

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

REVISED

November 3, 2021

Closed Session 4:00 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.*

CLOSED SESSION AT 4:00 P.M.

1. CALL TO ORDER

2. CLOSED SESSION COMMENTS

3. CLOSED SESSION (as authorized by law)

A. PUBLIC HEALTH EMERGENCY

Consultation with Agency Counsel
Attorney – Anthony De Marco
Kirsten 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 – Seven Cases
ADR Case Number 20210830
ADR Case Number 20210900
ADR Case Number 20210902
ADR Case Number 20210923
ADR Case Number 20210929
ADR Case Number 20211006
ADR Case Number 20211012
(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

Gregory Merwin
Attorney – Sara Young
Significant Exposure to Litigation – One Case
Case Number 20210909
(Pursuant to Government Code § 54956.9(d)(2))

EXHIBIT B-8

Gregory Merwin
Attorney – Sara Young
Significant Exposure to Litigation – One Case
(Pursuant to Government Code § 54956.9(d)(2))

EXHIBIT B-9

Kirsten Vital Brulte/Clark Hampton/Gregory Merwin
Attorney – Marley Fox
Significant Exposure to Litigation – One Case
(Pursuant to Government Code § 54956.9(d)(2)(3))

EXHIBIT B-10

C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Gregory Merwin/Kathy Purcell
Attorney – Justin Shinnfield
Significant Exposure to Litigation – Two Cases
OAH Case Number 2021060213
OAH Case Number 2021090153
(Pursuant to Government Code § 54956.9(d)(1))

EXHIBIT C-1
EXHIBIT C-2

Gregory Merwin
Attorney – Anthony De Marco/Alefia Mithaiwala
Significant Exposure to Litigation – One Case
Case Number 20211013
(Pursuant to Government Code § 54956.9(d)(1))

EXHIBIT C-3

D. CONFERENCE WITH LABOR NEGOTIATORS

District Negotiators: Kirsten Vital Brulte/Rich Montgomery/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 D-1
EXHIBIT D-2

E. 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 E-1

F. PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT

Rich Montgomery
Principal, Elementary Schools
(Pursuant to Government Code § 54957)

EXHIBIT F-1

RECORDING OF SCHOOL BOARD MEETINGS

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

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

Associated Student Body

Capistrano Valley High School

John Misustin, *Principal*

Steven Bryant, *Activities Director*

Ryan Hansen, *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.

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

1. DONATION OF FUNDS AND EQUIPMENT:

This is a monthly item. Approval of donations of funds and equipment. A number of gifts have been donated to the District, including \$38,910.31 in cash. These funds will be deposited in the appropriate school accounts. Items other than cash have no financial impact on the budget. The District does not guarantee maintenance of items or the expenditure of any District funds for continued use.

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

Page 1

EXHIBIT 1

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

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 \$4,724,797.72 and the commercial warrants total \$13,339,507.38. 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

