ACTION

Page 1142
EXHIBIT 56

This is a new item. The proposed revisions to Board Policy 7111, *Evaluating Existing Buildings*, bring language in alignment to suggestions from California School Boards Association (CSBA), other California districts, and updates to federal and state requirements. Changes are underlined; deletions are struck through.

- Board Policy 7111 was adopted on January 8, 1996.
- The policy has been revised to expand its provisions to provide procedures for the evaluation of existing school facilities and buildings.
- The District periodically evaluates the adequacy, design and condition of existing District facilities.
- The District regularly calculates the capacity of existing schools to adequately house students.
- The District arranges for the energy audit of school buildings to identify projected energy savings.

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

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

Staff Recommendation

It is recommended the Board President recognize Clark Hampton, Deputy Superintendent, Business and Support Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve Board Policy 7111, *Evaluating Existing Buildings*.

Motion by _____ Seconded by _____

57. FIRST READING – BOARD POLICY 7140, ARCHITECTURAL AND ENGINEERING SERVICES: DISCUSSION/ ACTION

Page 1145
EXHIBIT 57

This is a new item. The proposed revisions to Board Policy 7140, *Architectural and Engineering Services*, bring language in alignment to suggestions from California School Boards Association (CSBA), other California districts, and updates federal and state requirements regarding the District’s Facilities Master Plan. Changes are underlined; deletions are struck through.

- Board Policy 7210 was adopted on January 8, 1996.
- The policy number is being updated from 7210 to 7140 to align with the CSBA policy.
- The Board desires to provide school facilities that support educational programs and meet all safety and design standards.
- When required by law, the Board will employ or contract with a licensed and certified architect and/or structural engineer to design and supervise construction of District facilities.
- The District uses a competitive process for the selection of architects and other design professionals.

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

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

Staff Recommendation

It is recommended the Board President recognize Clark Hampton, Deputy Superintendent, Business and Support Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve Board Policy 7140, *Architectural and Engineering Services*.

Motion by _____ Seconded by _____

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

This is a legal update. On July 8, 2021, Governor Newsom signed Assembly Bill 130 which included changes to statutes regarding Independent Study. For Local Education Agencies (LEAs) to receive apportionment for students participating in Independent Study, LEAs are required to adjust their current policies to align with these new statutes. Changes to Independent Study include the following requirements:

**DISCUSSION/
ACTION**
Page 1148
EXHIBIT 58

- Daily live and synchronous instruction by grade level;
- Procedures for tiered re-engagement for students who are not generating attendance for 3 or more school days or 60 percent of instructional days in a school week, or are violating the independent study agreement;
- Transition plans for pupils when families wish to return to in-person instruction;
- Notification to all parents/guardians of the availability to enroll in in-person instruction or independent study for 2021–2022; and
- Student/parent/educator conference prior to signing the agreement.

These new requirements do not apply to students in Independent Study for fewer than 15 days (short-term Independent Study). These revisions to Board Policy 6158 are not temporary. 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 6158, *Independent Study*.

Motion by _____ Seconded by _____

ADJOURNMENT

Motion by _____ Seconded by _____

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS
WEDNESDAY, AUGUST 18, 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.