Page 3

EXHIBIT 2

3. **INDEPENDENT CONTRACTOR, PROFESSIONAL SERVICES, FIELD SERVICE, AND MASTER CONTRACT AGREEMENTS:** Page 62
EXHIBIT 3
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 13 new agreements totaling \$3,375,015.39 and 5 amendments to existing agreements totaling \$342,800. 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
4. **AWARD BID NO. 2122-14, VISTA DEL MAR ELEMENTARY SCHOOL BIG TOY REPLACEMENT – R. JENSEN CO., INCORPORATED:** Page 150
EXHIBIT 4
This is a regular business item. Approval of Award of Bid No. 2122-14, Vista Del Mar Elementary School Big Toy Replacement to R. Jensen Co., Incorporated. Three bids were received and opened on October 13, 2021 and are listed on Exhibit A. The bidder offering the lowest base price was used to determine the lowest responsive bidder. R. Jensen Co., Incorporated is the lowest responsive, responsible bidder at \$357,000. This project will be funded by Community Facilities District No. 90-2 Talega. The funding is only for schools serving the CFD.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
5. **CHANGE ORDER NO. 1, BID NO. 2021-10, ALISO NIGUEL HIGH SCHOOL TURF REPLACEMENT PROJECT:** Page 184
EXHIBIT 5
This is a regular business item. Approval of Change Order No. 1, Bid No. 2021-10 for the Aliso Niguel High School Turf Replacement Project related to Division of the State Architect (DSA) requirements involving the fire/emergency access road, modifications to existing walkway grade conflicts, and alterations to existing restroom conditions for accessibility compliance. 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 \$977,524. With Change Order No. 1 in the amount of \$46,270.04, the new contract sum will be \$1,023,794.04 funded by deferred maintenance. With this change order, the project remains under budget.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
6. **CHANGE ORDER NO. 1, BID NO. 2122-09, COLLEGE AND CAREER ADVANTAGE CLASSROOM PORTABLE ADDITION PROJECT:** Page 250
EXHIBIT 6
This is a regular business item. Approval of Change Order No. 1, Bid No. 2122-09 for the College and Career Advantage (CCA) Classroom Portable Addition project related to Division of the State Architect (DSA) requirements including modifications to designed asphalt area due to unforeseen existing site conditions, alterations to site for new building delivery, and incorporation of additional safety measures. 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 project scope is for 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 project is named CCA as this is how the site is named with DSA. The District correlates the project name to match the plans for DSA approval. This project is for OCASA College Prep in San Juan Capistrano per the Charter Facilities Agreement for the 2021-2022 school year to add two new portable classrooms. The portables are not for CCA use. The original contract sum was \$408,000. With Change Order No. 1 in the amount of \$27,406.59, the new contract sum will be \$435,406.59 funded by developer fees. With this change order, the project remains under budget.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

7. **CHANGE ORDER NO. 10, BID NO. 1920-04, ALISO NIGUEL HIGH SCHOOL STEM BUILDING PROJECT:** Page 286
EXHIBIT 7
This is a regular business item. Approval of Change Order No. 10, Bid No. 1920-04 for the Aliso Niguel High School STEM Building related to Division of the State Architect (DSA) requirements pertaining to electrical work for heating, ventilation, and air conditioning (HVAC) and gas shut-off devices to ensure compliance and additional exterior sheet metal to waterproof the building. 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. 10 in the amount of \$46,437.71, the new contract sum will be \$11,462,975.66 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
8. **FINAL ACCEPTANCE AND FILING OF NOTICE OF COMPLETION FOR BID NO. 2021-10 FOR ALISO NIGUEL HIGH SCHOOL TURF REPLACEMENT PROJECT:** Page 341
EXHIBIT 8
This is a regular business item. Approval of the Final Acceptance and filing of the Notice of Completion for Bid No. 2021-10 for the Aliso Niguel High School Turf Replacement Project. In order to obtain Division of State Architect (DSA) closeout with certification, Notice of Completion is required. All work has been inspected and completed to the satisfaction of staff. The project was funded by deferred maintenance.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
9. **FIRST AMENDMENT TO USE AGREEMENT FOR MARCO FORSTER MIDDLE SCHOOL MULTIPURPOSE FACILITY – CITY OF SAN JUAN CAPISTRANO:** Page 344
EXHIBIT 9
This is a regular business item. Approval of the First Amendment to the Use Agreement for the Marco Forster Middle School Multipurpose Facility with the City of San Juan Capistrano. This First Amendment to the Use Agreement outlines the renewed terms to operate the multipurpose facility at Marco Forster Middle School. The amended agreement is effective November 2021 through November 2031, with the option for the City to extend through November 2041, unless terminated with 180 days’ notice. The District would receive 20 percent of funds derived from the City’s contracting of an operator to run the facility for the term of the amended agreement. The amended agreement was reviewed and approved by legal counsel.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
10. **RESOLUTION NO. 2122-18, APPROVING THE ANNUAL AND FIVE-YEAR REPORTABLE FEES REPORT FOR FISCAL YEAR 2020-2021, IN COMPLIANCE WITH GOVERNMENT CODE § 66006 AND § 66001:** Page 365
EXHIBIT 10
This is an annual item. Approval of Resolution No. 2122-18, Approving the Annual and Five-Year Reportable Fees Report for Fiscal Year 2020-2021, in compliance with Government Code § 66006 and § 66001. The Board of Trustees adopted guidelines in Senate Bill 1693 legislation requiring school districts to justify and report the need and reasonableness of any collection and spending of developer fees for new school facilities. As long as the District continues to use developer fees as a funding mechanism for new school facilities projects, the findings on the type and amount of fees are to be published in an Annual and Five-Year Report.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

11. **ATTORNEY-CLIENT FEE CONTRACT – KAUFMAN LEGAL GROUP:** Page 380
EXHIBIT 11
This is a new item. Approval of the Attorney-Client Fee Contract with Kaufman Legal Group. Education Code §§ 17604 and 17605 allows the Board to delegate authority to certain District staff to facilitate District work with minimal delay. All such transactions performed under delegated authority are subsequently presented for review by the Board. The one-time cost under this agreement was \$6,842.50 funded by the general fund.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
12. **GAMUT SERVICE AGREEMENT – CALIFORNIA SCHOOL BOARDS ASSOCIATION:** Page 386
EXHIBIT 12
This is a new item, previously vetted with Board members and staff. Staff delayed the purchase and implementation of a Board agenda software due to the needs of staff to focus on other educational technology supports for students during the pandemic and to dedicate staff time to the implementation of a hybrid Board meeting for public ease of access and transparency over the last 19 months. Approval of the GAMUT Service Agreement provided by California School Boards Association (CSBA). The GAMUT Service Agreement is a new agreement for hosting programs offered by CSBA. The District intends to implement the electronic board agenda program GAMUT Meetings.

Additionally, the District is continuing its subscription to GAMUT Policy, which provides the most up-to-date sample board policies and administrative procedure guidance incorporating applicable laws and regulations. The GAMUT Service Agreement is effective October 1, 2021 through June 30, 2022. The GAMUT Meetings prorated cost for the initial term of 9 months is \$6,375 with a one-time \$250 set up fee; the annual cost for a 12 month agreement is \$8,500. This is funded by the general fund.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
13. **EDUCATION TECHNOLOGY JOINT POWERS AUTHORITY, REQUEST FOR PROPOSALS NO. 20/21-02, WEB DESIGN AND HOSTING – DIVERSE NETWORK ASSOCIATES, INCORPORATED DBA CATAPULTK12:** Page 393
EXHIBIT 13
This is a regular business item. Approval to utilize the Education Technology Joint Powers Authority’s Request for Proposals No. 20/21-02, Web Design and Hosting and any subsequent revisions, amendments, and extensions awarded to Diverse Network Associates, Incorporated dba CatapultK12 for website design and hosting services, 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 price and services 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 our website design and hosting services, as well as launch a mobile platform application. The anticipated expenditure during the initial setup and first year maintenance utilizing this contract is approximately \$111,577 (through June 30, 2023) and \$50,028 for the second year (through June 30, 2024) funded by the general fund. Actual expenditures will vary depending on District needs and availability of funds.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services
14. **CHARTER FACILITIES AGREEMENT FOR 2022-2023 – OCASA COLLEGE PREP CHARTER SCHOOL:** Page 396
EXHIBIT 14
This is a reoccurring business item. Approval of Charter Facilities Agreement with OCASA College Prep Charter School (OCP) to enter into an in-lieu arrangement where OCP will occupy space at 31522 El Camino Real, San Juan Capistrano, California 92675 (formerly the College and Career Advantage campus) in the 2022-2023 school year. Terms of this agreement include the use of the space described and depicted in Exhibit A, for a one-year term of July 1, 2022 to June 30, 2023. The agreement has been reviewed and approved by the District’s legal counsel.
Contact: Clark Hampton, Deputy Superintendent, Business and Support Services

CURRICULUM AND INSTRUCTION

15. **AGREEMENT WITH ART MASTERS LEGACY INSTRUCTIONAL ART PROGRAM:** Page 418
EXHIBIT 15
This is an annual item. Approval of the ratification of the Agreement with Art Masters Legacy Instructional Art Program at Palisades Elementary School October 11, 2021, through June 2, 2022. Art Masters Legacy provides services that include art assemblies and hands-on studio art activities for students.
Art Masters Legacy teacher-lecturers conduct and present multimedia presentation assemblies using art visuals, images and stories covering each artist and/or art subject. After the presentation, students get an opportunity to engage in art activities to create their own individual works of art in the manner of the master artist or art subject, using the same styles, techniques, media and disciplines. The total expenditures for this agreement is \$7,213 funded by site gift funds.
Contact: Gregory Merwin, Associate Superintendent, Education and Support Services
16. **COLLEGE AND CAREER ACCESS PATHWAYS DUAL ENROLLMENT PARTNERSHIP AGREEMENT WITH SOUTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT:** Page 427
EXHIBIT 16
This is an annual item. Approval of the College and Career Access Pathways Dual Enrollment Partnership Agreement with South Orange County Community College District, January 1, 2022 through June 30, 2024. Approval of this agreement will enable high school students who enroll in approved courses to receive both college credit and high school credit for courses taught on high school campuses. The District is currently funding salaries, textbooks equipment and supplies for dual enrollment courses. Financial implications are estimated to be approximately \$105,000 for three sections, utilizing general funds and K-12 Strong Workforce Program Grant funds.
Contact: Gregory Merwin, Associate Superintendent, Education and Support Services
17. **AGREEMENT NO. 52031 WITH THE ORANGE COUNTY SUPERINTENDENT OF SCHOOLS:** Page 444
EXHIBIT 17
This is a new item. Approval of Agreement No. 52031 with the Orange County Superintendent of Schools for restorative practices training services, December 1, 2021 through June 1, 2022. Agreement No. 52031 with the Orange County Superintendent of Schools will provide two restorative practices overview training sessions and one webinar for administrators. Restorative practices is a preventative and responsive approach to discipline focused on building and repairing relationships. Restorative practices is part of the social emotional and behavioral support for students within the District's Multi-tiered System of Supports (MTSS) framework. The December 1, 2021 hour overview training is for site and District leaders and the February 8, 2022 and May 11, 2022 trainings are intended for site teachers, counselors, psychologists, and MTSS specialists. The estimated cost of \$2,900 will be funded by Local Control Funding Formula Supplemental funds.
Contact: Gregory Merwin, Associate Superintendent, Education and Support Services
18. **LOCAL CONTROL ACCOUNTABILITY PLAN PARENT ADVISORY COMMITTEE FOR 2021-2022:** Page 454
EXHIBIT 18
This is an annual item. Approval of the Local Control Accountability Plan (LCAP) Parent Advisory Committee (PAC) members. The Local Control Funding Formula, California's school funding model, requires the development of an LCAP that explicitly connects expenditures to specific District goals for student achievement. Districts are held accountable to the specific ways in which money is spent and how those decisions are improving student outcomes. A key aspect of the LCAP process is the engagement of, and consultation with, specific parent/guardian groups, including representation of students who are English learners, foster-youth, and low socio-economic status. One way this is facilitated is through the formation of a PAC.

The LCAP PAC will meet regularly to review the sections of the LCAP and provide ongoing input into the monitoring and revision of the LCAP. Members serve a two-year term. There is no financial impact.

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

19. PLAYWORKS MASTER SERVICES AGREEMENT, STATEMENT OF WORK AND PROGRAM PLANS FOR 2021-2022: Page 456
EXHIBIT 19

This is an annual item. Ratification of Playworks Master Services Agreement, Statement of Work, and Program Plans for 2021-2022. Playworks will provide on-site consultation for school staff at San Juan Elementary School to promote safe, fun, and healthy play during recess. Strategies encourage inclusion, activity, and developing social and emotional skills. Teachers and student supervisors at San Juan Elementary School will receive professional learning to model and teach strategies, games, and systems to develop and provide a positive recess experience and also strengthen a positive school culture. Through this program, students will have increased opportunities for activity, leadership, and enhanced conflict resolution skills. Professional learning will take place during existing teacher collaboration and student supervisor meeting time. The cost of \$28,000 will be funded by school site Title I.

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

20. REVISED SCHOOL CALENDAR FOR THE 2021-2022 SCHOOL YEAR: Page 479
EXHIBIT 20

This is a regular business item. Approval of the revised 2021-2022 School Calendar. The 2021-2022 School Calendar was last Board approved, June 16, 2021. Staff is asking the Board of Trustees to re-approve two revisions due to the following typos; staff will update the End of Second Progress Reporting Period (High School) to reflect November 12, 2021, which is in alignment with past calendar practice, and both End of First Progress Reporting Period (High School), and End of Second Progress Reporting Period (Elementary) to reflect Thursday, February 17, 2022, due to the Lincoln Day Holiday. The start and end date of the school year remain unchanged. These are the only changes staff is recommending. Pending approval of the proposed calendar, staff will post and communicate to all stakeholders. There is no financial impact.

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

21. SERVICE AGREEMENT FOR PARTICIPATION WITH THE YMCA OF ORANGE COUNTY, TO PROVIDE THE AFTER SCHOOL EDUCATION AND SAFETY PROGRAM AT KINOSHITA, RH DANA, SAN JUAN, AND VIEJO ELEMENTARY SCHOOLS 2021-2022: Page 483
EXHIBIT 21

This is an annual item for multiple elementary schools. Approval of the service agreement for participation with the YMCA of Orange County, to provide an After School Education and Safety (ASES) program for students at Kinoshita, RH Dana, San Juan, and Viejo Elementary Schools. This program will provide 336 students (84 per school) with safe and educationally enriching activities after school each school day until 6:00 p.m. The YMCA will follow all health and safety protocols as outlined in the COVID-19 Safety Plan. The estimated expenditure under this contract is \$492,000 (\$123,000 per school) funded by ASES grant funds.

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

HUMAN RESOURCE SERVICES

22. LEARNING ACTIVITY PLACEMENT AGREEMENT WITH CALIFORNIA STATE UNIVERSITY FULLERTON: Page 496
EXHIBIT 22

This is an annual item. Approval of the Learning Activity Placement Agreement with California State University, Fullerton, effective the date of the final signature and expiring after five years. Students enrolled in specific courses at California State University, Fullerton will complete required volunteer and fieldwork hours at Capistrano Unified School District schools. There is no fiscal impact.

Contact: *Tim Brooks, Associate Superintendent, Human Resource Services*

23. **FIELDWORK PLACEMENT AGREEMENT WITH POINT LOMA NAZARENE UNIVERSITY:** Page 500
EXHIBIT 23
 This is an annual item. Approval of the Fieldwork Placement Agreement with Point Loma Nazarene University, effective October 1, 2021 and expiring 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
24. **CONSIDER AND APPROVE NEW JOB DESCRIPTION:** Page 506
EXHIBIT 24
 This is a new job description. Approval of the job description for the position of Coordinator, Communications, Public Engagement and Marketing. This position will be placed at Range 51 on the Classified Management Compensation Schedule, and the anticipated additional cost of up to \$35,000, replaces the Communication Specialist position and provides greater responsibility to support meeting or exceeding District goals and to ensure we meet the increased communications needs for our families and community. Reductions will be made to external communications contracts. This position is funded by the general fund and keeps the Communications budget cost neutral.
Contact: Tim Brooks, Associate Superintendent, Human Resource Services
25. **CONSIDER AND APPROVE NEW JOB DESCRIPTION:** Page 511
EXHIBIT 25
 This is a new job description. Approval of the job description for the position of Bilingual Executive Assistant, Communications. This position will be placed at Range 26 on the Confidential Compensation Schedule, and provides greater responsibility to support meeting or exceeding District goals and to ensure we meet the increased communication needs for our families and community, including communication to Spanish speaking families. Reductions will be made to outside contracts for the anticipated additional cost up to \$42,000. This position will be funded by LCFF Supplemental and keeps the Communications budget cost neutral.
Contact: Tim Brooks, Associate Superintendent, Human Resource Services
26. **RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CERTIFICATED EMPLOYEES:** Page 514
EXHIBIT 26
 This is a regular business 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 EMPLOYEES:** Page 530
EXHIBIT 27
 This is a regular business 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 553
EXHIBIT 28
 Approval of the October 6, 2021 Board Workshop meeting minutes.
Contact: Colleen Hayes, Manager II, Board Operations/Superintendent's Office
29. **SCHOOL BOARD MINUTES:** Page 555
EXHIBIT 29
 Approval of the October 20, 2021 Regular Board meeting minutes.
Contact: Colleen Hayes, Manager II, Board Operations/Superintendent's Office

DISCUSSION/ACTION ITEMS

30. RESOLUTION NO. 2122-21, ESTABLISHING CRITERIA FOR ADJUSTING TRUSTEE AREA BOUNDARIES:

**DISCUSSION/
ACTION**
Page 569
EXHIBIT 30

This item occurs every ten years. The United States Census counts each resident of the country, where they live on April 1, every ten years ending in zero. In September 2020, the federal government released the results of the 2020 decennial census. The census data was also made available for the District. As populations shift, Trustee areas need to be evaluated and rebalanced every ten years using data from the United States Census. Education Code § 5019.5 describes the timeline of the process. This Trustee area analysis needs to be completed, revised, and established prior to March 1, 2022.

The first step in the process of establishing new Trustee areas is to adopt criteria by which the analysis of the new voting districts will be performed and measured. This presentation will consist of five components:

1. Review of election/redistricting laws and procedures
2. Review of the current Trustee boundaries
3. Review of proposed schedule for evaluating and establishing revised boundaries
4. Solicitation of input from Trustees on criteria and number of map options to develop
5. Adoption of Resolution 2122-21, Establishing Criteria for Adjusting Trustee Area Boundaries

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 recognize Clark Hampton, Deputy Superintendent, Business and Support Services, to present this item.

Following discussion, it is recommended the Board of Trustees provide direction regarding the schedule/timeline and adopt Resolution 2122-21, Establishing Criteria for Adjusting Trustee Area Boundaries.

Motion by _____ Seconded by _____

31. CULTURAL PROFICIENCY QUARTERLY REPORT:

**INFORMATION/
DISCUSSION**
Page 590
EXHIBIT 31

This is a quarterly item. This item provides an update on the progress of the implementation of actions within the Cultural Proficiency Plan, which was Board approved on December 16, 2020. The Mission of the Cultural Proficiency Plan is “to facilitate measurable systemic change that increases learning outcomes for all students by engaging in on-going reflection to ensure an inclusive environment where students, staff and the community value diversity.” This update provides information on actions and goals that are completed and in progress and will again clarify that Critical Race Theory is not part of the Cultural Proficiency Plan and is not included in any curriculum.

The report provides updates on the following:

- Translation
- Counseling
- Professional Learning
- Data Warehouse
- Curriculum
- College and Career Centers
- Staff Recruitment
- Resources

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.

32. FIRST READING – BOARD POLICY 6161.1, SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS:

This is a legal update. Trustees have requested a thorough revision of the Instructional Materials Review Committee (IMRC) process that results in an accurate, transparent, and objective review of instructional materials to ensure they are thoroughly vetted with significant teacher input before recommendation by the IMRC and approval by the Board. The revision of this Board policy is the first step of revising the IMRC process. This revision provides language for increased access to proposed materials by IMRC members, increased teacher voice with pilot teacher representatives attending IMRC meetings to share their experiences and to provide balanced and unbiased feedback regarding strengths and concerns of each proposed item, increased structure to the IMRC meetings by utilizing Robert’s Rules of Order to organize meetings, ensure procedures for discussion and reaching consensus are equitable and fair, as well as provides for documenting decisions in a historical record (minutes), training and orientation provided to IMRC members regarding expectations, roles, Robert’s Rules of Order, and year-long processes, including norms and expectations for review of materials, and the development of subcommittees that report to the IMRC to provide oversight and support in reviewing large K-12 adoptions and allow the flexibility to recruit teachers with expertise to review materials for specialized courses and programs.

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 6161.1, *Selection and Evaluation of Instructional Materials*.

Motion by _____ Seconded by _____

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

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.

**DISCUSSION/
ACTION**

Page 611

EXHIBIT 32

**DISCUSSION/
ACTION**

Page 614

EXHIBIT 33

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 _____

- 34. **RESOLUTION NO. 2122-19, A RESOLUTION OF THE BOARD OF TRUSTEES OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$10,100,000 AGGREGATE PRINCIPAL AMOUNT OF COMMUNITY FACILITIES DISTRICT NO. 2005-1 (WHISPERING HILLS) OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT, APPROVING THE EXECUTION AND DELIVERY OF A SECOND SUPPLEMENTAL INDENTURE, A REFUNDING ESCROW AGREEMENT, AND A PLACEMENT AGENT AGREEMENT AND APPROVING OTHER MATTERS RELATED THERETO:**

**DISCUSSION/
ACTION
Page 629
EXHIBIT 34**

This is a new item. The Board will receive an information presentation from the District’s municipal advisor, Government Financial Strategies, with an update on financing plans for the Whispering Hills Community Facilities District (CFD 2005-1). The Board will be asked to consider adoption of Resolution No. 2122-19 authorizing the issuance of up to \$10.1 million of bonds for Whispering Hills Community Facilities District (CFD 2005-1) and approving the bond legal documents in order to 1) refinance the outstanding CFD 2005-1 Series 2013 Special Tax Bonds, and 2) to provide funds to finance school facilities projects to serve the Whispering Hills community.

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. 2122-19, A Resolution of the Board of Trustees of the Capistrano Unified School District Authorizing the Issuance of Not-to-Exceed \$10,100,000 Aggregate Principal Amount of Community Facilities District No. 2005-1 (Whispering Hills) of the Capistrano Unified School District, Approving the Execution and Delivery of a Second Supplemental Indenture, a Refunding Escrow Agreement, and a Placement Agent Agreement and Approving Other Matters Related Thereto.

Motion by _____ Seconded by _____

35. RESOLUTION NO. 2122-22, CONTINUING AUTHORITY TO HOLD VIRTUAL MEETINGS PURSUANT TO ASSEMBLY BILL 361:

**DISCUSSION/
ACTION
Page 708
EXHIBIT 35**

This is a new item. On September 16, 2021, Governor Newsom signed Assembly Bill (AB) 361, which immediately amended the Brown Act allowing governing boards to continue holding virtual meetings outside the teleconferencing requirements of Government Code section § 54953(b), if the Board makes a finding that there is a proclaimed State of Emergency, and either (1) state or local officials have imposed or recommended social distancing measures, or (2) meeting in person would present imminent risks to the health or safety of attendees due to the emergency. The Board is committed to open and transparent governance in compliance with the Brown Act, and continues to conduct virtual meetings by way of telephonic and/or internet-based services as to allow members of the public to fully participate in meetings and offer public comment. The Board authorizes the use of teleconferencing for all meetings in accordance with Government Code section § 54953(e) and all other applicable provisions of the Brown Act, for a period of thirty days from the adoption of this resolution, or such a time that the Governing Board adopts a subsequent resolution in accordance with Government Code section § 54953(e)(3).

Based on the findings made above, the Board of Trustees of the Capistrano Unified School District will continue holding its meetings in a safe and efficient manner, with a priority of having members of the public participate in-person from the location of the Board meeting. In the event a Trustee must participate in a meeting through a virtual platform (such as Zoom or an equivalent program), s/he will follow all the requirements of AB 361. The Trustee’s participation in public session shall be visible to all meeting participants in the same manner as if the Trustee were present. The Trustee may also participate in executive/closed session meetings of the Board.

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

Staff Recommendation

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

Following discussion, it is recommended the Board of Trustees adopt Resolution No. 2122-22, Continuing Authority to Hold Virtual Meetings Pursuant To Assembly Bill 361.

Motion by _____ Seconded by _____

ADJOURNMENT

Motion by _____ Seconded by _____

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS
WEDNESDAY, DECEMBER 15, 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.